



**AMENDED CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 15, 2015, 5:30 PM**

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

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

Pledge of Allegiance Led by Vice Mayor Hamilton
Invocation

PROCLAMATIONS

Library Card Sign-Up Month - September 2015
Literacy Awareness Month - September 2015
Relay for Life Days - October 3-4, 2015

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)
2. Local Agency Formation Committee (LAFCO) - September 9, 2015

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 - September 3, 2015
 2. Library & Literacy Commission - September 8, 2015
 3. Arts Commission
 4. Animal Control Commission - September 7, 2015
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Commission and Committee Vacancies
 2. Water Conservation Phase III System Status
 3. National Drug Take Back Week

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. **Authorization to Advertise for Bids – Porterville Hotel Site Restoration Project**
Re: Approving staff's recommended plans and project manual for the project consisting excavation work and soil remediation at the Porterville Hotel site at Main Street and Olive Avenue at a total estimated cost of \$320,777.
2. **Authorization to Advertise for Bids – Four (4) Compressed Natural Gas (CNG) Vehicles**
Re: Approving staff's recommended vehicle specifications, and authorizing staff to advertise for bids for four (4) compressed natural gas vehicles, and authorizing the appropriation of \$10,046 from the Solid Waste Equipment Replacement Fund.
3. **Approve the Draft Consolidated Annual Performance and Evaluation Report, 2014-2015 Program Year**
Re: Consideration of the Draft 2014-2015 Consolidated Annual Performance Evaluation Report.

4. **Valley Elderberry Longhorn Beetle Mitigation Site Regulatory Changes**
Re: Authorizing staff to terminate consulting services with Sequoia Riverlands Trust and Provost and Pritchard Consulting Group, and authorizing staff to finalize the conservation easement with Sequoia Riverlands Trust pursuant to Resolution 27-2004.
5. **Authorization to Submit a California State Water Resources Control Board Planning Grant Application for Water Recycling Funds – Feasibility Study**
Re: Considering approval of a resolution authorizing the submittal of an application to the State Water Resources Control Board.
6. **Proposed Installation of a Sign on City-Owned Property Located at 466 E. Putnam Avenue**
Re: Considering approval of a request submitted by the Comision Honorifica Mexicana Americana organization to permit the installation of a sign at the Putnam Community Center.
7. **Letter of Support for AB 935**
Re: Considering support of AB 935 which will provide funding for an inter-connector canal expansion project to deliver water from the East side to the West side of the Valley thereby increasing water reliability and security.
8. **Consideration of City of Lindsay's Request for Cash Payment for the Balance Remaining on the Purchase Price of the Animal Control Facility Located in the City of Lindsay**
Re: Considering authorization of the payment of \$121,474 to City of Lindsay for the remaining balance due on the purchase price of the Animal Shelter.
9. **Authorization to Execute the Tule Subbasin Sustainable Groundwater Management Act Memorandum of Understanding**
Re: Reaffirming the City's participation in the Tule Subbasin group through the formation of a Groundwater Sustainability Agency contingent upon all parties agreeing that the costs to each party for the preparation of the Coordination Agreement will not exceed \$10,000 each without further approval.
10. **Request for Proclamation - Constitution Week - September 17-23, 2015**
Re: Considering approval of a request to proclaim September 17-23, 2015, as "Constitution Week."
11. **Approval for Community Civic Event - Central California Family Crisis Center - Annual Candlelight Vigil for Domestic Violence - October 15, 2015**
Re: Approving annual event to be held at Centennial Park on October 15, 2015.

12. **Approval for Community Civic Event - Tulare County District Attorney's Office and Central California Family Crisis Center - Justice Run - October 24, 2015**
Re: Approving an event scheduled to take place at and around Granite Hills High School on October 24, 2015.
13. **Approval for Community Civic Event - Family Healthcare Network and COCOLA Broadcasting Company - Fiesta de la Familia & Health Fair - October 11, 2015**
Re: Approving an event scheduled to take place at Veteran's Park on October 11, 2015.

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

PUBLIC HEARINGS

14. **Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding**
Re: Considering acceptance of grant funds in the amount of \$100,000 to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs.
15. **Consideration of Revocation of Business License**
Re: Consideration of revoking the business license issued to Best Massage located at 52 East Mill Avenue.

SECOND READINGS

16. **Second Reading - Ordinance 1826 - Amending the Porterville Development Ordinance**
Re: Second Reading of Ordinance No. 1826 amending Table 201.03 of Chapter 21 of the City's Municipal Code to establish a minimum density of 20 units per net acre in the RM-3 (High Density Residential) zone district.

SCHEDULED MATTERS

17. **Approval of Carollo Alternative Energy Analysis Final Report - Authorization to Negotiate a Solar Photovoltaic System Power Purchase Agreement - Authorization to Secure Consultant Service for Preparing Grant Applications and Design Services for Additional Energy Savings Projects for the Waste Water Treatment Facility**
Re: Approving report and authorizing the negotiation of a purchase agreement, and securing consultant services for grant applications for energy efficiency projects at the City's WWTF on Prospect Street.
18. **Consideration of Main Street Christmas Lighting**
Re: Consideration of options for holiday lights along Main Street in Downtown.
19. **Status and Review of Declaration of Local Drought Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency, and modifications to the draft Agreement between the City and County of Tulare.

Adjourn to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
SEPTEMBER 15, 2015

Call to Order

Roll Call: Agency Members/Chairperson

ORAL COMMUNICATIONS

WRITTEN COMMUNICATION

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-20. Successor Agency Review and Approval of Proposed Administrative Budget

Re: Approving the Administrative Budget for the period of January 1 through June 30, 2016 and directing staff to submit same to the Successor Agency Oversight Board.

SA-21. Review and Approval of Draft Recognized Obligation Payment Schedule (ROPS)

Re: Approving the Recognized Obligation Payment Schedule 15-16B for the period of January 1, 2016, through June 30, 2016, and directing staff to submit the ROPS 15-16B to the Successor Agency Oversight Board.

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 October 6, 2015

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

agenda and documents in the agenda packet.

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



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: 1. Commission and Committee Vacancies

SOURCE: Administrative Services

COMMENT: Several of the City's Commissions and Committees have either current vacancies or terms soon expiring. For Council's information, this report is presented for informational purposes. An item will be brought forth during the Month of October for Council's consideration of appointment and/or re-appointment as may be necessary. Those Commissions and Committees with vacancies or terms due to expire are as follows:

Three Commissioners on the Parks & Leisure Services Commission have 4-year terms expiring at the end of October 2015: Rocco Calantone, Carroll Land, and Rachel Lucero. Eligibility for appointment requires that individuals reside within the City of Porterville.

Four Commissioners on the Library and Literacy Commission have 3-year terms expiring at the end of October 2015: Allan Bailey, Patience Christenson, Esther Figueroa and Edith La Vonne. Eligibility for appointment for this Commission also requires City residency.

The Arts Commission presently has three vacancies, one of which is a student seat. Eligibility requirements for this Commission requires individuals to represent an area of the arts, such as theatrical/performance, visual/graphic, music, or student.

The City's Transactions and Use Tax ("Measure H") Oversight Committee currently has one vacancy. Eligibility for service on this Committee requires that individuals be a City resident, or a business owner or operator.

As of the time of agenda compilation and distribution, staff was unable to confirm whether the Commissioners have interest in continuing to serve. Staff will continue efforts in this regard.

As is customary, staff will issue a press release advertising the aforementioned vacancies to solicit applications from individuals interested in serving, and bring the items back to the Council for their consideration.

RECOMMENDATION: Information only.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Debbie Salter, City Manager's Secretary



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: 2. Water Conservation Phase III System Status

SOURCE: Public Works

COMMENT: On April 1, 2015, the Governor issued an Executive Order that the State Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets. The Governor's Executive Order also directed the Water Board to implement mandatory water reductions in cities and towns across California to reduce potable urban water usage by 25% statewide. The State Water Board released revised proposed regulations that would require the City of Porterville to meet a 32% water usage reduction compared to 2013 production levels. The required implementation date was June 1, 2015.

In order for Porterville to meet the 32% reduction in water usage, the City has transitioned from Phase II to Phase III of the City's Water Conservation Plan as of June 2, 2015. The Water Conservation Plan applies to all municipal water users whether or not within city limits. As part of the Phase III plan, the City has restricted watering days to two days per week, based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday only. If an address ends with an "even" number, the watering days are Wednesday and Sunday only. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m. with no watering allowed on Mondays, Thursdays, and Fridays.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of August 2015, show that a total of 213 Notice of Violations were issued for water wasting; 21 resulted in an Administrative Citation.

The City water system has been impacted by the lack of rain over the last four years, resulting in lower water levels. Conservation efforts are beginning to show a beneficial effect on production demand. Water production for the calendar year to date, August 2015, shows a 29% reduction from the 5-year average.

As part of the emergency regulation, the City is required to provide monthly production data. The production for the month of August 2015 was 364 million gallons, which when compared to the production for the month of August 2013 of

509 million gallons, equates to a 28% reduction. Staff will prepare a consumptive use audit for August 2015, and will present the audit findings at the October 6th City Council meeting. The compliance period for statewide conservation began June 1, 2015, and ends February 29, 2016, with cumulative total conservation through August at 35%. Residential consumption for August 2015 was 132.84 gallons per capita per day (GPCD).

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Drought Response Phase III Flyer
 2. Monthly Production Status August 2015

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



DROUGHT RESPONSE Phase III

Mandatory Odd/Even Watering Schedule, based on address.
Residents will be allowed **TWO** days a week to water lawns and landscapes. No watering allowed on Mondays, Thursdays, and Fridays.

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

No watering outdoor landscapes during and within **48** hours after measurable rainfall.

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 III water conservation regulations could result in citations with fines up to **\$500**.

DROUGHT RESPONSE PHASE III

The City of Porterville has adopted Phase III of its Drought Response Plan. As part of the Phase III plan, the City has restricted watering days to two 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	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
---	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 and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an “even” number, 0, 2, 4, 6, or 8, your watering days are Wednesday and Sunday *only*.

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

**The washing of
sidewalks and driveways
is prohibited**

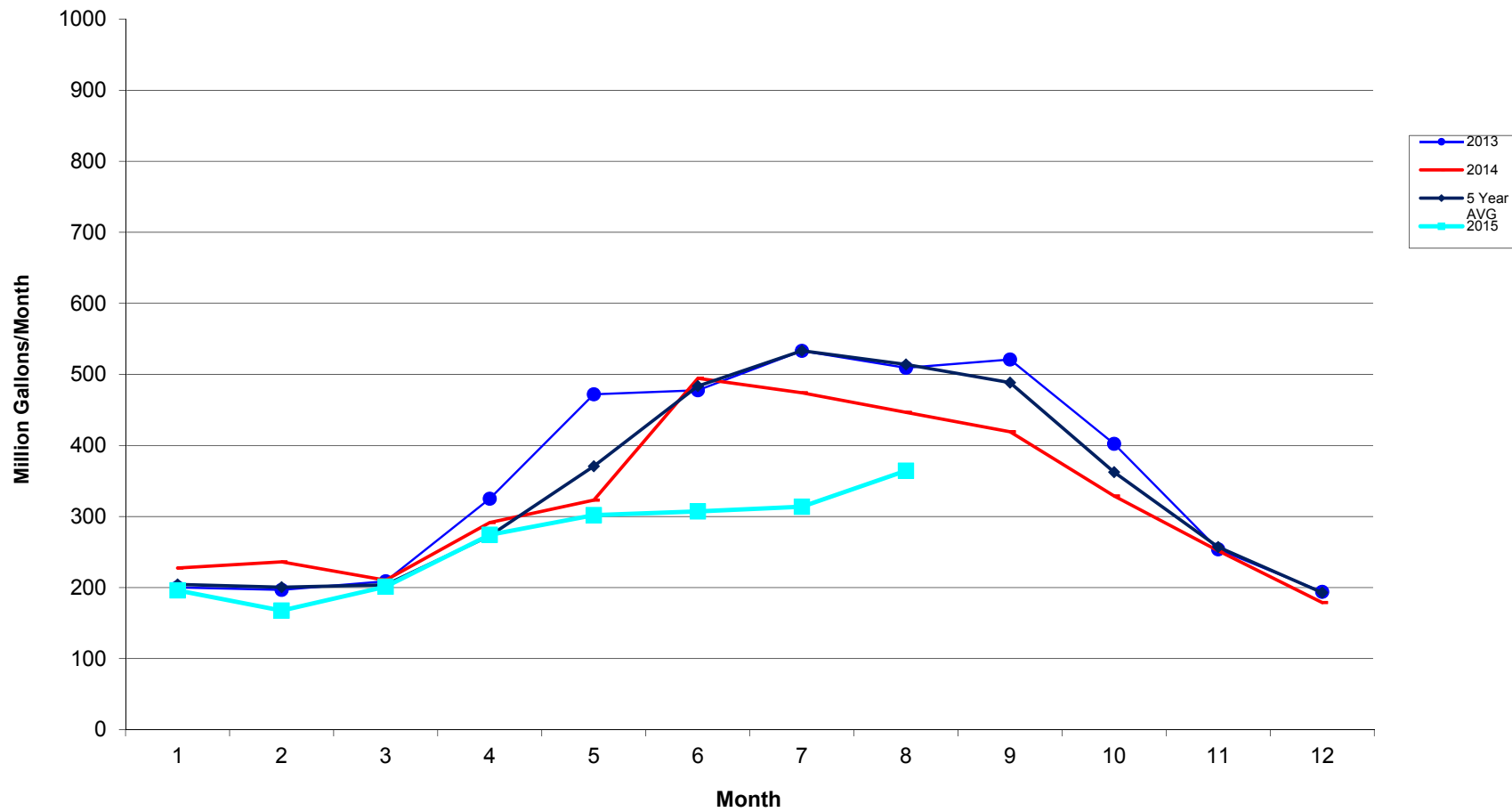
**Vehicles shall only be
washed on designated
watering days and with
hoses equipped with a
shut-off nozzle**

**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**

**NO WATERING ON
MONDAYS, THURSDAYS,
AND FRIDAYS.**

Monthly Production Status
2014 Comparison to 2013 & 5 Year Average
2015 Production





CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: 3. National Drug Take Back Week

SOURCE: Public Works

COMMENT: The Drug Enforcement Administration and local law enforcement agencies will be participating in National Drug Take Back Week. The event is free to all Tulare County residents and no questions will be asked. The Tulare County Sheriff's Office located at 379 N. 3rd Street in Porterville will be accepting items for drop off from 8 a.m. to 4 p.m. Monday, September 21st to Friday, September 25th, and from 10 a.m. to 2 p.m. on Saturday, September 26th.

The types of drugs accepted include expired, unwanted, or unused pharmaceutical controlled substances and other medications and vitamins, including pet medications. Residents are asked to pour dry medication into a sealable plastic bag and to remove personal information from the containers. Liquid medications should be kept in the original container and placed into sealable plastic bags.

All Tulare County residents, including Living Care Facilities and Senior Care Facilities, may participate in this drop-off event. Medications from hospitals, pharmacies, doctors, and veterinarian offices will NOT be accepted.

RECOMMENDATION: Informational Item

ATTACHMENTS: 1. 2015 National Drug Take Back flyer

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: Debbie Salter, City Manager's Secretary

Got DRUGS?

Turn In Your Unused or Expired
Medication and Vitamins for
Safe Disposal



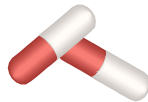
U.S. Drug Enforcement Administration
2015 National Drug Take Back Week
September 21-25, 8am to 4pm
September 26, 10am to 2pm

Types of Drugs Accepted:

Expired, unwanted, or unused pharmaceutical controlled substances and other medications and vitamins, including pet medications.

Who Can Drop Off Medication?

- ✔ End Users Only
- ✔ Living Care Facilities - End Users
- ✔ Senior Care Facilities - End Users



➤ Medication from hospitals, pharmacies, doctor's offices, etc. will not be accepted.



Instructions:

- Remove Pills, Capsules, Tablets from Containers.
- Dispose of Empty Containers in Recycling Bin.
- Place Loose Medication in a Zip-Lock, Plastic Bag.

Drop Off Locations:

Cutler-Orosi Sheriff's SubStation	40765 Road 128, Cutler, 591-5810
Pixley Sheriff's SubStation	161 N. Pine St., Pixley, 757-3525
Porterville Sheriff's SubStation	379 North 3rd St., Porterville, 782-9650
Tulare County Sheriff's Office	2404 W. Burrel, Visalia, 636-4625



**Safe
Disposal**



¿Tiene DROGAS?

Devuelva Sus Medicinas y Vitaminas
No Usadas o Con Fecha de Expiracion
Ya Pasado para Disposición Segura



U.S. Drug Enforcement Administration
**2015 Semana Nacional
Para Regresar Medicinas**
Septiembre 21-25, 8am to 4pm
Septiembre 26, 10am to 2pm

Tipos de Medicinas Aceptadas:

Sustancias controladas farmacéuticas expiradas, no deseadas, o no usadas y otras medicaciones y vitaminas, incluso medicaciones de animales.

¿Quién Puede Dejar Medicación?

- ✔ Sólo Usuarios Finales
- ✔ Instalaciones de Viviendas de Cuidado - Usuarios Finales
- ✔ Instalaciones de Cuidado de Mayores - Usuarios Finales



➤ Medicaciones de hospitales, farmacias, consultorios de doctores, etc. no serán aceptados.



Instrucciones:

- Retire Las Píldoras, Cápsulas, Pastillas de los Contenedores.
- Disponga de los Contenedores Vacíos en el Recipiente de Reciclaje.
- Ponga La Medicación Suelta en una Bolsa de Plástico Con Cerradura.

Localidades Para Dejar:

Cutler-Orosi Sheriff's SubStation	40765 Road 128, Cutler, 591-5810
Pixley Sheriff's SubStation	161 N. Pine St., Pixley, 757-3525
Porterville Sheriff's SubStation	379 North 3rd St., Porterville, 782-9650
Tulare County Sheriff's Office	2404 W. Burrel, Visalia, 636-4625



**Disposición
Segura**





CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Authorization to Advertise for Bids – Porterville Hotel Site Restoration Project

SOURCE: Public Works

COMMENT: Plans and Project Manual have been prepared for the Porterville Hotel Site Restoration Project. The project consists of removing all of the concrete slabs, over excavating the site by ten (10) feet, placement of fill material, soil compaction, remediation of an isolated soil contamination area, minor sidewalk and alley repairs. The highest concrete slab elevation is the baseline for establishing the extent of the over excavation limits.

The Estimate of Probable Cost for the project is \$271,845, with \$27,185 required for the construction contingency (10%). It is anticipated an additional \$21,747 is required for construction management, construction surveying, quality control, and inspection services (8%) for a total estimated cost of \$320,777.

In the past, contractors awarded a City project would have hired their own land surveyors. Due to a recent ruling by the State of California Board of Professional Engineers, Land Surveyors and Geologists, staff must directly engage the services of a land surveyor. The Board of Professional Engineers, et al, has ruled that a contractor is in violation of Business and Professional Code sections 8726 and 8729 if he (contractor) hires the land surveyor. Surveying will be performed by in-house forces.

Funding for the project is approved in the 2015/2016 Annual Budget. Funding sources consist of RDA Bond Proceeds, Work Force Housing Grant and re-appropriated General Funds.

RECOMMENDATION: That City Council:
1. Approve staff's recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

ATTACHMENTS:
1. Engineer's Estimate
2. Locator Map

Appropriated/Funded: MB

Review By:
Department Director:

Mike Reed, City Engineer

Final Approver:

8/27/2015

Engineer's Estimate

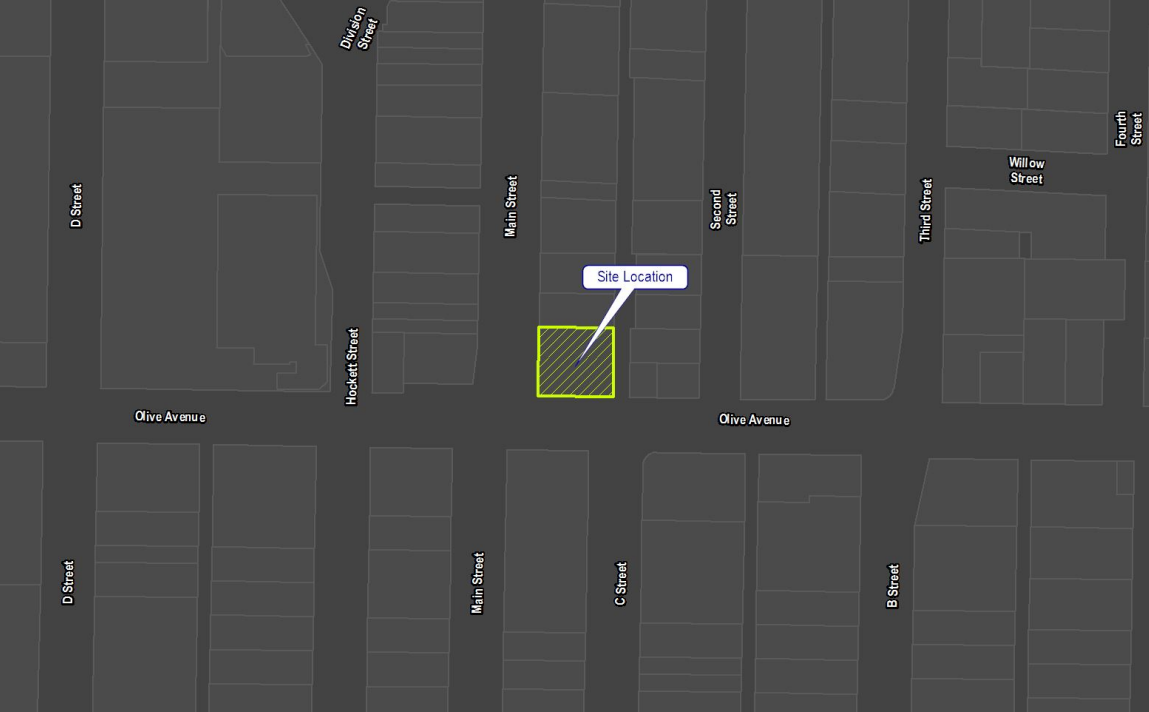
Item No.	Quantity	Unit	Description	Unit Price	Extension Price
1	1	L.S.	Mobilization and Demobilization	\$1,000	\$1,000
2	1	L.S.	Sheeting and Shoring	\$75,000	\$75,000
3	1	L.S.	Traffic Control	\$2,500	\$2,500
4	1	L.S.	Provide Demolition, Clearing, and Grubbing as necessary	\$10,000	\$10,000
5	1	L.S.	Remove concrete in basement and walls, concrete slab and footings	\$52,100	\$52,100
6	1	L.S.	Remediate area for probable contamination where shown on site plan, including hauling to location determined by Owner	\$25,000	\$25,000
7	1	L.S.	Excavation of site to a depth of 10 feet from original ground surface	\$20,000	\$20,000
8	1	L.S.	Backfill and compaction of site	\$66,325	\$66,325
9	400	S.F.	4 foot wide alley paveout	\$12	\$4,800
10	1,260	S.F.	Replace damaged sidewalk	\$12	\$15,120
			TOTAL BASE BID		\$271,845.00
			10% Contingency		\$27,184.50
			Construction Management		\$21,747.00
			City Total		\$320,776.50

Charles W. Roberts 9/8/15
 Consultant Date

Javier Sanchez, Jr. 09/08/2015
 Acting City Engineer Date

Michael K. Reed 9/8/2015
 Acting Public Works Director Date

J. A. Leri 09/08/15
 City Manager Date





CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Authorization to Advertise for Bids – Four (4) Compressed Natural Gas (CNG) Vehicles

SOURCE: Public Works

COMMENT: Caltrans has authorized the City to advertise for the purchase of four (4) CNG refuse vehicles. The project is funded by a Congestion Mitigation & Air Quality (CMAQ) grant.

The CMAQ grant, in the amount of \$1,182,000, is a federal grant that must be matched with local funds. The federal share is \$1,046,000 and local share is \$136,000. The Engineer's estimate of probable cost for the four (4) CNG vehicles is \$1,182,000.

Funding for the project was approved in the 2015/2016 Annual Budget. Funding in the amount of \$125,954 will come from the Public Works' Solid Waste Equipment Replacement Fund. Staff respectfully requests that the City Council appropriate an additional \$10,046 from the Public Works' Solid Waste Equipment Replacement Fund to cover the shortfall in the required local share amount. Funding for the appropriation is available in this fund.

The vehicle specifications have been completed and are available in the Pete V. McCracken Conference Room for Council's review.

RECOMMENDATION: That the City Council:

1. Approve Staff's recommended vehicle specifications;
2. Authorize Staff to advertise for bids for four (4) Compressed Natural Gas vehicles; and
3. Authorize the Finance Director to appropriate an additional \$10,046 from the Public Works' Solid Waste Equipment Replacement Fund to meet shortfall in matching funds.

ATTACHMENTS: 1. Vehicle Specifications

Appropriated/Funded: MB

Review By:

Item No. 2.

Department Director:
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE
STATE OF CALIFORNIA
NOTICE INVITING SEALED BIDS
BID NO. TBA**

The City of Porterville, CA, will receive sealed bids in the Office of the Purchasing Agent, 291 N. Main St., Porterville, CA 93257, until **2:30 p.m., TBD**, at which time said bids will be opened and read aloud for providing:

CNG POWERED REFUSE COLLECTION TRUCKS

Instructions to bidder, specifications and proposal forms may be inspected and obtained in the Office of the Purchasing Agent, 291 N. Main Street, Porterville, CA, 93257. No bid will be received unless it is made on a proposal form furnished by the Purchasing Agent.

Any bidder is welcome to discuss their products and/or exceptions to the City's written specifications prior to the opening date; **however**, all bid proposals must be in written form and include the specifications of those items offered. Should it be more favorable to the City, the right is retained by the City to waive any part of its own written specifications and/or those alternate specifications submitted as a bid.

Bids will be evaluated on the suitability to required use, and price of equipment. The City retains the right to reject any or all bids, to waive any informality or irregularity and to sit and act as sole judge of the merit and qualifications of each product offered, and to award in any manner which is more favorable to the City. The City reserves the right to award contract to one vendor only or to make individual contract awards based on equipment type, as best serves the interest of the City.

The City hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, disability, gender, age, sexual orientation, or religion in any consideration leading to the award of contract.

Dated at Porterville, California, this **TBD**.

Maria Bemis, Finance Director

First Publication: **TBD**
Second Publication: **TBD**

INSTRUCTIONS TO BIDDERS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. TBA

1. All information requested of the contractor shall be entered in the appropriate space(s) on the form. Failure to do so may disqualify your offer.
2. All information shall be typewritten or entered in ink. Mistakes may be crossed out and corrections inserted before submission of your bid. Corrections shall be initialed in ink by the person signing the bid.
3. Corrections and/or modifications received after the closing time specified will not be accepted.
4. Bids will not be accepted unless signed in ink (not typed) in the appropriate space (s) by an authorized officer or employee of the bidder.
5. Bids must be submitted by the closing date, or prior to the time specified, to be considered. Telephone or facsimile bids will not be accepted.
6. It is the sole responsibility of the bidder to see that their bid is submitted at the proper time. Postal delivery to Porterville may take one week or longer. Any bids received after the closing date shall be returned, unopened, to the bidder.
7. Submit bid only in a sealed envelope with the bid number and closing date on the outside of the envelope.
8. Prices submitted by contractor are considered accurate and cannot be withdrawn after the bid is closed.
9. Upon submission of bid documents, all such documents shall become the property of the City of Porterville.
10. Provide any other information not specifically requested which may be considered by the Purchasing Agent; however, the Purchasing Agent is not obligated to consider any information not specifically requested in this solicitation.
11. The City shall not be responsible for any error or omission in the bid proposal.
12. The words "Bidder," "Vendor," "Supplier," and "Contractor" are used interchangeably throughout this solicitation, and are used in place of the person, firm, or corporation submitting a bid on these specifications, or any part thereof.

**GENERAL CONDITIONS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. TBA**

The City of Porterville is requesting sealed bids for providing two (2) Front Load CNG Refuse Trucks and two (2) Side Load CNG Refuse Trucks. Proposals are to be submitted on the form provided, and returned to the Purchasing Agent, 291 N. Main St., Porterville, CA 93257, **on or before 2:30 p.m., , TBD.**

INFORMATION

This request for bids is being issued by the City of Porterville Purchasing Division. Unless otherwise directed, all communications regarding this bid should be referred to the Purchasing Division at (559) 782-7451.

Any revisions to the bid will be issued and distributed as Addenda. Bidders are specifically directed not to contact any other City personnel for meetings, conferences or technical discussions related to the bid.

Successful bidder will be encouraged to extend the terms, conditions and pricing and provide all services of the resulting contract to other governmental entities upon request. Such participation by governmental entities other than the City of Porterville will be directly with the vendor and all purchases shall be made in the participating entity's name, making payments directly to the vendor.

LICENSING

Successful bidder may be required to possess a current City of Porterville business license. Fee is based on gross receipts for all business transactions in the City of Porterville. For additional information, contact the business license clerk at (559) 782-7457.

EVALUATION AND AWARD

The City of Porterville reserves the right to reject any or all bids; to waive any irregularities or informalities in any bid or the bidding process. The City retains the right to combine various bid items; to purchase separate items from any bid when price and terms quoted are more favorable to the City; and to make a final selection and award for any other reason deemed to be in the best interests of the City of Porterville. The Purchasing Agent shall, in all instances, be the final judge in evaluation and award of any contracts resulting from this solicitation.

Award of contract, if it be awarded, will be to the lowest responsible bidder whose bid best complies with all the requirements described. The award, if made, will be made within sixty (60) days after the opening of the bids. Bidder agrees and so stipulates in submitting this bid, as though stated therein, and in any subsequent award of contract, that:

- A. Contractor is an independent contractor, not an employee, agent or officer of the City.
- B. Contract, should it be awarded, shall be interpreted, construed and given effect in all respects according to the laws of the State of California.
- C. Should Contractor be awarded contract, Contractor shall not assign contract, or any part thereof, or any monies due or to become due there under without prior consent of the City.
- D. Contractor shall indemnify and hold harmless the City, its officers, officials, employees and agents from and against all claims, damages, losses, and expenses caused in whole or in part by any negligent act or omission of the Contractor, its consultants, subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of the City.
- E. Contractor shall hold the City harmless from liability of any nature or kind including cost and expenses for infringement or use of any copyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract.
- F. Contractor warrants that no gratuities in any form, were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the City with a view toward securing favorable treatment with respect to any determination concerning the performance of the contract. For breach or violation of this warranty, the City shall have the right to terminate the contract, either in whole or in part, and any loss or damage sustained by the City in procuring in open market any items which the vendor agreed to supply shall be borne and paid for by the Contractor. The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under the contract.
- G. Contract shall be in the form of a City of Porterville Purchase Order and attachments of Notice to Bidders, General Conditions, Instructions to Bidders, Specifications, and Bid Proposal, shall be a part thereof as though set forth therein.

TAXES, DELIVERY AND APPLICABLE CHARGES

Required taxes, delivery cost and any and all other applicable charges must be included in the bid. The City **is not exempt** from California Sales Tax. The City **is exempt** from paying Federal Excise Taxes. Federal taxes are not to be included in the prices quoted in the bid.

COMPLIANCE AND EXCEPTIONS

Failure on the part of the bidder to comply with all requirements and conditions of the Invitation for Bid and this specification may subject the bid to rejection. No exceptions to or deviations from this specification will be considered unless each exception or deviation is specifically stated by the bidder as an exception with a detailed statement completely defining the exception(s). The manufacturer's name, product brand name, and catalog or part number must be shown on the bid in the designated places. However, that information in itself is not sufficient evidence that the bidder is making an exception. If no exceptions or deviations are shown, the bidder will be required to furnish equipment exactly as specified herein. The burden of compliance with this specification will be the responsibility of the bidder. Any bid exceptions or additional conditions requested after the bid closing, which are not detailed within the bid response, will automatically be denied.

INSPECTION

The City will have ten (10) days to inspect equipment for workmanship, appearance, proper functioning of all equipment and systems, and conformance to all other requirements of this specification. If deficiencies are detected, the equipment will be rejected and the vendor will be required to make necessary repairs, adjustments, or replacements. Payment and/or commencement of a discount period, if applicable, will not be made until the defects are corrected and the equipment re-inspected and accepted.

LEGAL REQUIREMENTS

The equipment in all respects shall meet or exceed any and all applicable requirements of Federal Government Safety Standards, the California Administrative Code, the Health and Safety Code, the San Joaquin Valley Air Pollution Control District and the California Air Resources Board.

EQUIPMENT LICENSING

The dealer will either register the vehicles for the City of Porterville with California exempt fee license plates, or provide the City with a Statement of Origin or other documents necessary to enable the Purchasing Agent to register the vehicles.

EQUIPMENT DEMONSTRATION AND TESTING

The City reserves the right to have equipment demonstration and testing at City site prior to award of contract. Demonstration and testing, if required, are to be at bidder's expense.

MANUFACTURER'S SPECIFICATIONS

Bidder shall submit specification literature with bid proposal.

QUANTITIES

The City anticipates purchasing four (4) trucks, total, as requested in the Bid Proposal form included in this solicitation document; however, the City reserves the right to increase or decrease quantities based on circumstances and availability of funds.

PARTS AVAILABILITY & PRICING

Bidder shall guarantee that parts not available in the after market will be available from the dealer over the estimated five (5) year life of the equipment offered. Bidder/dealer will also provide price list(s) for commonly purchased parts and state dealer cost plus percentage to the City on Bid Proposal Form. Cost plus percentage to remain the same for the estimated five (5) year life of the equipment. It is understood by City and dealer that future parts purchased are not limited to the list(s) provided, and that Manufacturer's price increases shall be passed on to City.

PAYMENT & DISCOUNT

The City of Porterville issues Accounts Payable checks three (3) times each month: on the 10th, the last business day of the month, and one check run between the two dates. Trade discounts, if given, that allow for due dates ten (10) days or greater after acceptance of equipment will be considered in price evaluations.

SPECIFICATIONS
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. TBA

GENERAL SPECIFICATIONS

The following Detailed Specifications are the City of Porterville's minimum requirements for CNG refuse trucks. The City anticipates purchasing two (2) CNG powered front load and two (2) CNG powered side load refuse trucks with this solicitation. The specifications are not intended to be restrictive but descriptive of the type and quality the City of Porterville desires to purchase. Bids for similar items of like quality will be considered if the bid is fully noted with the manufacturer's brand name and model including a detailed listing of its specifications.

The equipment shall be new, unused, **2015 or current model year** production commercial refuse collection trucks. It is the intent of these specifications to describe a commercial, front load and side load refuse collection body and truck chassis to make a complete working truck. All parts not specification mentioned herein, which are necessary to provide a complete unit shall be included and shall conform in strength and quality of material and workmanship according to the industry standard and not less than these specifications.

Exceptions to the specifications, if taken and fully explained to the satisfaction of the City of Porterville's Shop Superintendent, will not be cause for rejection if it is felt to be in the best interest of the City. Failure to mention any deviation to these specifications will under no circumstances relieve the manufacturer from conforming to said specifications.

LITERATURE

Manufacturer's descriptive literature/specifications are to be included with the bid.

DELIVERY

Bidders shall state delivery as the number of calendar days after receipt of order (ARO).

WARRANTY

Bidders shall state warranty terms and conditions of both the truck chassis and collection body in the space provided, and provide a copy of the manufacturers' warranties with the bid.

TRAINING

Upon delivery, or within one (1) week after delivery of one (1) of the front load refuse trucks and one (1) of the side load refuse trucks to the City, the successful bidder shall, at the City's option, provide training for Shop Maintenance and Solid Waste Division personnel pertaining to the use,

maintenance and repair of these refuse collection trucks. The training shall be provided at the City's Corporation Yard and Maintenance Shop facility. This training shall be coordinated with the City's Shop Superintendent at least two (2) weeks prior to delivery of the equipment. There shall be no additional charges for providing this training.

MANUALS

One (1) set of all relevant manuals shall be delivered to the City, including but not necessarily limited to, chassis and drive train operator's manual, collection body operator's manual, chassis parts manual and collection body parts manual.

BID PROPOSAL

Each bidder's proposal shall clearly state the total price, make and model, and terms of payment. All bids must remain firm for sixty (60) days and must be signed by a duly authorized representative of the bidding company.

ACCEPTANCE OF BIDS

The City of Porterville reserves the right to reject any or all bids and to accept the bid or bids that in its opinion best meets the requirements outlined herein.

BID SUBMISSION INSTRUCTIONS

Prior to the bid submittal time, bidders shall complete and return, as instructed herein, the **DETAILED SPECIFICATIONS** and **BID PROPOSAL**, together with all other requirements, in a sealed envelope clearly marked "**BID NO. TBA CNG POWERED REFUSE COLLECTION TRUCKS.**" **A duplicate set of Detailed Specifications and Bid Proposal is included for bidders' convenience.**

DETAILED SPECIFICATIONS CNG POWERED FRONT LOAD REFUSE TRUCK

The following are the City of Porterville's minimum specifications for Compressed Natural Gas (CNG) powered **front load** refuse collection trucks. The City anticipates purchasing two (2) trucks with this solicitation. **Bidders must complete and return these specifications with their bid.**

Specification	Specify
1. General specifications: Truck shall be a front loader refuse collection, cab-over engine design, 4-axle configuration, with self-steering, auto-lift in reverse, single wheel tag axle equipped for LEFT HAND DRIVE/OPERATION.	
2. Frame/Cross Members: The frame shall be heavy duty, designed and built for severe service application. RBM of 1,890,000 lbs/inch per rail. Cross members shall be of sufficient number, location, and material composition to prevent detrimental frame twisting.	
3. Cab Exterior: Shall be cab-over engine design that tilts forward for engine access.	
4. Cab Tilt: Shall be electrical-powered hydraulic pump or air assist to tilt the cab, as well as manually operable.	
5. Bumper: Front bumper shall be painted steel	
6. Tow hooks: Two (2) tow hooks shall be frame mounted, (front).	
7. Windows: Factory tint on front & side glass, rear glass to be clear. Shall include sunvisors on both sides.	
8. Doors: Cab shall be equipped with standard one piece, front hinged doors with electric powered roll up windows.	

9. **Assist handles:** Grab handles shall be provided on both sides of cab to assist entry and exit. _____
10. **Dome lights:** Shall be activated from switches on both doors. _____
11. **Mirrors:** Two stainless steel, West-Coast type, one on each side, two 8 inch convex, one each side _____
12. **Seats:** Two person configuration, with air suspension seat for driver and standard seat for front passenger. _____
13. **Gauges:** Minimum to include- road speed, engine speed, hour meter, oil pressure, engine coolant temp., transmission temperature, voltmeter, dual air pressure, and fuel level. _____
14. **Air Conditioning:** Factory-equipped, recirculating, heating/air conditioning system. _____
15. **Windshield wipers:** Dual electric or air-operated, intermittent/variable speed windshield wipers with washer function. _____
16. **Radio:** AM/FM radio _____
17. **Seat belts:** 3-point driver's and passenger's seat belts with retractors for all seats. _____
18. **Emergency supplies:** One (1), twenty (20) lb. ABC approved fire extinguisher and mounting bracket, mounted to the curb side of vehicle on the outside of the truck, one (1) set of triangle reflectors. _____
- 19A. **Engine:** Minimum shall be Cummins ISL-G, spark-ignited, natural gas engine rated at a minimum of 320 horsepower and 1000 ft lbs torque with compressed natural gas fuel system installed. System shall include a minimum 70 diesel gallon equivalent of CNG storage, electronic control unit, fuel regulators, and all parts required for a complete installation. The completed system shall be CARB-certified. _____

Specification

Specify

- 19B. The engine shall have a road-speed limit set for a maximum 58 mph. The City requires that a methane detection system shall provide warning to the operator if methane gas is present within the cab or engine compartment area. The system shall meet or exceed all applicable governmental standards for such systems when installed on refuse collection vehicles.

- 20A. **CNG storage tanks:** Shall have a minimum service life of 15 years, and shall be protected from damage. All components used to modify the power train and fuel systems shall conform to the current applicable National Fire Protection Association (NFPA) standards and shall be engineered and certified for the specific fuel type. The CNG system will be designed to the current regulations, safety, reliability and longevity of FMVSS-304, ANSI NGV3.1 (NGV-2) and NFPA-52 regulations/codes.

- 20B. System shall have two NGV-1 fill valves rated at 3,600 psi. OPW LB-36 fill valves or equal. One fill receptacle will be mounted on the fuel management module and a second on the left front bumper. Both receptacles shall be equipped with ignition interrupt circuits. An auxiliary fuel gauge shall be mounted in the dash area of the driver's side driven by a transducer located on the high pressure side of the fuel system.

21. **Engine Protection:** Shall be equipped with an on-board, electronic, diagnostic and operational monitoring system. The system shall, at minimum, provide engine protection, operator notification, and shutdown in the event of loss of oil pressure, low coolant level, and high coolant temperature.

Specification

Specify

22. **Cooling system:** Radiator shall be equipped with an opening for a crankshaft-driven PTO shaft. Shall be capable of sufficiently cooling engine with vehicle fully loaded at an ambient temperature of 115 degrees F. Shall also include an automatic fan clutch, silicone radiator coolant and heater hoses, or approved equal, and extended life coolant.
23. **Electrical system:** Shall have a 12 volt electrical system, with 12 volt starting and charging systems.
24. **Charging system:** Shall be equipped with a 12 volt, minimum 130 amp rated size alternator
25. **Batteries:** Shall be Group 31 maintenance free and of sufficient number to have a minimum CCA rating as required by the engine mfr. to start the furnished engine at 10 degrees F, and include a battery shut-off switch installed in the ground circuit.
26. **Electrical wiring:** Shall be multi-stranded, low voltage insulated automotive type, and routed in protective harnesses. Where harnesses pass through metal structures, rubber or silicone grommets shall be used to protect the integrity of the harnesses.
27. **Starter:** Shall be 12 volt rated, electric type, properly sized to crank and start the engine furnished in temperatures down to 10 degrees F.
- 28A. **Lighting:** Shall be equipped with all necessary lights for compliance with all State and Federal regulations, including 4 red rear lights for stop/turn, 2 clear lights for back up, and flashing rear amber warning lights. The rear amber flashing lights shall comply with Vehicle Code 25280.

Specification	Specify
28B. Lighting cont'd: Shall be equipped with L.E.D. rear turn signal flashers, brake lights, and warning flashers for long life and reliability. Shall also include front mounted fog lamps.	_____
28C. Shall be equipped with a back-up alarm and reverse motion sensor.	_____
29. Cab: Shall be equipped for LEFT-HAND DRIVE and operation.	_____
30. Transmission: Shall be Allison RDS 6-speed 4500 or approved equal.	_____
31. Transmission cooling: Shall be in accordance with Allison Transmission recommendations for ambient temperatures from 10 degrees F to 115 degrees F. A transmission oil temperature gauge with warning light and buzzer shall be installed.	_____
32. Front axle: Shall have a minimum rated capacity of 20,000 lbs.	_____
33. Front suspension: Front springs shall be taper or multi-leaf type and have a minimum capacity of 18,000 lbs, less any unsprung weight. Front axle shall be equipped with premium, long-life shock absorbers rated for the axle provided.	_____
34. Front brakes: Shall be air-operated drum type. Shall be minimum 16.5" x 6" size, Meritor Q-plus, or Eaton, or approved equal, S-cam type with non-asbestos brake lining and automatic slack adjusters.	_____
35. Wheelbase: Length shall be as required to install the front loader refuse collection body described.	_____

Specification

Specify

36. **Steering:** Shall be equipped with left-hand driving position, full time power steering. Steering shall be set to the maximum wheel cut available and provide the minimum turning radius possible for the chassis configuration.

37. **Drive Shaft:** The drive shafts and all their components shall be adequate for the torque rating of the engine and transmission provided. If the vehicles require a two-section drive shaft due to wheelbase requirements, then an intermediate support bearing shall be provided.

38. **Rear axles:** Shall be a Meritor RT-40-145, or Dana DSP41 or approved equal, with a minimum combined load capacity of 40,000 lbs. The rear axle shall be single speed and geared to within the range of 5.86-6.60 to 1 ratio. Shall include axle locks with switch inside cab accessible by operator.

39. **Rear suspension:** Shall be a Hendrickson Haulmaax HMX400 or approved equal with a minimum 40,000 lb rating at 60 mph. Axle spacing to be 54 inches.

40. **Rear brakes:** Shall be Meritor Q-plus, Eaton or approved equal. Minimum 16.5" x 7" size brake shoes, with automatic slack adjusters.

41. **Brake air compressor:** Shall be minimum 18 CFM rated capacity, liquid cooled design that is gear driven off of the engine. The discharge line shall be DOT approved compressor discharge.

42A. **Tag axle:** Shall be a self-steering, automatic-lift-in reverse, single wheel, tag axle assembly rated at minimum capacity of 13,200 lbs.

Specification	Specify
42B. Tag axle cont'd: Shall be equipped with additional air reservoirs, control valves, and a clearly labeled, dash-mounted control switch. Shall also include accessible regulator to adjust pressure to air bags.	_____
43. ABS: Vehicle shall be equipped with a WABCO, four channel anti-lock braking system, or approved equal.	_____
44. Air tanks/lines: Vehicle air lines shall be nylon, and air reservoirs shall be constructed of steel. There shall be sufficient air tanks to meet or exceed all Federal and State regulations that apply. All air reservoirs shall be equipped with pull cord drain valves or remote drain valves such that operator may easily drain the air daily without the need to crawl under the vehicle.	_____
45. Air dryer: Shall be equipped with an air dryer installed in an easily serviceable location.	_____
46. Air brake system: Shall conform to all current Federal and State regulations at the date of manufacture.	_____
47. Front wheels/tires: Front wheels shall be hub-pilot Aluminum Alcoa with 3.12 inset or approved equal. Tires shall be 315/80R22.5, 20 ply	_____
48. Rear wheels/tires: Rear wheels shall be hub-pilot steel, white in color. Tires shall be 11R22.5, 16 ply.	_____
49. Paint: Manufacturer's standard white	_____
50. Refuse collection body: Front-loading, commercial type, refuse collection with fixed width forks.	_____

Specification

Specify

51. **Container capacity:** Shall be able to lift and dump any of the City of Porterville's 1-6 yard capacity, side pocket, commercial refuse containers.
52. **Forks:** Shall be minimum of 1.25" thickness, and width to be fixed at 75 1/2" on center. Forks shall be tapered, without a hook on the end.
53. **Body weight:** Manufacturer's published empty weight shall not exceed 17,000 lbs.
54. **Body capacity:** Shall have a minimum capacity of 40 cubic yards including hopper.
55. **Hopper capacity:** Shall have a minimum static capacity of 10 cubic yards.
56. **Original frame:** Shall not be altered, lengthened, or modified in any way in order to install the refuse body and/or lifting device.
57. **Controls:** Arm, fork, tailgate, lid and packer controls shall be electric over hydraulic, or air over hydraulic lever controls. All controls shall be mounted to the right of the operator and easily accessible when occupying the left-hand driver's station.
58. **Additional controls:** A second set of controls shall be provided and mounted in a location to be accessible by service personnel while standing on the ground outside the truck, on the left-hand side of the truck. The additional controls are to include arm, fork, and packer controls, as well as auto-packer start/stop controls.

Specification

Specify

59. **Welding:** All welding procedures used throughout the construction of the entire vehicle, including materials, qualifications, and training of personnel, shall be within all applicable guidelines and standards of both the American Society for Testing and Materials (ASTM) and the American Welding Society (AWS).

60. The interior and exterior surfaces of the roof, side walls, and the rear door shall have continuous welds.

61A. **Refuse body:** Shall be capable of compacting, containing, and transporting refuse to a landfill without refuse loss from the body or hopper onto any public or private road. The body shall be an **elliptical design, load ejection type** that allows for smooth discharge of material by using the telescopic packer cylinders without the need to raise the body.

61B. The refuse body shall be of all-welded, framed steel section construction. The interior shall be smooth and free of all obstructions to allow easy flow of refuse material. The body sides, roof, floor, rear door, and hopper floor shall be designed and structurally reinforced so as to withstand continuous operation at maximum imposed loads without harmful deformation or excessive wear.

62. **Ground clearance:** All exposed air, hydraulic, electrical and cooling components with 18" or less ground clearance shall be adequately protected from damage.

63. **Body floor:** Shall be 3/16 AR plate, heat treated to pass a brinnell hardness test of 400 minimum. The plate is supported by C channel cross members that interlace with two (2) trapezoid shaped full length long members.

Specification

Specify

64. **Hopper floor:** Floor shall be formed from 3/8" T-1, ASTM A 514, Grade B, plate. A hopper clean out trough shall be located at the front of body for safety reasons and to expedite clean out from behind packer. Hinged, latchable clean out doors shall be provided on both sides of trough.
65. **Hopper cover:** Shall be hydraulically operated, and shall be designed to completely seal the hopper opening to prevent refuse from blowing out of the hopper when cover is closed.
66. **Hopper access door:** An access door shall be provided on the street side of the truck to allow entry behind packer for service. There shall be a safety interlock to prevent PTO from being engaged while door is open.
67. **Tailgate Construction:** Shall be one piece, bubble-style, top hinged design, capable of opening approximately 30 degrees above horizontal. The door must be secured in the closed position by means of a self locking feature.
68. **Tailgate main section:** Shall be 10 GA AR-235 plate, reinforced with C channel or square tubing.
69. **Tailgate seal:** Shall be a heavy duty rubber seal, installed the full length of the bottom and a minimum of 14" up the sides to prevent leakage.
70. **Tailgate operation:** Shall be hydraulically and mechanically raised and lowered with a self-locking mechanism. The tailgate mechanism shall provide for the complete closure of the tailgate without sliding the tailgate seal over the sill area. The tailgate gasket shall be mounted in such a way as to not have any mounting brackets or mounting fasteners exposed to abrasion from compaction of material inside the body.

Specification	Specify
71. Tailgate hinge: Tailgate shall be secured by two (2) hinges with minimum two (2) inch pins at the roof line.	_____
72. Tailgate prop: A safety prop shall be provided which will support tailgate in open position while servicing tailgate area.	_____
73. Tailgate open warning: A switch shall be installed and a warning light and/or buzzer mounted in the cab to alert the driver when the tailgate is unsecured.	_____
74. Body saddles: The body shall be mounted to the chassis with saddles on the outside to keep the body from walking.	_____
75. Fenders: The body shall have fenders which cover the rear tires to prevent mud, etc. from contacting the refuse body.	_____
76. Packer: Refuse body shall be equipped with a hydraulically actuated packer mechanism that automatically traverses the hopper floor, clearing the hopper floor of material, and returns to the front head. Maximum cycle time shall be twenty one (21) seconds.	_____
77. Packer construction: Packer face and top shall be constructed of 3/8 T-1 AR-500, minimum, and shall be reinforced with a combination of structural members for maximum rigidity.	_____
78. Packer cylinders: Packer shall be actuated by two (2), double acting, minimum 6 inch bore, multi-stage, telescoping cylinders.	_____
79. Cylinder force: Combined cylinder compaction for both cylinders shall be a minimum 120,000 lbs.	_____

Specification

Specify

80. **Compaction cycle:** Shall be automatically continuous or manually operated at the operator's option. Manual controls shall be furnished to give operator full control of packer panel movements.
-
81. **Hydraulic system:** Shall be designed to operate at a specified engine speed in neutral, not to exceed 1,500 RPM, without compromise to any body function. The hydraulic system shall consist of a continuous operating hydraulic pump that utilizes the most efficient design available from the refuse body manufacturer and results in the greatest reduction in fuel consumption and maintenance. The hydraulic pump shall be installed so as to be protected from damage while traveling on and off-road at the landfill.
-
82. **Hydraulic controls:** Shall be air over hydraulic or electric over hydraulic. The hydraulic system shall be sized and have capacity sufficient to serve the lifting arms/forks and packer mechanism simultaneously with the engine at idle speed, in neutral.
-
83. **Hydraulic reservoir:** Shall be designed specifically to match the hydraulic fluid needs of the refuse body furnished. The reservoir shall have a visual oil level indicator readily visible from ground level, and be mounted to insure vibration dampening and crack prevention.
-
84. **Hydraulic components:** Shall be of adequate size to minimize restrictions which could cause undue fluid temperatures. The hydraulic system and components shall be designed to perform normal daily operations with ambient temperatures of 115 degrees F without the need for auxiliary coolers.
-

Specification

Specify

85. **Ladder:** A ladder shall be provided on the right side of truck to permit easy access to the roof of the refuse body.
86. **Hydraulic fittings/hoses:** Hoses shall be four-wire strand hose, rated at 4,000 psi minimum. Fittings shall be factory crimped 37 degree JIC or split flange type. The use of steel hydraulic tubing with split flange connections in place of hose is encouraged as much as possible. All steel hydraulic tubing shall be attached to chassis frame rails using Hydrozorb style clamps or equal.
87. The hydraulic system shall be equipped with a lever handle, ball type, suction line shut-off valve that can be operated by the driver while standing at the side of the truck; drain valve; a replaceable 10 micron filter in the return line; a 100 mesh strainer in the suction line; and a relief valve set for no more that 20 PSI.
- 88A. **Hydraulic pump:** Shall be tandem hydraulic pump design mounted at front of truck, and driven by the crankshaft. Shall be engaged/disengaged by a switch reachable by operator while in the driver's seat. Shall produce not less than 40 GPM for both pump segments at 800 rpm. The pump shall be rated for a minimum working pressure of 3,500 psi.
- 88B. **BIDDERS SHALL SPECIFY:**
Minimum Rated Pressure:
Normal Operating Pressure:
89. **Body hoist:** Refuse body shall be equipped with hydraulic cylinders designed, manufactured, and capable of lifting the body loaded to its maximum legal refuse payload capacity, to an angle sufficient to allow access to components on the underside of body, as well as components on and around the frame rails of the chassis. This body lifting system shall be so designed

Specification

Specify

and manufactured as to be able to withstand repeated raising of the body, when fully loaded, without deformation or excessive wear to any of the components.

- _____
90. The body lift system shall have flow control check valves to prevent the sudden drop of the body if pressure is lost. **The body lift system shall be operated by a separate 12-volt electric motor system, which operates independent of the PTO system.**
- _____
91. **Body props:** Vehicle shall be equipped with two (2) steel safety props capable of supporting the fully loaded refuse body at an upward angle of not less than 8 degrees from horizontal.
- _____
92. **Safety interlocks:** Shall include interlock to prevent arm movement when packer is travelling. Shall include warning buzzer/light to warn operator if forks are raised or rear tailgate is open.
- _____
93. **Spill kit:** Shall be mounted on curbside of vehicle, at location accessible by operator while standing outside of truck.
- _____
94. All body hinges, cylinder rod ends, and pivot points shall be supplied with grease fitting.
- _____
95. Any grease fittings not easily accessible shall have a grease manifold mounted in a easily accessible location on the body or arm assembly.
- _____
96. The recommended warning decals shall be furnished and installed on the unit after it is painted.
- _____
97. An automatic arm control device shall be provided to automatically govern the lift arm operating speeds without the need for operator correction.
- _____

Specification	Specify
98. Windshield Guard: A steel tubing guard shall be provided at front of truck, mounted at front of cab and roof of cab to protect windshield.	_____
99. A guard/cover shall be installed over the PTO shaft, and be easily removable to service PTO shaft.	_____
100. Camera system: A two (2) camera system shall be provided, with one camera mounted on rear of truck for visibility when backing up, and one for the hopper area, mounted to provide visibility of refuse material when dumping container. Shall include a monitor inside the cab which switches automatically to the rear view camera when truck is shifted to reverse.	_____
101. Utility flood lights: Two (2) utility flood lamps shall be provided, one to illuminate the hopper area, and one to illuminate the area in front of the packer. (Cylinder side)	_____
102. Desired body is Amrep Model HX450FL , or approved equal. PLEASE SPECIFY:	_____
103. Paint: Shall be white in color, to match the factory white on the cab.	_____

DETAILED SPECIFICATIONS, Cont. CNG POWERED SIDE LOAD REFUSE TRUCK

The following are the City of Porterville's minimum specifications for Compressed Natural Gas (CNG) powered **side load** refuse collection trucks. The City anticipates purchasing two (2) trucks with this solicitation. **Bidders must complete and return these specifications with their bid.**

Specification	Specify
1. General specifications: Truck shall be cab-over engine design, 3-axle configuration, automated side loader refuse collection truck.	_____
2. Frame/Cross Members: The frame shall be heavy duty, designed and built for severe service application. Minimum RBM of 1,890,000 lbs/inch per rail. Cross members shall be of sufficient number, location, and material composition to prevent detrimental frame twisting.	_____
3. Cab Exterior: Shall be cab-over engine design that tilts forward for engine access.	_____
4. Cab Tilt: Shall be electrical-powered hydraulic pump or air assist to tilt the cab as well as manually operable.	_____
5. Bumper: Front bumper shall be painted steel	_____
6. Tow hooks: Two (2) tow hooks shall be frame mounted, (front).	_____
7. Windows: Factory tint on front and side glass. Rear glass to be clear. Shall include sun visors for both sides of cab interior.	_____
8. Doors: Cab shall be equipped with standard one piece, front hinged doors with electric powered roll up windows	_____
9. Assist handles: Grab handles shall be provided on both sides of cab to assist entry and exit.	_____

Specification	Specify
10. Dome lights: Shall be activated from switches on both doors.	_____
11. Mirrors: Two stainless steel, West-Coast type, one on each side, two 8 inch convex, one each side	_____
12. Seats: Two person configuration, with air suspension seat for driver and standard seat for front passenger.	_____
13. Gauges: Minimum to include road speed, engine speed, hour meter, oil pressure, engine coolant temp., transmission temperature, voltmeter, dual air pressure, fuel level.	_____
14. Air Conditioning: Factory-equipped heating/air conditioning system.	_____
15. Windshield wipers: Dual electric or air-operated, intermittent/variable speed windshield wipers with washer function.	_____
16. Radio: AM/FM radio	_____
17. Seat belts: 3-point driver's and passenger's seat belts with retractors for all seats.	_____
18. Emergency supplies: One (1), twenty (20) lb. ABC approved fire extinguisher and mounting bracket installed on the operator's side, outside of the cab. One (1) set of triangle reflectors.	_____
19. Spill kit: To be mounted on curb side of refuse body, and include absorbent sock/tube.	_____
20A. Engine: Minimum shall be Cummins ISL-G, spark-ignited, natural gas engine rated at a minimum of 320 horsepower and 1000 ft lbs torque with compressed natural gas fuel system installed. System shall include a minimum 70 diesel gallon equivalent of CNG storage, electronic control unit, fuel regulators, and all parts	

Specification

Specify

required for a complete installation. The completed system shall be CARB-certified.

- 20B. The engine shall have a road-speed limit set for a maximum 58 mph. The City requires that a methane detection system shall provide warning to the operator if methane gas is present within the cab or engine compartment area. The system shall meet or exceed all applicable governmental standards for such systems when installed on refuse collection vehicles.
-

- 20C. **Engine Protection:** Shall be equipped with an on-board, electronic, diagnostic and operational monitoring system. The system shall, at minimum, provide engine protection, operator notification, and shutdown in the event of loss of oil pressure, low coolant level, and high coolant temperature.
-

- 21A. **CNG storage tanks:** Shall have a minimum service life of 15 years, and shall be protected from damage. All components used to modify the power train and fuel systems shall conform to the current applicable National Fire Protection Association (NFPA) standards and shall be engineered and certified for the specific fuel type. The CNG system will be designed to the regulations, safety, reliability and longevity of FMVSS-304, ANSI NGV3.1 (NGV-2) and NFPA-52 regulations/codes.
-

- 21B. System shall have two NGV-1 fill valves rated at 3,600 psi. OPW LB-36 fill valves or equal. One fill receptacle will be mounted on the fuel management module and a second on the left front bumper. Both receptacles shall be equipped with ignition interrupt circuits. An auxiliary fuel gauge shall be mounted in the dash area of the driver's side driven by a transducer located on the high pressure side of the fuel system.
-

Specification

Specify

22. **Cooling system:** Shall be capable of sufficiently cooling engine with vehicle fully loaded at an ambient temperature of 115 degrees F. Shall also include an automatic fan clutch, silicone radiator coolant and heater hoses, or approved equal, and extended life coolant. Radiator shall be equipped with an opening for a PTO shaft.

23. **Electrical system:** Shall have a 12 volt electrical system, with 12 volt starting and charging systems.

24. **Charging system:** Shall be equipped with a 12 volt, minimum 130 amp rated size alternator.

25. **Batteries:** Shall be Group 31 maintenance free and of sufficient number to have a minimum CCA rating as required by the engine mfr. to start the furnished engine at 10 degrees F, and include a battery shut-off switch installed in the ground circuit.

26. **Electrical wiring:** Shall be multi-stranded, low voltage insulated automotive type, and routed in protective harnesses. Where harnesses pass through metal structures, rubber or silicone grommets shall be used to protect the integrity of the harnesses.

27. **Starter:** Shall be 12 volt rated, electric type, properly sized to crank and start the engine furnished in temperatures down to 10 deg. F.

28. **Back-up alarm:** Shall have a back-up alarm with a reverse motion sensor.

- 29A. **Lighting:** Shall be equipped with all necessary lights for compliance with all State and Federal regulations, including red rear lights for stop/turn, 2 clear lights for back up, and flashing rear amber warning lights. The rear amber flashing lights shall comply with Vehicle Code 25280.

Specification	Specify
29B. Lighting cont'd: Shall be equipped with solid state flashers, and LED rear stop/turn lights. Shall also include side mounted, mid-ship turn signal warning lights. Shall include front mounted fog lamps.	_____
30. Cab: Shall be equipped for RIGHT-HAND DRIVE and operation.	_____
31. Transmission: Shall be Allison RDS 6-speed 4500 or approved equal.	_____
32. Transmission cooling: Shall be in accordance with Allison Transmission recommendations for ambient temperatures from 20 degrees F to 115 degrees F. A transmission oil temperature gauge with warning light and buzzer shall be installed.	_____
33. Wheelbase: Minimum length necessary to be determined by the refuse body manufacturer.	_____
34. Front axle: Shall have a minimum rated capacity of 20,000 lbs.	_____
35. Front suspension: Front springs shall be taper or multi-leaf type and have a minimum capacity of 18,000 lbs, less any unsprung weight. Front axle shall be equipped with premium, long-life shock absorbers rated for the axle provided.	_____
36. Brake drums: Front & rear brake drums shall be cast iron.	_____
37. Front brakes: Shall be air-operated drum type. Shall be minimum 16.5" x 6" size, Meritor Q-plus, or Eaton, or approved equal, S-cam type with non-asbestos brake lining and automatic slack adjusters.	_____

Specification

Specify

38. **Steering:** Shall be equipped with right-hand driving position, full time power steering. Steering shall be set to the maximum wheel cut available to provide the minimum possible turning radius for the chassis provided. _____
39. **Drive Shaft:** The drive shafts and all their components shall be adequate for the torque rating of the engine and transmission provided. If the vehicles require a two-section drive shaft due to wheelbase requirements, then an intermediate support bearing shall be provided. _____
40. **Rear axles:** Shall be a Meritor RT-40-145, or Dana DSP41 or approved equal, with a minimum combined load capacity of 40,000 lbs. The rear axles shall be single speed and geared to a 5.86-6.60 to 1 ratio. Shall include axle locks with switch inside cab accessible by operator. _____
41. **Rear suspension:** Shall be a Hendrickson Haulmaax HMX400 or approved equal with a minimum 40,000 lb rating at 60 mph. Axle spacing to be 54 inches. _____
42. **Rear brakes:** Shall be Meritor Q-plus, Eaton or approved equal. Minimum 16.5" x 7" size brake shoes, with automatic slack adjusters. _____
43. **Brake air compressor:** Shall be minimum 18 CFM rated capacity, liquid cooled design that is gear driven off of the engine. The discharge line shall be DOT approved compressor discharge. _____
44. **ABS:** Vehicle shall be equipped with a WABCO, four channel anti-lock braking system, or approved equal. _____

Specification

Specify

45. **Air tanks/lines:** Vehicle air lines shall be nylon, and air reservoirs shall be constructed of steel. There shall be sufficient air tanks to meet or exceed all Federal and State regulations that apply. All air reservoirs shall be equipped with pull cord drain valves or remote drain valves such that operator may easily drain the air daily without the need to crawl under the vehicle.

46. **Air dryer:** Shall be equipped with an air dryer installed in an easily serviceable location.

47. **Air brake system:** Shall conform to all current Federal and State regulations at the date of manufacture.

48. **Front wheels/tires:** Front wheels shall be hub-pilot aluminum Alcoa with 3.12 inset or approved equal. Tires shall be 315/80R22.5, 20 ply

49. **Rear wheels/tires:** Rear wheels shall be hub-pilot steel, white in color. Tires shall be 11R22.5, 16 ply.

50. **Paint:** Manufacturer's standard white

51. **Refuse collection body:** Automated, side loading compaction type, residential refuse collection body.

52. **Container capacity:** Shall be able to lift and dump any of the City of Porterville's 35-95 gallon capacity residential refuse containers, without changing clamps.

53. **Body weight:** Manufacturer's published empty weight shall not exceed 15,000 lbs.

54. **Body capacity:** Shall have a minimum capacity of 32 cubic yards.

55. **Hopper capacity:** Shall have a minimum static capacity of 3 cubic yards.

Specification

Specify

56. **Original frame:** Shall not be altered, lengthened, or modified in any way in order to install the refuse body and/or lifting device.
-
57. **Controls:** Container clamp and lifting controls shall be electric over hydraulic, or air over hydraulic **joystick** control. All controls shall be mounted to the left of the operator and easily accessible when occupying the right-hand driver's station.
-
58. **Additional controls:** A second set of controls shall be provided and mounted in a location to be accessible by service personnel while standing on the ground outside the truck, on the right-hand side of the truck. The additional controls are for service/diagnosis of container related operations only.
-
59. **Welding:** All welding procedures used throughout the construction of the entire vehicle, including materials, qualifications, and training of personnel, shall be within all applicable guidelines and Standards of both the American Society for Testing and Materials (ASTM) and the American Welding Society (AWS).
-
60. The interior and exterior surfaces of the roof, side walls, and the rear door shall have continuous welds.
-
- 61A. **Refuse body:** Shall be capable of compacting, containing, and transporting refuse to a landfill without refuse loss from the body or hopper onto any public or private road. The body shall be a **dump body design** that allows for smooth discharge of material with body fully raised without rocking to release the load.
-
- 61B. The refuse body shall be of all-welded, framed steel section construction. The interior shall be smooth and free of all obstructions to allow

Specification

Specify

easy flow of refuse material. The body sides, roof, floor, rear door, and hopper floor shall be designed and structurally reinforced so as to withstand continuous operation at maximum imposed loads without harmful deformation or excessive wear.

62. **Body floor:** Shall be 3/16" AR plate, heat treated to pass a brinnell hardness test of 400 minimum. The plate is supported by C channel cross members that interlace with two (2) trapezoid shaped full length long members.
63. **Hopper floor:** Floor shall be formed from 3/8" T-1, ASTM A 514, Grade B, plate. A hopper clean out trough shall be located at the front of body for safety reasons and to expedite clean out from behind packer. Gasketed clean out doors shall be provided on both sides of trough.
64. **Tailgate Construction:** Shall be one piece, bubble-style, top hinged design, capable of opening approximately 30 degrees above horizontal. The door must be secured in the closed position by means of a self locking feature.
65. **Tailgate main section:** Shall be 10 GA AR-235 plate, reinforced with C channel or square tubing.
66. **Tailgate seal:** Shall be a heavy duty rubber seal, installed the full length of the bottom and a minimum of 14" up the sides to prevent leakage.
67. **Tailgate operation:** Shall be hydraulically and mechanically raised and lowered with a self-locking mechanism. The tailgate mechanism shall provide for the complete closure of the tailgate without sliding the tailgate gasket seal over the sill area. The tailgate seal shall be mounted in such a way as to not have any

Specification	Specify
mounting brackets, or mounting fasteners exposed to abrasion from compaction of material inside the body.	_____
68. Tailgate hinge: Tailgate shall be secured by two (2) hinges with minimum two (2) inch pins at the roof line.	_____
69. Tailgate open warning: A switch shall be installed and a warning light and/or buzzer mounted in the cab to alert the driver when the tailgate is unsecured.	_____
70. Body saddles: The body shall be mounted to the chassis with saddles on the outside to keep the body from walking.	_____
71. Fenders: The body shall have fenders which cover the rear tires to prevent mud, etc. from contacting the refuse body.	_____
72. Packer: Refuse body shall be equipped with a hydraulically actuated packer mechanism that automatically traverses the hopper floor, clearing the hopper floor of material, and returns to the front head. Maximum cycle time shall be ten (10) seconds.	_____
73. Packer construction: Packer face and top shall be constructed of 3/8 T-1 AR-500, minimum, and shall be reinforced with a combination of structural members for maximum rigidity.	_____
74. Packer cylinder(s): Packer shall be actuated by double acting, minimum 5 inch bore, single stage cylinder(s).	_____
75. Cylinder force: Cylinder compaction for packer cylinder(s) shall be a minimum 90,000 lbs.	_____

Specification

Specify

76. **Compaction cycle:** Shall be automatically continuous or manually operated at the operator's option. Manual controls shall be furnished to give operator full control of packer panel movements.
-
77. **Hydraulic system:** Shall be designed to operate at a specified engine idle speed not to exceed 900 RPM, without compromise to any body function. The hydraulic system shall be a continuous operating design hydraulic pump that utilizing a front mounted pump driven by the crankshaft and resulting in the greatest reduction in fuel consumption and maintenance. The hydraulic pump shall be installed so as to be protected from damage while traveling on and off-road at the landfill.
-
78. **Hydraulic controls:** Shall be air over hydraulic or electric over hydraulic. The hydraulic system shall be sized and have capacity sufficient to serve the lifting arm and packer mechanism simultaneously with the engine speed not exceeding 900 RPM in neutral.
-
79. **Hydraulic reservoir:** Shall be designed specifically to match the hydraulic fluid needs of the refuse body furnished. The reservoir shall have a visual oil level indicator readily visible from ground level, and be mounted to insure vibration dampening and crack prevention.
-
80. **Hydraulic components:** Shall be of adequate size to minimize restrictions which could cause undue fluid temperatures. The hydraulic system and components shall be designed to perform normal daily operations with ambient temperatures of 115 degrees F without the need for auxiliary coolers.
-

Specification

Specify

81. **Hydraulic fittings/hoses:** Hoses shall be wire reinforced, multi-strand hose, rated at a minimum of 4000 psi working pressure. Fittings shall be factory crimped 37 degree JIC or split flange type. The use of steel hydraulic tubing with split flange connections in place of hose is encouraged as much as possible. All steel hydraulic tubing shall be attached to chassis frame rails using Hydrozorb style clamps or equal.
82. The hydraulic system shall be equipped with a lever handle, ball type, suction line shut-off valve that can be operated by the driver while standing at the side of the truck; drain valve; a replaceable 10 micron filter in the return line; a 100 mesh strainer in the suction line; and a relief valve set for no more that 20 PSI.
- 83A. **Hydraulic pump:** Shall be tandem hydraulic pump design mounted at front of truck, and driven by the crankshaft. Shall be engaged/disengaged by a switch reachable by operator while in the driver's seat. Shall produce not less than 40 GPM for both pump segments at 800 rpm. The pump shall be rated for a minimum working pressure of 3,500 psi.
- 83B. **BIDDERS SHALL SPECIFY:**
Minimum Rated Pressure:
Normal Operating Pressure:
84. **Service/Dump hoist:** Refuse body shall be equipped with hydraulic cylinders designed, manufactured, and capable of lifting the body loaded to its maximum legal refuse payload capacity, to an angle sufficient to allow access to components on the underside of body, as well as components on and around the frame rails of the chassis. This body lifting system shall be so designed and manufactured as to be able to withstand repeated raising of the body, when fully loaded,

Specification	Specify
without deformation or excessive wear to any of the components.	
85. The body lift system shall have flow control check valves to prevent the sudden drop of the body if pressure is lost.	
86. Body props: Vehicle shall be equipped with two (2) steel safety props capable of supporting the fully loaded refuse body at an upward angle of not less than 8 degrees from horizontal.	
87. Safety interlocks: Interlocks shall be provided to prevent the opening of the grabbers while the lift arm is in the dump position, and to prevent raising of the lift arm with the grabbers open.	
88. Mechanical lifting device: The lifting device shall be hydraulically articulating and retractable. <u>Container lifting devices which utilize chains to lift are not acceptable.</u>	
89. The side loading device shall be fully operational and installed on and/or with the other equipment set forth in these specifications. Shall be capable of extending, clamping, raising, dumping, and returning from any position without the need to fully retract.	
90. The device shall have maximum cycle time for a complete reach, grab, dump and return the the cart, and retract (stow position to stow position), of 11 seconds.	
91. Container clamp: Shall be steel clamp arms with rubber, grommet type grippers, capable of handling any automated container ranging in size from 35-95 gallons without deformation of the container.	

Specification

Specify

92. The side loading device shall be capable of lifting and holding a minimum of 800 lbs. at any extension. Shall also have a minimum reach of 84 inches, measured from the outside of right hand tires, to the centerline of a 95 gallon container.
93. The lift arm shall be powered by a maximum of four (4) hydraulic cylinders. No part of the powered arm shall extend beyond the legal vehicle width of ninety-six (96) inches when the arm is in the stowed position.
94. The side loading device shall be equipped with a positive securing device that functions to support and prevent the lifting arm from drifting outward during transport over rough roads, to and from the landfill.
95. All body hinges, cylinder rod ends, and pivot points shall be supplied with grease fitting.
96. Any grease fittings not easily accessible shall have a grease manifold mounted in a easily accessible location on the body or arm assembly.
97. The recommended warning decals shall be furnished and installed on the unit after it is painted.
98. **Camera system:** A two (2) camera system shall be provided, with one camera mounted on rear of truck for visibility when backing up, and one for the hopper area, mounted to provide visibility of refuse material when dumping container. Shall include a monitor inside the cab which switches automatically to the rear view camera when truck is shifted to reverse.

Specification

Specify

99. **Utility flood lights:** Two (2) utility flood lamps shall be provided, one to illuminate the hopper area, and one to illuminate the container clamp area when operating the lift arm.

100. Desired body is **Bridgeport Model ASL32**, or approved equal.

101. **Paint:** Shall be white in color, to match the factory white on the cab.

END OF DETAILED SPECIFICATIONS

BID PROPOSAL
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. TBA

The undersigned bidder, having carefully examined the requirements and provisions for providing two (2) CNG Powered Front Load Refuse Trucks and two (2) CNG Powered Side Load Refuse Trucks, hereby agrees to sell and deliver said equipment to the City of Porterville, strictly in accordance with the terms and specifications heretofore described.

The undersigned further declares that he/she has not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said bid.

BIDDER HEREBY PROPOSES TO FURNISH TO THE CITY OF PORTERVILLE, FOR THE TOTAL PRICE LISTED, INCLUDING ALL APPLICABLE TAXES AND CHARGES, THE FOLLOWING EQUIPMENT:

	QTY	UNIT PRICE	EXTENSION
CNG Front Load Refuse Truck	2	\$_____	\$_____
CNG Side Load Refuse Truck	2	\$_____	\$_____
		8.50% Sales Tax :	\$_____
		Delivery:	\$_____
		Doc Fee:	\$_____
		TOTAL PRICE:	\$_____

MANUFACTURER, MODEL, AND DESCRIPTION: (Truck Chassis and Collection Body. Enclose manufacturers' literature)

PARTS: Percentage rate of mark-up to City over dealer cost _____% (Provide published parts price lists).

BID PROPOSAL (CONT.)
CNG POWERED REFUSE COLLECTION TRUCKS
BID NO. TBA

WARRANTY: Bidders shall list all standard warranties applicable. Warranty start date shall be the date the complete unit(s) is put in service and not the date of delivery to the City of Porterville.

ESTIMATED DELIVERY: _____ days ARO

TERMS (Payment Discounts/Quantity Discounts):

Bidder to indicate here how long (in months) price will remain in effect for possible additional purchase: _____

Date Signed: _____

Name of Firm

Authorized Signature

Business Address

Name (in Print)

Title

City

State

Zip

Telephone



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Approve the Draft Consolidated Annual Performance and Evaluation Report, 2014-2015 Program Year

SOURCE: Community Development

COMMENT: The 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER), which has been prepared for submittal to U.S. Department of Housing and Urban Development (HUD), reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2014, through June 30, 2015. The CAPER is the performance reporting tool for the 2014-2015 Action Plan Program Year, and is required by HUD guidelines. Performance reporting meets four basic purposes:

- It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant programs in compliance with all applicable rules and regulations;
- It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated;
- It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and meeting objectives stipulated in their Consolidated and Action Plans; and
- It assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of federal resources.

As required by HUD regulations and the Citizen Participation Plan, staff obtained citizen participation by publishing and posting bilingual public comment notices. Staff published a public comment notice in Spanish on Friday, September 4, 2015, in the Noticiero Semanal. Notice in English was also published in the Porterville Recorder on Saturday, September 5, 2015. The CAPER is available at the Community Development counter at City Hall, 291 N. Main Street, on the City's website (ci.porterville.ca.us), as well as at the Porterville Library. The notices stated public comments may be submitted in person or in writing until September 21, 2015, by 5:00 p.m. At the time of the writing of this staff report, no comments were received. If comments are received prior to the close of the comment period, staff will respond to the comments before the CAPER is submitted to HUD by September 30, 2015.

RECOMMENDATION: That the City Council consider the draft 2014-2015 Consolidated Annual Performance Evaluation Report and direct staff to submit it to the Department of Housing and Urban Development by the

required deadline of September 30, 2015, as well as respond to any comments received prior to September 21, 2015.

ATTACHMENTS: 1. Draft CAPER

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

DRAFT

CONSOLIDATED ANNUAL

PERFORMANCE EVALUATION REPORT

(CAPER)

PROGRAM YEAR 2014-2015

SEPTEMBER 2015

Jennifer M. Byers
Community Development Director
291 N. Main Street
Porterville, CA 93257
(559) 782-7460

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INTRODUCTION

The 2014 Consolidated Annual Performance and Evaluation Report (CAPER), is submitted in accordance with the information entered into the Integrated Disbursement and Information System (IDIS). The 2014 Program Year (PY) began July 1, 2014, and ended June 30, 2015; all entitlements disbursements, receipt of program income, and program performance reporting for the PY was submitted through IDIS. IDIS provides several important aspects. First, it facilitates better communication with the U.S. Department of Housing and Urban Development (HUD) by getting all performance information in one place. Second, the use of IDIS limits paperwork and third, it provides a common platform for communication. The fourth aspect is that IDIS contains several reporting features to facilitate accounting and audit requirements, and the required review of performance information by citizens. Performance reporting through IDIS meets four basic purposes:

- It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant programs in compliance with all applicable rules and regulations;
- It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated;
- It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and meeting objectives stipulated in their Consolidated and Action Plans; and
- It assures that citizens, community groups and other interested stakeholders in the community development process are accurately informed of the use of federal resources.

For the Community Development Block Grant (CDBG) program, the CAPER must contain the following General and Specific CDBG Narratives:

Narrative Number	General Narrative Topic
1a	Assessment of Strategic Plan Goals and Objectives including Map of CDBG assisted projects
1b	Fair Housing
1c	Affordable Housing
1d	Continuum of Care
1e	Other Actions
1f	Leveraging
1g	Citizen Comments
1h	Self-Evaluation

Narrative Number	Specific Narrative Topic	Comments
2a	Priorities/Goals Assessment, Housing Needs, Overall Benefit Analysis	Except for overall benefit discussion, these narratives can be covered in general Narratives 1a, Assessment; and 1c, Affordable Housing
2b	Nature and Reasons for Changes to Program Objectives	This narrative can be included in the General Narrative 1h, Self-Evaluation
2c	Certifications	No comparable General Narrative
2d	National Objectives	No comparable General Narrative
2e	Displacement Narrative	No comparable General Narrative
2f	Low/Mod Jobs, Limited Clientele, Program Income, Housing Rehabilitation Data	No comparable General Narrative, but the Housing Rehabilitation data can be reported in General Narrative 1c, Affordable Housing
2g	Neighborhood Revitalization Strategy Area	No comparable General Narrative

GENERAL NARRATIVE TOPICS

1a. ASSESSMENT OF STRATEGIC PLAN GOALS AND OBJECTIVES

This section addresses activities undertaken during the PY to address pertinent Consolidated Plan 2014/2015 Action Plan objectives and areas of high priority. To meet the City of Porterville's goals and objectives for PY14, the City administered funds primarily spent on the following activities: Porterville Youth Center, Business Assistance Program, First Time Low Income Homebuyer Program (FTHB), owner occupied Housing Rehabilitation & Public Utility Loan Program including water and sewer connections with minor housing rehabilitation, Murry Park Project, Shelter Plus Care Program for the chronically homeless, and debt service on the Section 108 loan for the neighborhood community center known as the Heritage Center and the Lime Street Park project (see attached map).

These accomplishments promoted and sustained existing developments and public services, new and existing housing, and job opportunities for Porterville residents and employers. The City's Consolidated Plan identified the estimated costs of addressing the needs facing Porterville which are many times the amount of resources available. Programs designed to address and fund those needs identified as "High" and as many as possible identified as "Medium" in the Priority Needs Table are the City's number one objective.

In keeping with this focus, the following objectives identified in the Consolidated Plan and 2014/2015 Action Plan were addressed:

- Objective 1: Ensure, to the extent available resources allow, the availability of decent, safe, and affordable housing within the City of Porterville for low to moderate income families and individuals.
- Objective 2: The City will strive to maintain the integrity of its existing neighborhoods.
- Objective 3: The City will encourage the location of commercial and industrial development within the City.
- Objective 4: The City will encourage the development of its youth.

Objective No. 1

Ensure, to the extent available resources allow, the availability of decent, safe, and affordable housing within the City of Porterville for low to moderate income families and individuals.

During the PY, the City continued its steps to implement a One-Stop Permit Center, with refinement and improvements to the computerized building permit and development review processes. This program allows streamlining of building permits and development reviews. The average amount of time that permits remained in the plan check process remained at approximately two weeks. Fee levels remained comparable with, or below, fees in adjacent jurisdictions, even including the assessment of traffic and park impact fees. Both fees and the time to process the building permits are instruments in keeping homes affordable in the community for low to moderate income households.

Various funding sources such as Community Development Block Grant (CDBG), HOME, CalHome and Low Income Housing set aside funds were used to foster affordable housing. These funding sources allowed for the down payment/closing costs and “silent second” mortgage assistance to first-time low- to moderate-income home buyers, and assistance to homeowners for housing rehabilitation. During 14/15, the City continued the First Time Low Income Homebuyer Program (FTHB) and the owner occupied Housing Rehabilitation Loan Program (HRLP). The HRLP has been utilized since 1995 and is the longest running program employed by the City to assist low-income homeowners with housing rehabilitation. In PY 14/15 the HRLP was combined with the Public Utility Loan Program (PULP) allowing staff to process loans for low-income homeowners to connect to water or sewer services including minor rehabilitation. This program continues to provide thirty (30) year deferred, zero (0) percent interest loans up to \$40,000 for improvements for safety and building code noncompliance issues. The program reduces and prevents health hazards, and it eliminates slum and blight conditions thereby making the homes a more decent and safe place to live. It provides affordable municipal services to qualifying home owners. In 2014/15, the City assisted five (5) households with the HRLP Program. Exceeding the anticipated goal for 14/15 to assist three (3) households, the City continues to aggressively market the programs by advertising on the City’s website, providing flyers where clients pay their utility bills, and making flyers available at the counter where homeowners apply for building permits as well as doing presentations at local realtors/lenders monthly meetings.

The following table summarizes the activity for the PY for the combined HRLP/PULP. LOC refers to Letter of Credit or Entitlement Funds received directly from HUD and PI refers to Program Income received from revolving loans. Also, the applicable HUD objective and outcome is listed under the program title.

The annual accomplishments of all housing programs are specified in the tables located in Section 1c, Affordable Housing.

HOUSING REHABILITATION AND PUBLIC UTILITY REVOLVING LOAN PROGRAM FUNDING DATA Objective: Provide Decent Affordable Housing Outcome: Affordability	
LOC Funds Committed for PY 2014	2014 Committed Funding: \$208,855.13
LOC Funds Expended PY 2014	\$0.00
Entitlement Funds Balance as of 6/30/15	\$131,157.31
Program Income Beginning Balance 7/1/14	\$77,337.82
Program Income Earned PY 2014	\$14,653.67
Program Income Expended PY 2014	(\$32,881.87)
Program Income Balance as of 6/30/15	\$59,109.62
Total Expenditures LOC and PI	(\$32,881.87)
Total Balance Available LOC and PI as of 6/30/15	\$190,266.93

HOUSING REHABILITATION AND PUBLIC UTILITY REVOLVING LOAN PROGRAM DEMOGRAPHIC STATISTICS Objective: Provide Decent Affordable Housing Outcome: Affordability	
Ethnicity	
Hispanic	3
Non-Hispanic	2
Race	5: White
Head of Household	
Female	2
Male	3
Income	
Very Low Income	0
Low/Moderate Income	5

This was the fourth year of the implementation of the Shelter Plus Care Voucher program administered by Family Services of Tulare County. Porterville partnered with the cities of Visalia and Tulare to submit an application through the Homeless Alliance (formerly Continuum of Care) for the program, each city pledging \$75,000 over a five year period to fund a case worker that would administer the program in all three cities. After receiving the award of funds, the City of Porterville entered into a Sub-recipient Agreement with Family Services for this program Five (5) chronically homeless and disabled individuals in the Porterville area have been placed in permanent supportive housing; details about this program are found in the following tables.

SHELTER PLUS CARE VOUCHER PROGRAM FUNDING DATA Objective: Provide Decent Affordable Housing Outcome: Affordability	
LOC Funds Committed	2014 Committed Funding: \$15,000 2013 Committed Funding: \$15,000 2012 Prior Year Funding: \$15,000 2011 Program Year Funding: \$15,000 Total to date: \$60,000.00
LOC Funds Expended PY 2014	\$15,000.00
Fund Balance as of 6/30/15	\$0.00
SHELTER PLUS CARE VOUCHER PROGRAM DEMOGRAPHIC STATISTICS Objective: Provide Decent Affordable Housing Outcome: Affordability	
Households Assisted	Total: 5
PY 2014	1
Ethnicity	
Hispanic	2
Non-Hispanic	3
Head of Household	
Female	1
Male	4
Income	
Very Low Income	5
Low/Moderate Income	0
Over age 62	1

Objective No. 2

The City will strive to maintain the integrity of its existing neighborhoods.

2. Park Improvement Program

Since 2002, the Murry Park Improvement Project has been on the list of eligible approved programs for the expenditure of CDBG funds and also addresses the objective of maintaining the integrity of the existing neighborhoods. The 100+ year old City owned Murry Park is located in one of the oldest areas of the City serving a population which has the greatest concentration of the City's minority and low-to moderate-income residents. With the renovation and improvements to the park, the character and condition of the park is being maintained which in turn will help to maintain the integrity of the surrounding neighborhoods. Improvements completed to date have included ADA requirements that make the pool accessible to those with disabilities including a zero depth area where the water can be entered by disabled individuals and the new restrooms that were designed and constructed to reflect the historical architectural style of the park. Other improvements include fence replacement and the addition of a new picnic area. The installation of a shade structure in the children's playground area has been completed. This shade structure project was funded by a Housing Related Parks Grant.

Environmental studies have been completed to continue with the expansion project of Murry Park to the north of Putnam Avenue. While details of the proposed project are not yet defined, this expansion could provide a community room or gazebos available to the public. The area of the proposed expansion was formerly a residence with a large private pond in the front yard. The layout and existing landscaping of the property shares the character and style of the main park.

MURRY PARK IMPROVEMENT PROJECT	
Objective: Create Suitable Living Environments	
Outcome: Availability/Accessibility	
LOC Funds Committed for PY 2014	PY 2014 - \$35,260.73 Old Ent. - \$61,715.13 Total: \$96,976.06
Program Income Committed for PY 2014	\$12,393.93
Program Income Funds Expended PY 2014	(\$12,393.93)
LOC Funds Expended PY 2014	\$23,281.01
LOC and Program Income Balance as of 6/30/15	\$73,695.05
Service Area Eligibility: Low Income: 71.7% of households in adjacent census tracts, and 52.6% citywide.	

Housing Related Parks Grant funds are still available and they will be used to install a new shade structure in one of the playground areas in Murry Park.

Objective No. 3

The City will encourage the location of commercial and industrial development within the City.

The City of Porterville's economic development goals include creation of employment opportunities for local residents through expansion of existing industry, attraction of new industry, and creation of small business ventures. Assisted by professionals from the Tulare County Economic Development Corporation, the City's Economic Development Program has resulted in the creation of hundreds of new jobs in the local area. To further create investment in the community, the City developed a Retail Recruitment Strategy in 08/09 and updated the strategy in 14/15 to identify businesses to both fill vacant and develop new commercial buildings.

As part of the Retail Recruitment Strategy, the City has contracted with the Buxton consultant group since 2008 to complete a retail market study to identify the specific retail areas and businesses that should be recruited by the City. Staff continues to market Porterville's two newest shopping centers, Jaye Street Crossing and Riverwalk Marketplace. Jaye Street Crossing has begun to see activity with construction of Arco AM PM, Jimmy John's Gourmet Sandwiches, and Les Schwab Tire Center. Riverwalk has seen activity with the opening of an AT&T Store and a planned opening of Mediterranean restaurant. Riverwalk has a great opportunity for retail development with the opening of a new Walmart Supercenter on the horizon. These two centers have anticipated employment levels of over 500. Retail activity has increased throughout the city with the recent opening of several restaurants on Henderson Avenue including; Applebee's, Panera Bread, Me-N-Eds Pizzeria, and Wingstop. Construction is under way for a Del-Taco as well as a second location for Waterdrops Express Car Wash on Henderson Avenue. Staff remains actively involved in the International Council of Shopping Centers (ICSC) and attendance at ICSC functions affords staff the ability to meet with retail businesses to discuss the analysis of retail opportunities outlined in the Buxton report.

The City of Porterville has established a Business Assistance Program which is available to assist in the rehabilitation of commercial, industrial, and professional office structures on a city-wide basis. In encouraging investment in commercial and industrial development within the City, great benefits accrue to the community. Not only is the tax base broadened and expended, but increased employment opportunities are one of the single largest factors in the prevention of homelessness and poverty. In addition, renovation of commercial and industrial structures removes blight conditions, provides ADA improvements for handicap accessibility, and attracts other businesses to the community. Since 09/10, two (2) loans for a total of \$350,000 have been made to local businesses. As a result of these loans, four (4) jobs will be retained and seven (7) new jobs will be created over the ten year period of the loan servicing. Monitoring of the job creation/retention indicate that these businesses have met or exceeded the numbers required in the agreements. During PY 12/13 one new loan was awarded in the amount of \$50,000 to a small business, creating three (3) jobs. There were no new loans awarded in PY 14/15.

Guidelines for a Revolving Loan Program (RLP) were adopted in 08/09 based on the need for financial assistance for small and/or start-up businesses identified in an Economic Development Administration study and included in the City's Business Assistance Program. During PY10, the

RLP program assisted six (6) businesses and included terms for the creation/retention of five (5) jobs. In the 10/11 fiscal year, the City assisted an automotive dealership, plumbing services business owner, automotive parts distributor, restaurant, and crafts store for a total of \$241,694 in assistance. During PY 12/13 the RLP program assisted one (1) medical walk-in clinic, creating three (3) jobs. Staff continues monitoring the businesses for compliance with the terms of the agreements and status on job creation/retention. During PY 12/13 the Guidelines to the RLP program were revised by the financial review committee in the continued effort to improve the program sustainability.

An Economic Development Strategy project was completed in 11/12 and provides the City with a roadmap to promote economic development with the use of programs and activities. This was paid for by the Smart Valley Places consortium. The City continues to look for funding sources to complete the Industrial Land Annexation project to provide the groundwork for bringing additional industrial land into the City for future development.

In PY08, the City completed a \$2.8 million dollar project to connect the airport area to the City-wide water system, thereby boosting the water pressure to provide sufficient fire flows for development. As a result of the enhanced infrastructure, the City was successful in recruiting the new service center for Southern California Edison to the airport area property. The project was originally to break ground during the 2008/09 fiscal year; however, due to the state of the economy, this project has been delayed by three (3) years. The project will bring approximately 100 new, full-time jobs and was anticipated to break ground in 11/12 fiscal year. Groundbreaking was again delayed due to the PUC's denial of a rate increase proposed by SCE which would have funded the project. SCE proposes to take a rate increase back to PUC in the near future. If they are successful in their proposal, the service center project will be back on track.

In 09/10, staff successfully negotiated with the State of California to bring a new Justice Center, which will house a Superior Court and ancillary services, to the downtown area. Construction of the Justice Center began in 2011 with its completion in the Fall 2013. The new Justice Center has employed 125 staff and support services and will stimulate development within the City's core.

In October 2010, the Business Incentive Zone (BIZ) partners were awarded conditional designation for the Sequoia Valley Enterprise Zone (SVEZ) to replace the BIZ. Final approval was received in January 2012, with incentives retroactive to the October 2010 date. During the 12/13 fiscal year, the SVEZ issued 232 hiring vouchers to Porterville businesses. The Sequoia Valley Enterprise Zone (SVEZ) was eliminated in 2013 with the final vouchers being issued in December 2014.

The City is also part of the South San Joaquin Valley Recycling Market Development Zone (RMDZ), which provides incentives for industries utilizing recycled materials. Additionally, the City is part of a seven-county Foreign Trade Zone, which provides relief from import tariffs for eligible businesses.

Staff continues to meet regularly with the Porterville Chamber of Commerce, and other community leaders to work cooperatively in promoting economic development. The tables on the following pages identify the Business Assistance Program activity for PY13 for both the Large Business Assistance Program and the Revolving Loan fund for the small businesses.

BUSINESS ASSISTANCE PROGRAM FOR <i>LARGE</i> BUSINESSES <u>FUNDING DATA</u> Objective: Create Economic Opportunities Outcome: Sustainability	
LOC Funds Committed for PY 2014	2014 Committed Funding: \$40,645.10 Prior Years Funding: \$211,475.46 Total: \$252,120.55
LOC Funds Balance PY 2014	\$252,120.55
LOC Funds Expended PY 2014	(\$7,060.39)
LOC Funds Balance as of 6/30/1	\$245,060.17
Program Income Beginning Balance 7/1/14	\$266,723.37
Program Income Earned PY 2014	\$566,918.28
Program Income Expended PY 2014	(\$784,829.23)*
Program Income Balance as of 6/30/15	\$48,812.42
Total Expenditures LOC and PI PY 2014	(\$791,889.62)
Total Balance Available LOC and PI as of 6/30/15	\$293,872.59

BUSINESS ASSISTANCE PROGRAM FOR <i>LARGE</i> BUSINESSES <u>DEMOGRAPHIC STATISTICS</u> Objective: Create Economic Opportunities Outcome: Sustainability	
Businesses Assisted	Total: 2
PY 2014	0
Jobs Created	2
Jobs Retained	5
Documentation for vouchered employees to meet Agreement requirements	
Female Head of Household	
Very Low Income	1
Low Income	3
Moderate Income	0
Above Moderate Income	3
Ethnicity	
Hispanic	1
Non-Hispanic	6
Race	
White	5
Asian/Pacific Islander	0
African American/Black	0
Native American/Alaskan Native	0
Asian/White	1
Other multi-racial	1

BUSINESS ASSISTANCE PROGRAM REVOLVING LOAN PROGRAM FOR SMALL BUSINESSES <u>DEMOGRAPHIC STATISTICS</u> Objective: Create Economic Opportunities Outcome: Sustainability	
Businesses Assisted	Total: 6
PY 2014	0
Jobs Created	3
Jobs Retained	2
Documentation for vouchered employees to meet Agreement requirements	
Female Head of Household	
Very Low Income	0
Low Income	3
Moderate Income	0
Above Moderate Income	2
Ethnicity	
Hispanic	2
Non-Hispanic	3
Race	
White	3
Asian/Pacific Islander	0
African American/Black	0
Native American/Alaskan Native	0
Asian/White	0
Other multi-racial	2

BUSINESS ASSISTANCE PROGRAM REVOLVING LOAN PROGRAM FOR SMALL BUSINESSES <u>FUNDING DATA</u> Objective: Create Economic Opportunities Outcome: Sustainability	
LOC Funds Committed for PY 2013	2014 Committed Funding: \$0.00 Prior Years Funding: \$162,763.35 Total: \$162,763.35
LOC Funds Balance PY 2014	\$162,763.35
LOC Funds Expended PY 2014	(\$7,060.36)
LOC Funds Balance as of 6/30/15	\$155,702.99
Program Income Beginning Balance 7/1/14	\$74,156.21
Program Income Earned PY 2014	\$61,744.36
Program Income Expended PY 2014	(\$124,271.21)
Program Income Balance as of 6/30/15	\$11,629.36
Total Expenditures LOC and PI PY 2014	(\$131,331.57)
Total Balance Available LOC and PI as of 6/30/15	\$167,332.35

Objective No. 4

The City will encourage the development of its youth.

The Porterville Youth Center Program provided funding for the operation of a youth center for the City's low-to moderate-income youth. Ninety-eight (98) percent of the youth attending do come from these type of households. Since the City of Porterville Parks and Leisure Services took over the administration of the youth center, an average of thirty-nine (39) youth have participated on a daily basis. In 2014, the average daily attendance was forty (40) youth. The City of Porterville and the Porterville School District (PUSD) collaborated to build the Heritage Center and Santa Fe School under a joint-use facility agreement. PUSD built the multi-purpose room that the Youth Center utilizes for indoor sports and special events. The City's portion of the construction of the Heritage Center which includes the children's library/media center, the parking lot, and landscaping were funded through a Section 108 loan. Annual debt payments are made toward the principal and interest using CDBG entitlement funds. During PY 2014-2015 the City paid 344,049.90 in Section 108 debt payments.

The grand opening for Santa Fe School was in August of 2004 and completion of the Heritage Center took place in December 2005. The Youth Center was previously housed in a leased building on Hockett Street, one mile west of its present location. At its present location, the Youth Center has more rooms than the old site, which allows for more flexibility in programming activities. The Youth Center uses the game room, classroom and arts & crafts room, along with the library and gym next door. The Heritage Center building also houses a Tiny Tots half-day preschool, including playground, and the Parks and Leisure Services office.

Since opening its doors in 1997, the Youth Center has seen over 195,000 youth come through the doors. It serves as a fantastic drop-in recreational facility for youth ages 10 to 18. It is open four hours after school during the school year, and eight hours when the youth are not in school. Staff strive to keep the youth active with a continually changing calendar of activities. The game room offers a billiards table, ping pong table, multiple video gaming systems, board games and more. Other locations for activities include the classroom where homework and movies happen, the arts & crafts room/weight room, outside on the school playground and ball field, next door in the multi-purpose room, and occasionally off-site.

Staff strives to engage the youth in community service and leadership opportunities. The most rewarding outcome has been to see some of the long-time Youth Center members get hired on as part-time staff for the Parks and Leisure Services Department. Positive role models are lacking in most of the homes of the youth that attend, so that is one of the most important roles the three part-time and one full-time staff members fill. A high percentage of the middle and high school age students relate well to these staff members and look up to them for advice.

PORTERVILLE YOUTH CENTER <u>FUNDING DATA</u> Objective: Create Suitable Living Environments Outcome: Availability/Accessibility	
Funds Committed for PY 2014	2014 Committed Funding: \$104,602.00 Total: \$104,602.00
Funds Expended PY 2014	\$104,602.00
Funds Balance as of 6/30/14	\$0.00
Funds Balance as of 7/1/15	\$0.00

The annual accomplishment data for the Youth Center is shown in the following table:

PORTERVILLE YOUTH CENTER <u>DEMOGRAPHIC INFORMATION</u> Objective: Create Suitable Living Environments Outcome: Availability/Accessibility		
	Number	Percentage
Gender- Quarterly average of unduplicated attendees		
Male	138	62%
Female	84	38%
Total	222	100%
Ethnicity		
Hispanic	173	78%
White	41	18%
African American	2	1%
Native American/Alaskan Native	2	1%
Asian/White	2	1%
Other Multi-Racial	2	1%
Income		
Very Low	144	65%
Low	57	26%
Moderate	16	7%
Above	5	2%
Living in Low/Moderate Income Areas	98%	
Average Daily Attendance	39	

PORTERVILLE YOUTH CENTER
DEMOGRAPHIC INFORMATION FOR NEW BENEFICIARIES FOR THE
PROGRAM YEAR 2014

Note: The new beneficiaries are the statistics reported in IDIS this year, so as to not duplicate persons reported in previous years

	Number	Percentage
Quarterly average of unduplicated attendees		
Male	76	70%
Female	33	30%
Total	109	100%
Ethnicity		
Hispanic	93	85%
White	13	12%
Asian/Pacific Islander	1	1%
African American	1	1%
Native American/Alaskan Native	0	0%
Other multi-racial	1	1%
Income		
Very Low	67	61%
Low	16	15%
Moderate	18	17%
Above	8	7%

SECTION 108 LOAN REPAYMENT

LOC Funds Committed for PY 2014	2014 Committed Funding: \$344,049.90 Total: \$344,049.90
LOC Fund Balance as of 6/30/15	\$0.00
LOC Funds Expended PY 2014 for debt service	(\$344,049.90)

The following table illustrates the budget for administration for the CDBG program. This budget financed salaries, benefits, training, ongoing fair housing activities, professional services, if required, and equipment purchases, etc.

CDBG PROGRAM ADMINISTRATION

Funds Committed for PY 2014	2014 Committed Funding: \$158,324 Reallocated to other program: \$0.00 Total: \$158,324.00
Funds Expended PY 2014	155,122.86
Funds Balance as of 6/30/15	3,201.14

*Funds will be allocated to another project for PY 15/16

1b. AFFIRMATIVELY FURTHERING FAIR HOUSING

This section addresses the adopted Analysis of Impediments to Fair Housing Choice (commonly known as “the AI”), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the fourth and last year of review utilizing the AI in the adopted 2010 Five Year Consolidated Plan.

Based on the public participation process and analysis of the information available in developing the Analysis of Impediments to Fair Housing Choice, it was determined that governmental constraints to the production of housing are minimal in Porterville. In sum, the City’s land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of low-cost dwelling units in keeping with similar Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities up to thirty (30) dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions. In addition, Porterville allows for the creation of Planned Development districts which have been used on residential developments, allowing for smaller lot sizes, reduced setbacks, and higher densities, all of which can lead to lower housing costs.
- Permit processing times are relatively brief for typical development projects and streamlined through the implementation of the City’s computerized building permit and development review software program. Since 2008, the City of Porterville has been implementing a new project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where they previously took at least three (3) weeks, and in some cases much longer.
- City fees are comparatively low, and there are only a few development exactions.
- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.
- Zoning and parking standards are not overly restrictive. Minimum single family lot sizes induce homebuilders to construct single family dwelling units for low- to moderate- income first time home buyers.
- The City has used millions of dollars of Certificates of Participation, bond funds, and other State and Federal grants and loans to provide new wells, major sewer and water trunk connections, expansion of the Wastewater Treatment Facility and street improvements to accommodate residential growth, and ensure maintenance of affordable housing. Substantial funds have been expended to extend infrastructure to the northeastern area of the city to encourage residential development in that area in accordance with the Land Use Element of the City’s General Plan.

- The City continues to evaluate its zoning ordinance and general plan policies to ensure no undue hardships are created for the development of low to moderate income housing. This was studied extensively in the most recent General Plan Update that was adopted in March 2008.
- As stated earlier, the new comprehensive Zoning Ordinance amendment which combines the Zoning Ordinance and Subdivision Ordinance into one, well-integrated document was adopted in 2010 and revised in 2012. This new "Development Code" will clarify existing ambiguous standards and generate more predictable outcomes for developers. This is seen as a way to lower the costs of development that are associated with costly mistakes and unnecessary bureaucracy. Staff is currently working through the issues that have arisen during the trial period of implementation. Revisions will be taken in the near future to the City Council for adoption.
- The City's First-Time Home Buyer Program provides closing costs and down payment assistance to qualifying buyers. Providing this assistance mitigates one of the single largest barriers to obtaining affordable housing.
- The City's Owner Occupied Housing Rehabilitation Loan Program provides 0% interest, deferred loans to rehabilitate low and moderate income houses which help to keep the people in their homes by addressing health and safety issues.
- When available, the City provides direct assistance to developers that construct low to moderate income housing within the City and can grant density bonuses to developers who agree to construct a minimum number of units restricted for low income households.
- While the AI identifies a number of potential issues, certain issues are beyond the ability of a local jurisdiction to address, such as those related to lending practices. The following list identifies the strategies developed in the City's adopted (AI) that could be feasibly addressed by the City. Each strategy is followed by the actions that have been taken to address each item during the last program year, and the impacts of those actions:

Expanding Affordable Housing Opportunities:

Strategy: The City will continue to provide homeownership opportunities in the community by promoting its First Time Low Income Homebuyer Program and Homebuyer Education classes. The City will focus outreach efforts towards lower income house-holds, particularly to Hispanic households, since they have more difficulty obtaining financing. The City will continue to advertise the availability of home buyer assistance at public counters, the City website, and newsletter. The City will continue to provide first-time homebuyer workshops in both Spanish and English.

In addition, the City will expand its outreach efforts to the low income neighborhoods for the Owner Occupied Housing Rehabilitation Program, especially to the newly annexed county island areas. With the revision of the program guidelines to be more aggressive in rehabilitation of older homes with lead based paint issues, and the rehabilitation of mobile home

units in mobile home parks the City anticipates reaching many more low income households with this program.

The City will also continue to work cooperatively with developers to construct new affordable rental projects in the community.

Action: One First Time Homebuyer Loan was processed in 2014/15. Staff believes that the maximum price range of \$139,000 set by HCD for Tulare County for the majority of the fiscal year has been the reason. A new maximum purchase price of \$173,000 was effective on April 15, 2015, which has increased the inquiries to staff, however, no additional loan applications were received. The Home Buyer Education course had very low registration numbers which lead to the cancellation of several scheduled classes. The class is 6 hours of classroom instruction given over a 2 day period and is offered to income eligible persons in both English and Spanish, once an applicant has submitted an application, they receive approximately 3 more hours of pre and post purchase counseling. The program is advertised at public counters, on the City website, in the City newsletter, and at informational booths at fairs and special events. Other marketing techniques used this year were presentations at mortgage lenders offices as well as presentations to realtors during Orange Belt Board of Realtors meetings and luncheons.

City continues to have a good working relationship with the participating lenders in this program, and has certainly not seen discriminatory lending practices from these financial institutions. In fact, the lenders seem to make special efforts to qualify the buyers by using very lenient qualifying criteria and special mortgage programs. Naturally, in the current housing crisis the credit standards have been tightened considerably, so it is harder for FTHB applicants to qualify for a first mortgage. Hopefully, in this environment, the City's program can help bridge the gap of affordability.

The challenges in administering the available funds for the HRLP/PUAP continue due to the lack of sufficient equity for low-income homeowners that are on the waiting list. Staff continues outreach efforts for HRLP including contacts to the Senior Center, direct mailings, door to door canvassing of target neighborhoods, press releases, and flyers at various locations. Five (5) HRLP/PUAP projects were completed during the PY. The drought situation in the area is quite severe. The five household assisted were all considered emergencies, all the wells in the properties had gone dry.

The CalHome grant for \$600,000 for the HRLP program the City received in 2011 has made it possible to complete three (3) more projects under the Mobile Home Rehabilitation/Replacement Program. Additionally, there are four mobile home owners that are in cue to have their mobile homes replaced before the end of 2015. This program has made it possible to

improve the living conditions of community members that would not otherwise qualify for other rehabilitation programs.

During PY 2014 a new 80 unit low income housing development broke ground. Newcomb Court Apartments is due to open later on in 2015 and will provide 80 affordable units to very-low and low-income families.

Impact: With the First Time Homebuyer Assistance Program, the City has helped to mitigate one of the single largest barriers to obtaining affordable housing, and have made the home ownership dream become a reality for low- to moderate- income people that would never have been able to purchase a home without the City's assistance. Additionally, the funds available for the Housing Rehabilitation and Public Utilities Program assisted qualified homeowners to make health and safety improvements to their homes that they otherwise could not afford. Of course, providing new affordable rental housing has a very positive effect on the community where such housing is in great demand.

Access to Information

Strategy: The City provides links to housing services and other resources on their website, such as a link to the fair housing service provider, a link to the Fannie Mae Foundation that offers free guides and resources for first time home buyers in English, Spanish and other languages, the State Department of Fair Employment and Housing, California Association of Realtors, and the U.S. Department of Fair Employment and Housing, and the U.S. Department of Housing and Urban Development.

Action: Staff continues to work with the multi-department committee on updating the City's website. This includes adding new links to other sites that provide a wealth of information and resources for fair and affordable housing. As with any website development, this is an on-going project.

Impact: Progress was made in making information more accessible.

Public Policies and Program

Strategy: The City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the soon to be adopted Housing Element establishes, as one of its action plan goals, "to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. As an example, the City recently comprehensively updated its zoning ordinance (Development Ordinance) to further facilitate affordable housing.

The Housing Element also addresses other actions to be taken to preserve the existing housing stock, conserve existing affordable housing opportunities, provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs, identify and encourage mixed-use and infill development, and ensure adequate services to infrastructure and housing.

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment. It is the City's intent to continue this program with current funds during 2015/16.

The City will continue to pursue affordable housing development programs identified in the 2015-2020 Housing Element. To the extent feasible, the City will facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Analysis (RHNA) identified in the Housing Element.

Action: In June 2010, the City adopted the updated Development Ordinance, referred to above as the Zoning Code. The ordinance better identified development standards and uses by right for housing. All of the specific items listed above were incorporated into the new Development Ordinance.

The City continues to administer the FTHB program and, the HOME and CDBG Program Income will help sustain this program over the next year.

The City continues to pursue affordable housing development as evidenced by the 70 unit, Villa Siena project which was completed in November 2011. Even though the City does not have many financial resources to directly assist a project, staff is more than willing to work with developers to secure any other state, federal, or other funding that might be available for affordable housing projects.

Impact: In pursuing all of these programs, the City is making more land and housing available for low income households.

Outreach to Lenders

Strategy: The City will work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages.

- Action:** As stated above, the City works closely with the participating lenders to provide outreach to lower income residents. Staff is continually in communication with the lenders regarding the program guidelines and any updates to the program. Staff also makes presentations to both lenders and realtors at their offices or in special workshops. In addition, staff is constantly talking to new lenders about participation in the program.. During the year, staff attended several Orange Belt Board of Realtors' meetings, always making the housing informational pamphlets available to realtors and lenders in attendance, and keeping a network of community partners. Staff continues to provide information regarding homeownership and the FTHB program to tenants at Date Avenue Apartments, Sequoia Village at River's Edge and Villa Siena Apartment complexes during the annual monitoring. Although there have been improvements in the real estate market and more houses are being sold, the inventory of houses that a first time homebuyer might be able to afford is significantly low. Staff continues to assist homeowners by referring them to agencies and services that might help them retain their property by lowering their first mortgage payment, therefore, making it more affordable.
- Impact:** This outreach to lenders results in more low income persons participating in the Homebuyer Education Program and becoming applicants for funding assistance. The increase in communication makes for smoother processing of the loan applications. The foreclosure education and referral process certainly has had a positive impact on helping homeowners that were facing foreclosure with options that could prevent foreclosure and provide the public with important housing information.

Fair Housing Services

- Strategy:** Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, Self Help Enterprises, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing. The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. The City hosted a Fair Housing Fair during the month of April, which is fair housing awareness month. Both stakeholders and the public were invited to attend the workshop to discuss fair housing issues for tenants and landlords, ways to improve credit, and rights and responsibilities.

With the current drought crisis that extends to the mortgage industry, City staff continues to participate in the county-wide effort to help households that are facing foreclosure. This community-based collaborative response to the growing problem of sustainable homeownership and foreclosure prevention for the Central Valley. The mission is to ensure that homeowners have access to timely, accurate, unbiased information and reputable professionals to help them

preserve home ownership when feasible, and to minimize loss of equity and other adverse impacts when retention of homeownership is not possible.

Action: Whenever the City has a booth promoting housing programs, fair housing information is also provided, both in English and Spanish. In January 2014, the City, in conjunction with the Kings/ Tulare Homeless Alliance (Formerly Kings/Tulare Continuum of Care on Homelessness), sponsored the seventh annual Project Homeless Connect event which provided an array of services to the homeless and those on the verge of homelessness including information on fair housing issues. Legal service agencies were represented to assist the participants with their particular issues. City staff continues to work with many of the homeowners in the City's loan portfolio to refer them to housing counselors and to try to help them resolve their issues and prevent foreclosure. Central California Family Crisis Center, CSET and United Way of Tulare County continue to be major players in this arena.

In PY14, the City had no fair housing referrals directly to HUD or DFEH. The referrals made by the City were to Central California Legal Services, the Housing Authority of Tulare County, 211, CSET, Self-Help Enterprises, or the Fair Housing Council of Central California, Tenants Together, and Kings/Tulare Agency on Aging.

The City feels that the above review of the strategies used in overcoming or eliminating the effects of impediments to fair housing choice demonstrates that the City made progress over the year in meeting the strategies developed in the AI.

1c. AFFORDABLE HOUSING

This section provides an evaluation of progress in meeting the specific objective of providing affordable housing. It provides a description of the assistance available for extremely low- to moderate-income owner and renter households assisted with housing.

The City's Consolidated Plan identified housing needs for large renter households as a high priority. During the PY14, the City continued to monitor the seventy eight (78) unit tax credit project on Date Avenue with three and four bedrooms which received Redevelopment assistance several years ago for infrastructure improvements and the sixty four (64) unit tax credit project, Sequoia Village at River's Edge, that was built within the Redevelopment Project Area. During the PY08, the Porterville Redevelopment Agency expended \$930,000 in Low and Moderate Income Housing Funds to acquire the property for the development of a seventy (70) unit mixed use multifamily infill project known as Villa Siena (southeast corner of "E" St. and Putnam Ave.) which opened its doors on November 15, 2011. In PY 2014 staff conducted the third annual inspection, the project was at 100% occupancy during the inspection. During PY09, the Agency sold the property to the developer and rolled the purchase price into a 55 year residual receipts loan. The City continues to implement the executed Affordable Housing Agreement and the subsequent amendments and other documents. Many other sources of subsidy funding were necessary to make this project feasible including an allocation of Low Income Housing Tax Credits and an award of funds from the Affordable Housing Program through the Federal Home Loan Bank. Additionally, construction is underway by Porterville Pacific Associates II, for a multifamily/multi-use project that will

provide eighty (80) affordable units during its second phase of construction. This project's second phase targeted date for completion is December 2015. The affordable unit portion of the project will be monitored by the Housing Authority of Tulare County.

The City of Porterville is committed to providing a full range of housing opportunities throughout the community. It is the City's intent to assist in the development of housing opportunities within the City and, as such, the City will engage in programs that further improve the supply of lower income housing. The City cooperates with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. The Housing Authority of the County of Tulare provides ongoing maintenance and upkeep of publicly assisted housing units within the City of Porterville. It serves as the housing provider for worst-case needs and low income renter households that pay more than half their income for rent. The Authority also provides assistance to persons with disabilities that are capable of independent living. Some of their units have been retrofitted to accommodate persons with disabilities.

Since January 2001, the City requires that applicants for the City's First Time Low Income Homebuyer Program complete a Homebuyer Education Course. The City provided these classes, in both English and Spanish, for the perspective participants. An amendment to the Consolidated Plan and the 02/03 Action Plan added the Homebuyer Education as an eligible program to be funded with CDBG Entitlement. In PY14, it was estimated that 100 low-to moderate-income households would complete the Homebuyer Education class, but 32 households actually attended the class, or thirty two percent (32%) of the goal. For PY14 it was estimated that three (3) low-to moderate-income households would receive first time home buyer assistance. One (1) household actually benefitted from the City's First Time Home Buyer programs (CDBG and HOME PI), so thirty three percent (33%) of the goal was attained. The proposed goal for assistance to owner-occupied housing rehabilitation and public utilities program was nine (9) households. Seven (7) housing rehabilitation projects were completed this year, therefore, seventy eight percent (78%) of the goal was attained. During PY14, CDBG funds were also expended for continued servicing of the current loan portfolio and working with potential applicants for the housing rehabilitation program.

The Housing Authority of the County of Tulare (HATC) provided direct rental assistance by provision of affordable project units (294 existing units in Porterville) and by administration of Section 8 vouchers and certificates for 483 households (approximately \$223,427 provided to the Porterville area). An additional 272 existing units were available from two nonprofit low-income unit providers. Additionally, six low income housing tax credit projects provided 452 units for low income, many 3-4 bedrooms. Finally, the Farmers Home Administration provided 167 existing low-income rental units at three project sites in Porterville. Cumulatively, rental assistance was provided to about 1,374 households. Additionally, HATC has an ongoing program of improving and upgrading its facilities.

Habitat for Humanity completed the construction of two homes in September of 2014. This is Habitat's first project in the City of Porterville. One low-income and one very-low single mothers and their families took possession of their new homes in September 2014, after many hours of sweat equity were spent in the construction of these two homes, the families are now settled-in.

The tables on the following pages describe funds committed, program income earned and disbursed, remaining funds available, and the number of households assisted during the PY for the City's affordable housing programs:

Homebuyer Education Program Objective: Provide Decent Affordable Housing Outcome: Affordability				
LOC Funds Committed PY14	Prior Funding \$0	Prior Entitlement Allocation - \$3,183.01		Total - \$2,512.46
Funds Expended During PY14				(\$955.03)
Funds Available as of 7/1/14				\$1,557.43
Total Number of Households that attended course				32
Ethnicity	Hispanic 27	White 5	African American 0	Other 0
Female Head of Household 9	Extremely Low Income 0- 30% 2	Very Low Income 30-50% 11		Low/Moderate Income 50- 80% 19

CDBG Assisted First Time Home Buyer Program Objective: Provide Decent Affordable Housing Outcome: Affordability			
LOC Funds Committed for PY14	Prior Years Funding	2014 Committed Funding	Total
	\$	\$0	\$0
LOC Fund Balance as of 7/1/14			\$0
LOC Funds Expended for PY14			\$0
LOC Fund Balance as of 6/30/14			\$0
Program Income Balance as of 7/01/14			\$63,781.15
Program Income Earned PY13			\$ 13,273.21
Program Income Expenditures PY14			(\$40,766.06)
Program Income Balance as of 6/30/15			\$13,273.21
Total Expenditures LOC and PI for PY14			(\$40,766.06)
Total Balance Available LOC and PI as of 6/30/15			\$13,273.21
Total Loans During PY14			1
Ethnicity and Race	Hispanic 1	White 0	
Female Head of Household 1	Income	Very Low Income 30-50% 0	Low/Moderate Income 50-80% 1

CDBG Assisted Owner Occupied Housing Rehabilitation and Public Utilities Revolving Loan Program Objective: Provide Decent Affordable Housing Outcome: Affordability			
LOC Funds Committed for PY14	2014 Balance Forward		
	\$131,517.31	Total	\$131,517.31
LOC Fund Balance as of 7/1/14			\$131,517.31
LOC Expenditures PY14			\$0
LOC Fund Balance as of 6/30/15			\$131,517.31
Program Income Balance as of 7/1/14			\$77,337.82
Program Income Earned PY14			\$14,653.67
Program Income Expended PY14			(\$32,881.87)
Program Income Balance as of 6/30/15			\$59,109.62
Total Expenditures LOC and PI in PY14			(\$32,881.87)
Total Balance Available LOC and PI as of 6/30/15			\$190,626.93
Total Households Assisted in PY			7
Ethnicity and Race	Hispanic 4	White 3	
Female Head of Household 3	Income	Very Low Income	Low Income 7

HOME Program Income Funded First Time Homebuyer Program and Housing Rehabilitation Program, and Multi-family Rental Rehabilitation			
Program Income	Balance Forward (adjustments made after end of year to balance with Finance)	Earned in PY14	Total
	\$162,727.00	\$104,042.00	\$266,769.00
Program Income Funds Expended in PY13 (includes Activity Delivery)	FTHB and HRLP loans assisted 0	(\$7,540.00)	
Amount Allowed to be retained for administration		\$10,404.00	
Program Income Balance as of 6/30/15		\$256,365.00	
Total Households Assisted		0 FTHB 0 HRLP	
Ethnicity		Hispanic 0	White 0
Income		Very Low Income 30-50% 0	Low/Moderate 50-80% 0
Female Head of Household	0		

CalHome Mobile Home Rehabilitation Program Grant		
Funds Balance as of 7/1/14		\$544,927.15
Funds expended in PY14		\$232,513.79
Funds Balance as of 6/30/14		\$318,436.65
Total Households Assisted		3
Ethnicity	Hispanic 2	Non Hispanic 1
Female Head of Household	Very Low Income 30-50% 2	Low/Moderate Income 50-80% 1

CalHome First Time Home Buyer Program – Program Income		
Program Income Fund Balance as of 7/1/14		Total \$43,814.42
Program Income Received in PY14		\$1,777.56
Funds expended in PY14		\$1,851.17
Fund Balance as of 6/30/15		\$43,740.81
Total Households Assisted		0
Ethnicity	Hispanic	Non Hispanic
Female Head of Household	Very Low Income 30-50%	Low/Moderate Income 50-80%

1d. KINGS/TULARE HOMELESS ALLIANCE NARRATIVE

This section addresses the needs of homeless persons and the special needs of persons that are not homeless but require supportive housing, (including persons with HIV/AIDS and their families). It includes a summary of actions taken during the PY to continue development and implementation of a Continuum of Care strategy for the homeless, i.e., action taken to prevent homelessness, to address the emergency shelter and transitional housing needs of homeless individuals and families (including significant subpopulations such as those living on the streets), to help homeless persons make the transition to permanent housing and independent living.

Homeless Needs

Over the past year, the Kings/Tulare Homeless Alliance (Alliance), in partnership with the City of Porterville, has worked diligently on a variety of strategies to address the needs of homeless persons in the community.

On January 29, 2015, the Alliance hosted a Project Homeless Connect (PHC) event in the City of Porterville. During PHC guests are partnered with volunteers who assist in identifying and accessing necessary resources. The 2015 event served 74 people experiencing homeless. An additional 227 people at-risk of homelessness or imminently losing their housing were served at the event. As a part of the annual PHC, the Alliance gathers data for the Point in Time (PIT) census. The one-day PIT survey provides a snapshot of the adults, children in households and unaccompanied youth living in the City of Porterville who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless.

Additionally, the Alliance has been working on enhancing its Coordinated Assessment System by use of the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT). The VI-SPDAT will allow the region to serve people experiencing homelessness on their acuity level rather than the existing first-come, first-serve model. The project will kick-off with a Registry Week in July 2015.

Within the City of Porterville there is weekly ministry consisting of seven (7) local churches that rotate to feed the homeless and those at risk of homelessness. Since its inception in June of 2010, the ministry has grown from three to seven churches. In addition to meals, the ministry provides a targeted need each week such as toiletries, towels and blankets, oral hygiene, brush/combs, shoes and clothes, canned goods. Two of the churches have expanded the ministry to provide lunches on Sunday as well. Each week approximately 80 people are served.

In addition to these efforts, the Alliance conducts an annual Point in Time (PIT) census. The one-day PIT survey provides a snapshot of the adults, children in households and unaccompanied youth living in the City of Porterville who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless.

During the 2014 program year, 148 people were housed in permanent housing in Tulare County. An astounding 92% have been stably housed either by remaining in permanent supportive housing or exiting to a stable housing situation. The average increase in client cash income for clients residing or exiting permanent housing was \$1,502.02 which illustrates a tremendous success in mainstream benefit collaboration.

In the FY2014 HUD CoC Program Competition, programs in Tulare County were awarded \$792,378. The funds were awarded to the following programs that serve Tulare County residents:

Renewal Funding for Existing Programs

Family Services of Tulare County	36 beds	Transitional Housing	\$81,871
Central California Family Crisis Center	35 beds	Transitional Housing	\$96,171
Family Services of Tulare County	14 beds	Permanent Supportive Housing	\$91,545
City of Tulare	7 beds	Permanent Supportive Housing	\$53,272
Family Services of Tulare County	14 beds	Permanent Supportive Housing	\$94,530
Family Services of Tulare County	16 beds	Permanent Supportive Housing	\$61,158
Tulare County PSH Program	51 beds	Permanent Supportive Housing	\$313,831

Specific Homeless Prevention Elements

In an effort to prevent homelessness, there are several Alliance partners that offer residents services which are designed to help with housing retention such as:

Provider Organizations	Mortgage Assistance	Rental Assistance	Utilities Assistance	Counseling/Advocacy	Legal Assistance
Bethlehem Center		X	X		X
Central California Community					X
Habitat for Healthy Start				X	
Hospice of Tulare				X	X
Housing Kaweah Delta		X			
Kings Tulare				X	
Lindsay Senior					X
Lindsay/Strathmo	X	X	X		
Love INC	X	X	X		
National Alliance				X	
National Council			X		
O.L.A. Raza					X
Open Gate	X	X	X		
Parent's United				X	
Porterville Area		X	X		
Porterville				X	
Porterville			X		
Proteus		X	X		
Resources for				X	
Salvation Army		X	X		
Samaritan Clinic					X
Self-Help	X				
Tulare Athletic			X		
Tulare County					X
Tulare County		X	X		
Tulare County				X	
Tulare Emergency		X	X	X	
Tulare Senior			X	X	
Tulare Youth				X	
Turning Point				X	
United Way of		X	X	X	
Veteran's Agency				X	
Visalia		X			
Visalia Rescue				X	

Community residents can call any of the agencies listed above directly or access resources through the local 2-1-1 line. Call center operators through 2-1-1 are able to pre-screen clients for eligibility and provide up-to-date information on program availability.

Another important component of preventing homelessness is connecting people to mainstream benefits such as Social Security Income. The Alliance has an SSI/SSDI Advocacy, Outreach and Access (SOAR) program within the region that works directly with people experiencing or at risk of homelessness. This national project is designed to increase access to the disability income benefit programs administered by the Social Security Administration (SSA) for eligible adults who are homeless or at risk of homelessness and have a mental illness and/or a co-occurring substance use disorder. Assisting clients through SOAR results in expeditious benefit awards and additional funding for communities through Medicaid reimbursements. Access to these benefits greatly increases housing stability and retention rates among recipients.

Tulare County Health and Human: In 2013, this agency received 699 applications and assisted 670 requests county-wide for housing assistance from families who are already homeless or in danger of becoming so. In Porterville alone, the Social Services Department received 79 applications and assisted 47 cases or 7.0% of the total requests in the County and expended \$53,075.00 over the year to help these people (\$709,664.55 was expended County-wide). The Department places their clients in the Central Valley Family Crisis Center, the Tulare County Emergency Shelter, and local motels. The Department may also assist in acquiring permanent housing and may pay security deposits and last month's rent. This is a once in a lifetime benefit for eligible recipients. In addition, a new program is being initiated by the Department that allows the County to pay up to two months back rent to prevent homelessness.

Central California Family Crisis Center (CCFCC) (Domestic Violence Shelter): CCFCC provided housing to a total of 366 clients (un-duplicated count), both women and children, in fiscal year 14/15. The shelter currently has 38 beds, four of which are cribs, and averages over 30 clients a night. 42% were victims of domestic violence and 58% were street homeless. Among the shelter population, 40% had drug/alcohol issues, 33% suffered from a mental illness, and 60% had disabilities. 115 homeless women had 103 children with them and 69 dv homeless women and 88 children with them.

In addition to the Domestic Violence Shelter, CCFCC also operates a Transitional Housing Program. This program consists of five, two-bedroom apartments in the City of Porterville, which can provide housing to 25 individuals. This program provides counseling in budgeting, finances, job search, parenting, and domestic violence prevention. Clients are allowed to stay in the apartments for a maximum of one year (can be extended to two years). The goal of the program is to facilitate permanent housing for clients. In PY14, the transitional apartments assisted 26 domestic violence victims with 18 children and 25 homeless women with 14 children; 21% of the transitional women had drug and/or alcohol issues.

CCFCC, in addition to the shelter (38yrs) 1977 /transitional (since 1994) programs that the agency has been operating for 37 years, is really beginning to forge ahead with their prevention and education outreach, which consists of offering parenting education classes free to the community, 113 people participated in PY 14/15. The program focuses on parenting skills and also the effects of violence in the home on the children. They currently offer 3 classes a week, 2 in English and 1 in Spanish, facilitated by a certified parenting instructor and CCFCC has purchased the new evidence-based Nurturing Parenting for Parenting Classes. Safe Care program has also been incorporated.

CCFCC also continues to offer the Batterers Intervention (BIP) Program in PY14 and had 188 clients are enrolled. CCFCC also started offering Anger Management Group and had 49 enrolled as well as starting Child Abuse Intervention Prevention Group and had 47 enrolled. CCFCC is also spending a lot of time in the local schools, grades 7-12 and the college, offering education on healthy dating relationships and teen dating violence prevention and intervention, in an effort to break the generational cycle of violence in families.

South County One Stop: This is a program operated through the Kings View Behavioral Services Program contracted with Tulare County Mental Health Department, MHSA Programs in Porterville and serves youth ages 16-24 who have a severe or seriously ill mental health diagnosis.

Services consist of therapy sessions, case management and groups to enhance socialization, recreational activities, arts and crafts, living skills and behavior modification. One Stop staff also works with families and local agencies such as clinics, local schools and the probation department.

Porterville Area Coordinating Council: is a private, nonprofit organization sponsored by the Porterville Area Ministerial Association. Their mission is to help those families and individuals who are having a crisis in their lives. During the times of July 2014 thru June 2015 PACC has served just in the HOMELESS COUNT 125 families. Of those 164 total adults, 112 children for a total of 147 nights stay at Motel 6. PACC is open Monday-Thursday from 9-12. PACC has a part-time employee who has been overwhelmed with the Drought of 2014-15. Because of it's awesome volunteers PACC has been able to assist many of the over 610 families without water in their homes. PACC has partnered up with the City of Porterville to help fill up totes so that families can still remain in their homes. PACC has housed Drought families at Motel 6 for shelter because of no water in their homes! PACC continues to assist families who are in jeopardy of having their electricity, gas, or water disconnected; Also helping with California ID's or birth certificates, clothing for everyone, medications and gasoline to get to Dr. appointments. PACC has had help with the Drought from many across America. From monetary donations, to water drives/ distributions and vehicles to allow them to deliver water in big 300 gallon totes directly to families home without a drop of water in their homes. With the help of Walmart and Walmart Distribution Center PACC has handed out much needed clothes, sheets, hygiene items and detergent for those who have no water in their homes to do laundry. PACC continues to hear from families almost on a daily basis who have ran out of water. PACC was chosen as The Chamber's "Service Project of the Year" for 2014 because of the work on the Drought.

Salvation Army, Porterville Service Unit: The Salvation Army, Porterville Service Unit is a local, non-profit organization affiliated with Salvation Army. Its purpose is to provide relief for persons going through a temporary crisis and needing help with housing, utilities, furniture, clothing, transportation, prescriptions, or a variety of other needs. The major fund raising for Salvation Army is the annual Christmas bell ringers standing in various key locations around the community. This year however, there was a lack of volunteers to man the kettles in front of the stores, and although Salvation Army Headquarters gives an annual budget of funds, the lack of volunteers definitely affected the amount of donations collected., This year the Porterville Salvation Army Service Unit helped 9 men, 34 women, and 156 families for a total of 783 persons. This total included assistance to: 59 families with utilities, 42families with

housing which includes rent, mortgage and emergency housing, 1 family with appliances such as refrigerators, 4 families with transportation vouchers for medical appointments, and 120 backpacks filled with supplies given to school age children. . The Porterville Salvation Army Service Unit is housed in the same building as PACC, this year specifically PACC and Salvation Army worked closely to assure that families affected by the drought would receive all the necessary services, as well as to assure there was no duplication of services and that resources were utilized to the maximum benefit to the clients that came in for services. Salvation Army personnel was also very active in all the water drives and other events held by PACC and other groups in the Porterville area to assist victims of the drought.

El Granito Foundation: El Granito Foundation is a private nonprofit organization whose mission is to help those in need. They have 6 beds available for emergency shelter. They also provide financial assistance for housing, outreach, food and clothing, legal assistance, job placement assistance, education in living skills, case management, transportation, substance abuse treatment, and are advocates for the homeless.

American Red Cross: The primary purpose of the American Red Cross is to assist disaster victims. Since the nearest office is in Visalia, services to the homeless in Porterville is nearly non-existing. However, they do come to Porterville to assist during emergency situations or natural disasters as was the case during the last Freeze when they provided cots, supplies, and manpower for the armory that was opened for the homeless.

St. Anne's Food Pantry (Catholic Charities Resource Family Center and St. Anne's Food Bank): St. Anne's Food Pantry continues to provide and serve individuals and families referred by Porterville Community agencies with basic nutrition and clothing.

Community Services and Employment Training (CSET): This nonprofit organization's mission is to inspire youth, families, and communities to achieve self-reliance through innovative pathways and collaboration. CSET administers Federal Emergency Management Act (FEMA) emergency housing assistance in Tulare County. CSET provides financial assistance to persons in danger of eviction for failure to pay rent and to homeless persons who cannot make the first rental payment. CSET also sponsors a home weatherization program that assists homeowners to improve their energy efficiency, which saves money on their utility bills. In addition, CSET has resources to assist low-income families once a year with utility payments. Over the past year, CSET continued to provide housing counseling services to assist those families facing foreclosure procedures and city staff referred several families from Porterville to them for counseling. They also spearheaded several foreclosure prevention workshops at various locations throughout the county. CSET is always a major player in the annual Point in Time survey of the homeless, utilizing several of their rural centers for outreach efforts. In addition, they sponsor Volunteer Income Tax Assistance (VITA) training and locations to help the low income receive the Earned Income Tax Credit to which they may be eligible. Between February 2014 to April 2014, 1730 tax returns were filed in Tulare County, out of which 311 tax returns filed were for City of Porterville residents. CSET also operates a Permanent Supportive Housing Program.

On March 17, 2014 CSET took over the administration of local *senior citizen services*. These services are being offered through a partnership with the City of Porterville at the Sta. Fe Depot. Currently the main service is to provide a nutritious hot meal to the 297 senior members. In addition, music/dance, exercise, computer, health, nutrition, and financial classes are being

offered. There are many activities that seniors can participate in throughout the day, such as: puzzles, board games, Wii, loteria (Mexican bingo), crafts, and ice cream socials. All services are strategically planned to give members the opportunity to join in the fun, connect with other seniors, and lead a healthy and active life.

PAAR Center: The PAAR Center typically assists 50-60 men and women at any one time. The PAAR Center serves primarily homeless substance abusers. The facility has a 63 bed capacity. The average stay at the Center is 60-90 days. Approximately 20-25 new clients enter the Center each month.

Helping Hands: This is a volunteer based soup kitchen located in a building adjacent to a church on Olive Avenue, very accessible to the homeless population. Over the past year, Helping Hands served 44,390 mid-day meals to those in need, utilizing over 2,869 volunteers giving 14,345 volunteer hours valued at \$5 per hour or \$71,725. PY 14/15 presented Helping Hands with several management issues, but this did not stop this strong organization from maintaining its mission of helping the homeless and needy population.

Victory Outreach Ministries: This religious organization has a residential Christian recovery facility with ten beds and the average stay of 9 months to 1 year. Many of the residents have been referred by the courts.

1e. OTHER ACTIONS

This section summarizes other actions contained in the Consolidated Plan and Action Plan. These actions specifically address obstacles to meet underserved needs, foster and maintain affordable housing, eliminate barriers to affordable housing, overcome gaps in institutional structures and enhance coordination, improve public housing and resident initiatives, evaluate and reduce lead based paint hazards, ensure compliance with program and comprehensive planning requirements, and reduce the number of persons living below the poverty level.

Fostering and Maintaining Affordable Housing, and Eliminating Barriers to Affordable Housing

As stated earlier in this report, the City of Porterville fosters and strives to maintain affordable housing and eliminate barriers to affordable housing through its various programs and policies. Governmental constraints to the production of housing are minimal in Porterville. The City's land use regulations, expedited permit processing, and low development fees serve to encourage the construction of low-cost dwelling units. The City conducts a self-evaluation to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low to moderate income housing. The City addressed the issue of affordable housing being accessible in almost every area of the community with the establishment and timely expansion of the Fixed Route public transportation system in Porterville. Since FY 2009/10, four of the City's fixed routes were modified to increase ridership potential and service areas of the City previously without fixed route service.

During FY 2014/15, Porterville Transit maintained nine fixed routes with a high demand for ridership at its 230 designated bus stops. During FY 2014/15, the Fixed Route served 650,048

riders, and the Demand-Response provided curb-to-curb service to 10,065 passengers, mostly seniors and ADA-certified riders.

The current transit fleet consists of sixteen (16) CNG (Compressed Natural Gas) transit buses, and four diesels which have been retrofitted with particulate filters, making the transit fleet totally compliant with the California Air Resources Board (CARB) regulations.

The City now has a CNG Fueling Station, with a public access portion located at the Recycle Center on Prospect Street. The City side of the CNG Fueling Station is time-fill and has been operational for the last year allowing City buses to fuel on-site.

Both systems operate Monday through Friday from 6:00 a.m. to 11:00 p.m., Saturdays from 8:00 a.m. to 11:00 p.m., and on Sundays from 8:00 a.m. to 6:00 p.m.”

These efforts, in conjunction with the City’s first time home buyer programs and other housing programs, have made progress toward the goal of eliminating barriers to affordable housing.

As indicated in the City’s Consolidated Plan and 13/14 Action Plan, a considerable number of affordable housing units exist in Porterville. City ordinances and policies are relatively liberal regarding provision of affordable housing. Land, labor, construction, and material costs are relatively low when compared to most other areas in the state. The City has ample land currently zoned to meet low to moderate income, new, single family and multi-family housing needs for a 20-year period as indicated in the 2009-2014 adopted Housing Element of the General Plan that was certified by the State. The City is in the process of rezoning more acreage to higher densities to provide even more opportunities for affordable housing development. In March 2008, the City completed and the City Council adopted an extensive update of the General Plan, including the Land Use Element. Recently, the major update to the Zoning Ordinance was adopted and as stated previously, is now undergoing fine tuning.

To expand affordable housing opportunities for low- to moderate- income households, the City had invested RDA Low-Income Housing Set-a-Side funds in single and multiple family developments. All units assisted with RDA Low-Income Housing Set-a-Side funds have deed restrictions or covenants placed on them to ensure affordability as required by California Redevelopment law. With the elimination of Redevelopment all of the Low and Moderate Income Housing assets have been transferred to the Porterville Housing Authority acting as the Housing Successor Agency.

Staff continues to monitor all of the City/Agency assisted affordable housing projects to ensure that they are meeting the conditions of the regulatory agreements. The monitoring will now be the responsibility of the Porterville Housing Authority. The City continues to pursue additional projects and is in discussion with several affordable housing developers to encourage this type of development. During PY08, the Redevelopment Agency executed an Affordable Housing Agreement (AHA) with the developer for the Villa Siena Housing Project within the Redevelopment Project Area and stepped in to acquire the property for \$930,000 so to keep the project viable in light of the unstable situation in the tax credit market. During PY09, the Agency transferred the property to the developer and rolled the purchase price into a 55 year loan. As stated previously, the project was completed in November 2011 providing 70 units of affordable multifamily housing.

The City's very successful First Time Low Income Homebuyer Program continues to provide one of the best tools in assisting low income households to eliminate the barrier to affordable housing. However, with the state of the economy and the tight mortgage market, two (2) households met all the requirements of the program achieving the goal of homeownership.

Overcoming Gaps in Institutional Structures and Enhancing Coordination

Each public and private agency has unique capabilities for providing assistance to persons with unmet needs. It is the City's intent to examine its own capabilities as well as the capabilities of others. This effort serves to identify areas that are lacking service components. If service components are identified and lacking, then the City can work with itself or other agencies to develop the capabilities for addressing such areas. This method of networking also establishes and identifies specific service providers. Referrals to other agencies can then be conducted. Referrals may be anonymous, are always confidential, and are documented and filed.

The City of Porterville works with local profit and nonprofit organizations as well as the Tulare County Housing Authority and the offices of the County of Tulare. The 211 system developed by United Way of Kings/Tulare County serves to enhance coordination. This is a Community Resource tool which is continually updated. It provides a listing of Homeless Shelters, Senior Housing, Housing for Persons with Disabilities, Housing for Farm Laborers, and many other supportive services. Agencies that may be listed in the 211 system to provide housing or supportive case assistance are, but not limited to:

- Tulare County Lawyers Referral
- Tulare County Legal Assistance
- Tulare County Mental Health Department
- Tulare County Health and Human Services
- Tulare County Tenants Union
- Central Valley Family Crisis Center
- Central California Legal Services
- Child Protective Services
- Community Services & Employment Training, Inc. (CSET)
- Porterville Area Coordinating Council (PACC)
- St. Anne's Food Pantry (formerly Catholic Charities)
- California Department of Fair Housing
- PAAR Center
- Salvation Army Porterville Service Unit
- American Red Cross
- United Way
- El Granito Foundation
- Helping Hands
- Victory Outreach Ministries
- Family Services of Tulare County
- Families First
- South County One Stop

As mentioned above, the City continues supporting the United Way 211 system in Kings/Tulare Counties which provides referral information more efficiently.

Public Housing and Resident Initiatives

Public housing is facilitated by the Housing Authority of the County of Tulare (HATC). The HATC rehabilitates its own units, and has converted units necessary to serve persons with disabilities. It has a Resident Council with representation from all areas of the county, including the City of Porterville. The Resident Council met at least quarterly during this reporting period. Council members' functions are to make recommendations for involvement by public housing residents in the management of the Housing Authority, including expansion of home ownership opportunities to public housing residents.

Evaluating and Reducing Lead Based Paint Hazards

The Tulare County Health Department conducted follow-up investigations on documented incidents of childhood lead poisoning and implemented eradication action as required by law. Porterville does not directly undertake lead-based paint eradication unless such action is required in conjunction with CDBG/HOME/CalHome funded, owner-occupied housing rehabilitation projects, several of which were undertaken this year. City staff provided brochures and informational leaflets on lead base paint hazards to first-time home buyers and the public. The City did amend its Owner Occupied Housing Rehabilitation Loan Program Guidelines in PY05 in order to make homes built before 1978 eligible for more funding assistance by complying with all the federal lead based paint regulations including conducting on site lead based paint assessments and pursuing mitigation where necessary.

Reducing the Number of Persons Living Below the Poverty Level

Porterville pursues a very aggressive Economic Development Program on an ongoing basis. These efforts reduce poverty by creating jobs specifically targeted to benefit low income individuals. These efforts can be seen through the CDBG funded Business Assistance Loan Program. This program provides financial assistance to property owners, or long term tenants, to improve their properties. Assistance is targeted toward improving commercial and industrial districts where it is apparent that the potential for decline of the general condition of the building stock may occur now or in the future. An amortized loan facilitates the improvement of the structures. The highest priority is given to buildings that do not meet basic City building standards, and those buildings functionally obsolete and requiring rehabilitation to remain financially viable. Eligible applicants include owner, developer, or lessee of any commercial, commercial/residential, industrial, and professional office structures, including nonprofit agencies and for-profit businesses.

Priority for funding is given to an applicant that is an owner of, or in the process of purchasing, the property or evidence of a signed long-term lease. Priority is also assigned on the ability to generate direct employment opportunities for low/moderate income persons according to a minimum ratio of one full-time equivalent job per \$35,000 of CDBG assistance. Evidence of the success of this program can be seen by the two hundred and forty five (245) jobs created (one hundred and fifty four (154) documented low income) by the CDBG assistance to Del Mesa Farms seven years ago and by the thirty six (36) jobs created six years ago by assisting

ProDocument Solutions (plus the additional jobs created by expansions since the initial opening). During PY11, five (5) additional jobs were created under the loan agreement with an auto dealership assisted in PY10.

Additionally two years ago, the EDA study indicated a need for financial assistance for small, start-up businesses. Guidelines for a Revolving Loan Program (RLP) were completed in 08/09 and were adopted and included in the City's Business Assistance Program. With the uncertain economic climate, in PY11 the City provided additional assistance to a plumbing business that had previously received assistance in PY10 through the Revolving Loan Program (RLP). This assistance brought the funding to the maximum loan of \$50,000. Terms of the loans include the creation or retention of jobs for every \$35,000 loaned within a negotiated period of time. PY12 funded a new professional office under the Small Business Assistance Program in the amount of \$50,000, creating 3 jobs.

One (1) of the City's impoverished households also benefitted from the purchase of a home under the City's First-Time Home Buyer programs.

In PY14, the City continued to promote for the eighth year of the Voluntary Income Tax Assistance Program (VITA) in Porterville. VITA is a national program providing free assistance to low income, elderly, limited English proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer.

Combined with the Earned Income Tax Credit (EITC) outreach, the services provided by VITA in a low-income community can have a tremendous impact. Many of the families that are eligible for EITC had an average adjusted gross income of \$18,538, unfortunately many do not claim the credit and they may be qualified for more than \$4,000 in benefits. In PY13, 467 families were assisted receiving \$843,506 in refunds with \$478,742 coming from EITC refunds.

1f. LEVERAGING RESOURCES

Other public and private resources that are obtained and identified in the City's Consolidated and Action Plans are discussed in this section. It discusses how Federal resources made available from HUD leveraged "other" public and private resources, including how any matching requirements were satisfied.

Private resources used in conjunction with Federal resources consist of first mortgages issued to qualifying first time home buyers from lenders participating in the City's First Time Home Buyer Program. The City also continues leveraging its First Time Home Buyer Program, the Owner Occupied Housing Rehabilitation Program, and other housing programs with Revolving Loan Program Income Funds derived from the initial Federal HOME grants and other State grants, such as CalHome.

Park Improvement Programs are also leveraged by Housing Related Park Grant funds which were received for the construction of Villa Siena a low-income housing multi-family project.

The City received a 2011 CalHome grant. Additionally, the City has received its second Housing Related Parks Grant which was based on the units produced at Newcomb Court Apartments and the two dwellings constructed by Habitat for Humanity. This grant will provide funding for improvements at Veteran's Park, leveraging other limited resources available for the parks.

Matching requirements were satisfied through the individual program guidelines. For the First-Time Home Buyer Program, lenders are requested to fund seventy five percent of the sales price. This provision also promotes affordable housing because it excludes the additional cost of primary mortgage insurance. One of the exceptions to the rule is the use of FHA financing which is now allowed with the program. Matching funds associated with the Business Assistance Program are those funds necessary to complete the project and accommodate the business. Funds for the CDBG-R Rails to Trails project were leveraged with CMAC, special local tax funds, and Park grants. By developing a partnership with the Porterville Unified School District in order to build the Heritage Center on the site adjacent to the Santa Fe Elementary School, the City and the School District agreed to construct buildings for shared uses and therefore leveraged the resources of each entity.

1g. CITIZEN COMMENTS

Public comment period – September 5, 2015 to September 21, 2015

1h. SELF-EVALUATION

This report is designed to present the City of Porterville's policies, objectives, priority needs, investment activities, facilities and other actions undertaken to accommodate and benefit low and moderate income households and homeless individuals/families. It is written under the context of actions proposed by the 2010 Consolidated Plan and the 2014/15 Action Plan.

The Owner Occupied Housing Rehabilitation Program which is now combined with the Public Utilities Loan Program continues to operate, there were five projects completed during the year to assist low income homeowners connect to water service including minor rehabilitation, and there were two homeowners partially assisted with CDBG funds. There were no households assisted to connect to sewer service. For sewer and water connections with minor rehabilitation, funds are awarded on an as needed basis, usually with the Engineering Department referring applicants who may be eligible for the assistance. With the severe drought situation and several county islands recently annexed, City staff is diligently working with those families that are in desperate need of water. One challenge that still exists is that many of these neighborhoods are far from sewer or water lines, so a considerable amount of capital investment is needed to make the connections feasible. Staff has been conducting in-depth studies in several of these neighborhoods creating districts and looking at creative financing methods to be able to assist them. In fact during PY09/10, the City, with the approval of the property owners, formed an assessment district for one of these neighborhoods in order to fund the infrastructure improvements. The City is presently coordinating with the County to resolve some of the issues created by the drought.

It was another difficult year in finding eligible houses for the program. This program is still very staff intensive and there remain some problems that present road blocks to households

participating in the program, including: 1) many calls received by staff are from County residents who are not eligible for the program (although the annexations of county islands have made more households eligible); 2) after receiving inquiries, staff sends clients the information of the program and then they are never heard from again (too many strings attached and too complex); 3) when staff does take the next step to inspect the property, there are too many problems that surface, such as no permits for previous work that was done, etc. and the homeowner doesn't want to deal with all of those issues; 4) with the depreciated home values many of the homeowners on the waiting list do not have enough equity to qualify for the program which requires enough equity to cover the City loan. This problem continues to disqualify many on the waiting list, however, these homeowners are being kept on the list in the same order the call was received. Remaining on the list will give homeowners an opportunity to receive assistance in the future if the program guidelines were to change. Another problem that continues is the inability to get contractors to respond to bid requests. This can add considerable amount of time to a project and cause the homeowner headaches.

The Action Plan indicated approximately three (3) low and moderate income households may receive first time home buyer assistance. However, due to various reasons, one (1) project was completed or 33% percent of this goal was attained. The City had enough funds available from the HOME and CDBG Program Income, but due to the economic climate with interest rates still at an affordable low, people are qualifying to buy without down-payment assistance; the City had very few applicants for the FTHB Program. Staff keeps continuous contact with realtors and lenders, and occasionally doing presentations during their monthly meetings at the Orange Belt Board of Realtors office. This continues to have some positive results with more clients being referred to the program.

The implementation of the Shelter Plus Care Vouchers for the chronically homeless continues to be a major success. The City hopes to continue and increase the number of vouchers available by their participation in this joint program with the other cities and the CoC.

After reconstruction of the community swimming pool as part of the Murry Park Improvement Project was completed five years ago, funds were expended for additional amenities for the pool, for master plan revisions for Murry Park, additional environmental work including a Cultural Resources Survey, planning for Phase 2 of the improvements, and the construction of the new restroom facilities designed with historical features. The swimming pool project garnered tremendous community support as it serves the low income households in the surrounding neighborhoods and the City as a whole. Although, the design and construction drawings were completed several years ago for the installation of the swimming pool water slide, the City Council decided to not install the slide after the bids came in much higher than anticipated. In PY09, funds were finally reallocated to the Murry Park Project in order to complete the water slide which was installed and ready for the opening of the 2010 swim season. It has been a tremendous addition to the pool and the park and has been the major reason for the drastic increase in attendance numbers at the pool, especially for the family swim night. In PY11, staff went out to bid for materials for the new fence along Putnam Avenue. City personnel installed the fence in PY12 which saved a considerable amount of money on this project. The property across the street from Murry Park was acquired by the City in 2013, environmental reviews have been completed and staff is moving forward with plans to reconstruct and rehabilitate the new addition to Murry Park.

The reconstruction of the Lime Street Park Improvement Project was completed in PY13, after having a neighborhood meeting and getting City Council's input, staff has done much work in the reconstruction of the park which will include a water fountain, benches, new irrigation system and lawn. The possibility of a landscape maintenance district to fund the continued maintenance of the park will be discussed in future neighborhood meetings.

It was just last November that Fallen Heroes Park officially opened to the community, but the vision for Fallen Heroes Park started well before that. This charming park is nestled in the neighborhood just southwest of the Plano Street Bridge on Chase Avenue and the location was carefully selected. It was an area that lacked community facilities because it had mostly been developed before it was incorporated into the City. With the help of funds from the Statewide Park Program, the project took off in 2009. Several community meetings were held in the area of the site in order to get input from those that would be enjoying the park. We took the ideas generated from those meetings and incorporated them into the unique design. Features of the park include a walking trail that joins the Tule River Parkway, two play areas to entertain different age groups, a splash pad, a half basketball court, two covered pavilions and a sports field. During the final phase of construction, we turned to the community for help with the name. The 'Name the Park!' contest let citizens give us their ideas and we received over 50 submissions. The Parks and Leisure Commission had the tough job of narrowing down the submissions and then the City Council made the final selection. The name of the park brought about new developments including a memorial wall with plaques of local fallen heroes and future plans for installation of a flagpole. The construction of the park may be complete, but it continues to grow and develop as the community embraces it.

The continued operation of the Porterville Youth Center by the City also directly served the low and moderate income youth of the area. The Center had an average daily attendance of thirty nine (39) youth between the ages of 10-18, with 98% being very low or low income. With the relocation of the Youth Center Program to the Heritage Center, the City's Parks and Leisure Department operating the program has continued to expand programs and activities for the youth. The City utilized a Section 108 loan for financing for the Center and developed a partnership with the Porterville Unified School District in order to build the Center on the site adjacent to the Santa Fe Elementary School which opened its doors in August 2004. This plan allowed the City and the School District to develop buildings for shared uses and therefore leverage the resources of each entity. Having taken many years of planning and working through countless issues, the City is thrilled that this project has come to fruition and is so successful. There has been a tremendous increase in the number youth participating in the Youth Center since the relocation which is a noteworthy result of the project. Funding of the Youth Center takes most of the allowed 15% of Public Service funds, however, the City has received enough program income that allows for the funding of the Shelter Plus Care Program under this category. Staff continues to look for possible alternative funding sources that might free up some of the public service dollars.

Payment of the Section 108 loan uses more than half of the City's entitlement for debt payment, thus discretionary funds for other projects are extremely limited. During PY 2014, the City was given the opportunity by HUD to refinance the Section 108 loan. This refinancing will save thousands of dollars in interests, therefore, allowing more discretionary funds to be available for other programs. Program Income does produce revenue to have additional resources available for some of the programs.

The City's Business Assistance Program also provides assistance to commercial, commercial/residential, industrial, and professional office structures on a city-wide basis. Because commercial/residential designation is within the program's eligibility, this program also expands housing opportunities as well as options available for businesses. The Small Business Revolving Loan Fund this year did not receive any applications requesting assistance.

The activities and strategies pursued by the City are making an impact on objectives and goals identified in the Consolidated and Action Plans. Impacts are seen in the number of youth served by the continued operation of the youth center; the assistance to business owners; the programs to help the homeless, the assistance given to households for housing rehabilitation or the purchase of their first home, the installation of a rails to trails path, and the purchase and rehabilitation of foreclosed homes.

The City continues to meet the 1.5 expenditure ratio by the April 30, 2015 deadline in spite of the challenges the housing and business assistance programs continue to experience.

The City conducts a self-evaluation on the barriers that form a negative impact on fulfilling the City's objectives and goals. For example, the First Time Low Income Homebuyer Program Guidelines and the Owner Occupied Housing Rehabilitation Guidelines are constantly being reviewed and/or revised as issues arise to accommodate the changes in market conditions.

Cooperation and compliance with HUD's regulations and IDIS reporting is of the highest priority. Through IDIS, grant disbursements and reporting of project activities are completed in a more timely manner. It is the City's intent to work with HUD to continue expanding its use and understanding of the IDIS system.

SPECIFIC NARRATIVE TOPICS

2a. PRIORITIES/GOALS ASSESSMENT, HOUSING NEEDS, and OVERALL BENEFIT ANALYSIS

The priorities/goals assessment and housing needs narratives are located in Section 1a, Assessment of Strategic Plan Goals and Objectives and 1c, Affordable Housing. This section provides the Overall Benefit Analysis.

Actions to address the highest priority activities identified in the City's Consolidated Plan are discussed below. These actions accomplished meeting these high priorities and benefitted low to moderate income persons. All of the HUD Objectives and Outcomes assigned to each CDBG program and activity have been met.

Youth Centers

The City continued funding of the Porterville Youth Center. It averages a daily attendance of thirty nine (39) low-to moderate- income youth.

The City completed the construction for the City-owned Neighborhood Community Center, named the Heritage Center in 2005. In this facility, the City's Parks and Leisure Services Department provide activities for the City's youth, seniors, and other members of the community. The City developed a partnership with the Porterville Unified School District in order to build the Center on the site adjacent to the new elementary school. This plan allowed the City and the School District to develop buildings for shared uses and therefore leverage the resources of each entity. As stated in 1h above, the City amended the 1995 Consolidated Plan and the 1999/2000 Action Plan to use the Section 108 loan funds for construction of the Center and amended the 2008/09 Action Plan for the use of CDBG-R funds for the construction of Phase 2 of the Rails to Trails Project which is part of the master plan for the Heritage Center Complex. The Phase 2 Rails to Trails Project was completed in PY12.

Public Utility Improvements

Five (5) low income households benefitted from the City's Public Utility Loan Program which is now combined with the Owner Occupied Housing Rehabilitation Program.

Affordable Housing Programs

The Action Plan indicated that approximately three (3) low-to-moderate income households may receive first time home buyer assistance. Thirty three percent (33%) of this goal was attained. Through a combined effort of the City's Housing Rehabilitation and Public Utilities programs, nine (9) households were anticipated to receive assistance. Seventy eight percent (78%) of the goal set in the Action Plan was accomplished. No households received housing rehabilitation assistance to address health and safety code issues, however, as mentioned above, five households benefited by connecting to City water services and two were partially assisted with CDBG funds for relocation while their mobile homes were being replaced.

Details of the Affordable Housing Programs are found in Section 1c.

2b. Nature and Reasons for Changes to Program Objectives

This section describes the nature of and reasons for any changes in program objectives and indications as to how programs would change as a result of experiences. A portion of Section 1h, Self-Evaluation, contains this narrative.

The City continues to amend guidelines for the First Time Low Income Homebuyer Program and the Owner Occupied Housing Rehabilitation Program to make the programs more marketable and still comply with all requirements of the funding source. The City strives to be able to assist as many households as possible, so staff is constantly monitoring the market conditions to make changes in the program guidelines as necessary. The City continues to offer the First Time Homebuyer Education classes on a monthly basis alternating English and Spanish every other month. The implementation of the Shelter Plus Care vouchers was a major change in being able to provide permanent housing for some of the chronically homeless in the community.

2c. Certifications

In this section is an assessment of Porterville's efforts in carrying out the planned actions described in its Action Plan and links these efforts to Porterville's certifications that it is following a current HUD-approved Consolidated Plan. The analysis will show that Porterville: (1) pursued all resources that it indicated it would pursue; (2) provided requested certifications of consistency for HUD programs, in a fair and impartial manner, for which Porterville indicated it would support application by other entities; and (3) did not hinder Consolidated Plan implementation by action or willful inaction.

The City pursued all CDBG resources as outlined in its Action Plan. Presently available resources such as HOME and CalHome Program Income and RDA funds were utilized to their fullest extent. Upon request for certification of the City's HUD programs, staff completes and submits all available certifications to other entities. Tax Credit applications, state administered grant applications, and the City's Section 108 Loan Application will or have completed all necessary environmental reviews. As indicated previously, high priorities identified in the City's Consolidated Plan were addressed, therefore, the City did not hinder Consolidated Plan implementation by action or willful inaction.

Certifications contained in the Action Plan require the City to conduct an analysis of impediments to fair housing choice within the City. It includes a plan for appropriate actions to overcome the effects of any impediments identified through the analysis, and maintaining records reflecting the analysis and actions. Section 1b contains a cross-reference for the coverage of these points. Records reflecting the analysis and actions are contained at the City of Porterville's Community Development Department, 291 North Main Street, Porterville, CA 93257.

An Anti-displacement and Relocation Plan for the City to follow with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is contained in the Certifications submitted with each of the City's Action Plans. This plan is required in connection with any activity assisted with funding under the CDBG or HOME programs.

The City's Owner-Occupied Housing Rehabilitation Program may require residential relocation activities. This program allows qualifying homeowners to conduct health and safety repairs to their homes. When the rehabilitation activity requires relocation, if possible, staff works with the family to obtain accommodations that are at no cost to the family, the program, or the activity. Accommodations are secured with relatives or close friends of the assisted household.

The City's certification that it will provide a Drug Free Workplace is contained in the City's Employee Information Manual and in the Certifications submitted with each Action Plan. Each employee working for the City, whether or not engaged in the performance of a grant, is presented a manual upon accepting employment with Porterville. The manual contains a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the City's workplace, and it specifies the actions that will be taken against employees for violation of such prohibition. It contains language that parallels the Drug Free Workplace requirements specified by HUD.

No city employee has the authority to use Federal appropriated funds for anti-lobbying measures. If funds other than Federal appropriated funds are used to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal contract, grant, loan, or cooperative, then Standard Form-LLL, "Disclosure Form to Report Lobbying," will be completed and submitted. The City includes Anti-Lobbying Certification language in its award documents for all sub-awards at all tiers and requires sub-recipients to certify and disclose accordingly.

2d. National Objectives

The City's funds are used exclusively for the three national objectives. Each activity benefitted low-to moderate- income persons, aided in the prevention or elimination of slums and blight, or met community development needs having a particular urgency as identified in the City's Consolidated and Action Plans. As indicated in the 2014 Financial Statement, Porterville complies with the overall benefit certification because 100 percent of its funds were used for activities that benefitted low and moderate income persons.

2e. Displacement Narrative

Two projects required relocation of two mobile homeowners while their mobile home was being replaced. Therefore, there was temporary displacement of two occupants this year. CDBG funds were used for the relocation of the two families while their mobile homes were being replaced.

2f. Low/Mod Jobs, Limited Clientele, Program Income, Housing Rehabilitation Data

Economic Development efforts through the Business Assistance Program creates low/mod jobs as described in Section 1a. The City operated Youth Center, before being relocated to the Heritage Center, was designated as serving a limited clientele. The activities for the Youth

Center are also provided in Section 1a. The City's housing rehabilitation activities are provided in Section 1c, Affordable Housing.

2g. Compliance and Monitoring

The City of Porterville ensures compliance with program requirements of all HUD related activities. In addition, the City ensures self-monitoring of its programs and cooperation for monitoring conducted by HUD personnel. The City has incorporated the necessary framework in order to comply with the Outcome Performance Measurement System required by HUD. This is an organized process for gathering information to determine how well programs and activities are meeting established needs and goals. HUD is then able to report in a standardized fashion on program outcomes at a national level.

2h. Neighborhood Revitalization Strategy Area

Porterville does not have a HUD-approved neighborhood revitalization strategy. However, there are strategic plans adopted for Redevelopment Project Area No. 1 which details the targeted expenditure of funds for general redevelopment purposes and for the use of the Low and Moderate Income Housing funds. Millions of dollars of infrastructure, community buildings, and affordable housing have been expended in this targeted area with the most recent being the construction of the \$19 million affordable housing project known as Villa Siena.

CAPER DEVELOPMENT PROCESS AND CITIZEN PARTICIPATION

Prior to submitting the CAPER to HUD, a notice soliciting public comment was published in the *Porterville Recorder* in the English and in the *Noticiero Semanal* in Spanish. Publication of the notice allows for a 15-day comment period plus time to prepare a summary of comments. The following page contains a copy of the Notice of Public Review and Comment.

Drafts of the CAPER were provided for the public's review in the Porterville City Library at the City Hall Community Development Department's counter, and on the City's website. Any person could have also contacted the City, including calling TDD published numbers, in order to make other arrangements if they were not able access the CAPER at those locations.

The CAPER requires one hearing before City Council for document approval before submitting to HUD. Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Request for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Exhibit A
NOTICE OF PUBLIC REVIEW AND COMMENT

The City of Porterville Community Development Department is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2014/15 Action Plan. The Action Plan is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submittal to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2014 through June 30, 2015. The CAPER is the performance reporting tool for the 2014/15 Action Plan Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The public review period for the CAPER begins September 5, 2015 and is limited to 15 days. The City of Porterville must receive all comments on the CAPER by 5:00 p.m., September 21, 2015. The CAPER is available for examination on the City's website www.ci.porterville.ca.us and at the following locations:

Porterville City Hall
Community Development Department
291 North Main Street
Porterville, CA 93257

Porterville City Library
41 West Thurman Street
Porterville, CA 93257

Written comments may be directed to:
Porterville City Hall
Community Development Department
291 N. Main Street
Porterville, CA 93257

Any and all persons interested in this matter may provide comments. Persons of low and moderate income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed, are particularly encouraged to comment.

In compliance with the Americans with Disabilities Act, if you need special assistance to review the CAPER, please contact Patrice Hildreth, Administrative Services Director, (559) 782-7441. Individuals requiring special assistance using TTY, VCO, HCO, or ASCII devices may call 1-866-660-4288.

For more information about the CAPER or to present oral comment regarding the CAPER, please contact Jennifer Byers or Lupe Diaz, City of Porterville, Community Development Department, 291 North Main Street, Porterville, CA 93257, (559) 782-7460.

DATED: September 4, 2015
Jennifer M. Byers
Community Development Director

Exhibit B-1
Summary of CDBG Housing Accomplishments
 (does not reflect households assisted with HOME, CalHome)

Name of Grantee: City of Porterville State: CA
Program Year 2014

Priority Need Category	Actual Units
Renters	
0-30% of MFI	5
31-50 of MFI	
51-80 of MFI	
Total	
Owners	
0-30% of MFI	
31-50 of MFI	
51-80 of MFI	

Priority Need Category	Actual Units
Total	
Homeless*	
Individuals	5
Families	
Total	
Non-Homeless Special Needs	
Total	
Total Housing	5
Total 215 Housing	

***Homeless Families and individuals assisted with transitional and permanent housing**

Total Housing	
Hispanic	2
Non-Hispanic	3
White	
Black	
Native American	
Asian/Pacific	
Other	
Total Racial/Ethnic	5

Exhibit B-2
Summary of Community Development Accomplishments
For Public Facilities and Improvements

Name of Grantee: City of Porterville
Program Year 2014

State: CA

Priority Need Category	Actual Number of Projects Assisted	Actual Number of Projects Completed
Public Facilities		
Senior Centers		
Handicapped Centers		
Homeless Centers		
Youth Centers		
Neighborhood Facilities		
Child Care Centers		
Parks and/or Recreation Facilities	1	1
Health Facilities		
Parking Facilities		
Abused/Neglect Facilities		
AIDS Facilities		
Other Public Facilities		
Public Improvements		
Solid Waste Improvements		
Flood Drain Improvements		
Water Improvements		
Street Improvements		
Sidewalk Improvements		
Sewer Improvements		
Asbestos Removal		
Other Infrastructure Improvements		
Other		
Other		

Exhibit B-3
Summary of Community Development Accomplishments
For Public Services

Name of Grantee: City of Porterville
Program Year 2014

State: CA

Priority Need Category	Actual Number of Persons Served
Public Services	
Senior Services	297 (CSET)
Handicapped Services	
Youth Services	109 (new beneficiaries only)
Transportation Services	
Substance Abuse Services	
Employment Training	
Crime Awareness	
Fair Housing Counseling	
Tenant/Landlord Counseling	
Child Care Services	
Health Services	
Other Public Services	
Accessibility Needs	
Other Community Development	
Energy Efficiency Improvements	
Lead Based Paint/Hazards	
Code Enforcement	
Other	

Exhibit B-4
Summary of Community Development Accomplishments
For Economic Development

Name of Grantee: City of Porterville
Program Year 2014

State: CA

Priority Need Category	Actual Number of Businesses Assisted	Actual Number of Persons Assisted with Jobs	Actual Number of LI Persons Assisted with Jobs	Actual Number of MI Persons Assisted with Jobs
Economic Development				
Commercial-Industrial Rehabilitation				
Commercial-Industrial Infrastructure				
Other Commercial-Industrial Improvements	0 (PY 2014)	12 (previous years)	7	5
Micro-Enterprises				
Other Businesses				
Technical Assistance	35*			
Other Economic Development				

* number of inquiries to which staff responded with detailed information and assistance

* 4,999 recorded web hits on the City's economic development website "Choose Porterville.com"

IDIS REPORTS

**FEDERAL ENTITLEMENT GRANT
FUNDING REPORT**

(CO4PR01)

SUMMARY OF ACTIVITIES

(C04PR03)

SUMMARY OF CONSOLIDATED PLAN PROJECTS REPORT

(C04PR06)

SUMMARY OF COMMUNITY DEVELOPMENT ACCOMPLISHMENTS

(C04PR23)

CDBG FINANCIAL SUMMARY REPORT
(CO4PR26)



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Valley Elderberry Longhorn Beetle Mitigation Site Regulatory Changes

SOURCE: Community Development

COMMENT: The Valley Elderberry Longhorn Beetle (VELB) Mitigation site encompasses 7.7± acres of the 55-acre Headgate property and was developed to provide mitigation for certain impacts described in the January 22, 2003, Federal Endangered Species Act Biological Opinion for the Orange Avenue Neighborhood Improvement Project and the March 18, 2003, Federal Endangered Species Act Biological Opinion for the Plano Street Bridge Project. In addition, the Project Site was to provide pre-mitigation for certain impacts located in and around the city of Porterville.

In 2010 the elderberry shrub survival rate dropped to 32%, rising just slightly to 47.9% in 2011. As a result, in 2012, the site was replanted and a backup plan for the irrigation system was developed such that when temperatures reached greater than 100°F, water trucks would deliver water to assist the irrigation well.

On September 17, 2014, U.S. Fish and Wildlife Service (FWS) determined that the VELB located within Kings, Kern, and Tulare counties would no longer be considered within the range of the species. However, in-progress and existing Section 7 consultations (such as the aforementioned biological opinions) would need to continue to apply the existing conservation guidelines until new guidelines were established. Due to this requirement, the City of Porterville was required to continue to maintain the VELB mitigation site.

As temperatures this summer reached greater than 100°, staff reached out to Congressman McCarthy's office to find out if a timeline had been set for FWS to establish the new guidelines. McCarthy's office put the City in contact with FWS to discuss the City's continued requirements in light of the newly defined range of the species. The FWS made the determination that the City is no longer further obligated to complete any outstanding conservation measures, including maintaining elderberry plantings or surveying for the VELB at the mitigation site.

Now that the FWS has provided official guidance to the City, it is time to reassess existing contracts and management procedures. The City is currently contracted with two firms to assist in complying with the oversight, maintenance, and monitoring of the mitigation site. Sequoia Riverlands Trust (SRT) has provided site maintenance since the establishment of the site. Further, Resolution 27-2004 authorized the conveyance of a conservation easement deed which would convey the property to SRT to conserve, protect, and enhance the conservation area in

perpetuity once the initial management period was completed. A second contract, currently held by Provost and Pritchard Consulting, provides mitigation monitoring, which includes site visits and annual reports to the FWS.

One term of these agreements is a termination clause through which contracts may be terminated by giving a thirty (30) day written notice. Staff would like authority to terminate these contracts for site maintenance and mitigation monitoring, as these efforts are no longer required. In addition, staff requests the authority to complete the conveyance of property to SRT.

RECOMMENDATION: 1. Authorize staff to terminate consulting services with Sequoia Riverlands Trust and with Provost and Pritchard Consulting Group;
 2. Authorize staff to finalize the conservation easement with Sequoia Riverlands Trust per Resolution 27-2004; and,
 3. Authorize the Mayor to sign any necessary documentation.

ATTACHMENTS: 1. U.S. Fish and Wildlife Service notice of completion
 2. Resolution 27-2004

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: Patrice Hildreth, Administrative Services Dir



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

In Reply Refer to:
1-1-02-F-0119
1-1-03-F-0082
1-1-03-F-0049
08ESMF00-2012-
F-0260-1

AUG 13 2015

Kathleen A. Dadey, PhD
Chief, California South Branch
Regulatory Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814

RECEIVED

AUG 17 2015

Margaret L. Lawrence
Office Chief, CR Environmental North
California Department of Transportation
855 M Street, Suite 200
Fresno, California 93721-2716

Community Development Department

Subject: The Biological Opinions for the Orange Avenue Neighborhood Improvement Project, (Service file number 1-1-02-F-0119; Corps file number 200100375), Indiana Street Widening Project (Service file number 1-1-03-F-0082; Corps file number 200100642) and Plano Street Bridge Widening Project (Service file numbers 1-1-03-F-0049, 08ESMF00-2012-F-0260-1; California Department of Transportation Local Assistance 06-Tul-CR-06-BHLS-5216((0280)) located in Porterville, Tulare County, California are no longer valid and in force.

Dear Ms. Dadey and Ms. Lawrence:

This is the U.S. Fish and Wildlife Service's (Service) response to the City of Porterville's (City) recent communication with the Service, regarding the question of continued maintenance of the City's Headgate Mitigation Site (PHMS). The PHMS was established as a conservation measure to minimize effects to the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) associated with the City's Orange Avenue Neighborhood Improvement Project (Service file number 1-1-02-F-0119), Indiana Street Widening Project (Service file number 1-1-03-F-0082), and Plano Street Bridge Widening Project (Service file numbers 1-1-03-F-0049 and 08ESMF00-2012-F-0260-1) (biological opinions), and as "pre-mitigation" for future projects within the Planning Area covered by the City's General Plan. The PHMS is owned and managed by the City and is protected in perpetuity under a conservation easement held by Sequoia Riverlands Trust.

Based on new information regarding the revised range of the valley elderberry longhorn beetle, the Service has concluded that the valley elderberry longhorn beetle does not occur in the action areas

evaluated in the biological opinions. The new information on which this determination is based is contained in the Service's September 17, 2014 withdrawal (79 FR 55874)¹ of the October 2, 2012 proposed rule to delist the valley elderberry longhorn beetle (77 FR 60238)² under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 *et seq.*) (Act). The Service's September 17, 2014 final rule determined that the range of the species does not include Kern, Tulare, and Kings Counties.

The biological opinions only addressed one federally-listed species, the valley elderberry longhorn beetle. Given the revised range of the valley elderberry longhorn beetle, the biological opinions are no longer valid and in force. Therefore, there is no further obligation to complete any outstanding conservation measures, including maintaining elderberry plantings or surveying for valley elderberry longhorn beetle at PHMS.

If you have any questions regarding this letter, please contact Thomas Leeman, Chief, San Joaquin Valley Division, at the letterhead address or at (916) 414-6683.

Sincerely,



Jennifer M. Norris
Field Supervisor

cc:

Jenni Byers, City of Porterville, Porterville, California
Sopac McCarthy Mulholland, Sequoia Riverlands Trust

¹ 79 FR 55874. September 17, 2014. Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule to Remove the Valley Elderberry Longhorn Beetle from the Federal List of Endangered and Threatened Wildlife. Proposed rule; withdrawal. U.S. Fish and Wildlife Service, Department of the Interior.

² 77 FR 60238. October 2, 2012. Endangered and Threatened Wildlife and Plants; Removal of the Valley Elderberry Longhorn Beetle from the Federal List of Endangered and Threatened Wildlife, Proposed Rule. U.S. Fish and Wildlife Service, Department of the Interior.

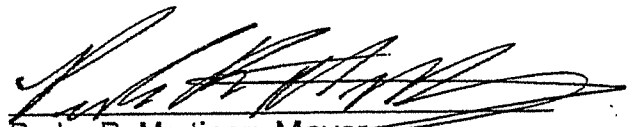
RESOLUTION NO. 27-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AUTHORIZING CONVEYANCE OF A CONSERVATION
EASEMENT DEED TO SEQUOIA RIVERLANDS TRUST

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants an Easement Deed to Sequoia Riverlands Trust, for conservation purposes and incidents thereto to conserve, protect and enhance Porterville Mitigation Area Number 1 upon, over, across and within that certain real property, in the City of Porterville, County of Tulare, State of California, to-wit:

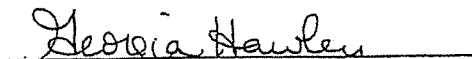
See Exhibit "A" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the terms of the conveyance as described in Exhibit "A" are hereby approved, with the Mayor authorized to sign all necessary documents, and said easement deed to be recorded in the office of the Tulare County Recorder. The foregoing has been authorized by the City Council for the City of Porterville.


Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk


By: Georgia Hawley, Deputy

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL ORIGINAL TO:)
)
)
SEQUOIA RIVERLANDS TRUST)
428 SOUTH GARDEN)
VISALIA, CA 93277)
PHONE: 559/738-0211)
)

PERPETUAL CONSERVATION EASEMENT GRANT
PORTERVILLE MITIGATION AREA NO. 1

THIS PERPETUAL CONSERVATION EASEMENT GRANT (this "**EASEMENT**")
is made this 6th day of April, 2004, by the City of Porterville,
a Municipal Corporation ("**GRANTOR**"), in favor of the Sequoia
Riverlands Trust, ("**GRANTEE**").

RECITALS

A. GRANTOR is City of Porterville, a Municipal Corporation
and is the sole owner in fee simple of certain real property
located in the County of Tulare, State of California, more
particularly depicted on the map attached as Exhibit A hereto
(the "**Mitigation Area**") (this map shows land subject to EASEMENT
and separately shows land not subject to EASEMENT). The
execution copy of the EASEMENT also shall have legal descriptions
attached as Exhibit B); and

B. GRANTEE is a non-profit entity formed under the laws of the State of California and is authorized to hold conservation easements under California Civil Code § 815 et seq. and U.S. Internal Revenue Code Sections 170 and 501(c)(3); and

C. SERVICE is the United States Fish and Wildlife Service within the United States Department of the Interior, which is authorized by Federal law to administer the Federal Endangered Species Act and other laws and regulations; and

D. The name of the Mitigation Area shall be the "Porterville Mitigation Area No. 1."

E. The Mitigation Area possesses significant ecological and habitat values that benefit endangered, threatened, and other rare species (Collectively, "Conservation Values"). These species and their habitats are of aesthetic, ecological, educational, historical, recreational, and scientific value to the people of California and the people of the United States. These values include habitat for the federally listed Threatened species, the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) which is commonly referred to as VELB, and other special status wildlife species including White-tailed

kite (*Elanus leucurus*), Northern harrier (*Circus cyaneus*), California horned lark (*Eremophila alpestris actia*), and Loggerhead shrike (*Lanius ludovicianus*). The identified habitat and species are of great importance to both GRANTOR and GRANTEE; and

F. The Mitigation Area, consisting of approximately 7.3 acres, has been presently identified as being occupied by species of native plants and wildlife which GRANTOR and GRANTEE desire to conserve, protect and enhance, pursuant to a planting and management plan, hereinafter referred to as the "Management Plan" attached to this EASEMENT as Exhibit C; and

G. GRANTOR intends to convey to GRANTEE the right to conserve, protect and enhance the conservation values of the Mitigation Area in perpetuity, pursuant to the Management Plan; and

H. GRANTEE agrees by accepting this grant to honor the intentions of GRANTOR stated herein and to conserve, protect and enhance in perpetuity the conservation values of the Mitigation Area in accordance with the terms of this EASEMENT and the Management Plan prepared for it; and

I. This EASEMENT provides mitigation for certain impacts located in City of Porterville, County of Tulare, State of California, described in a January 22, 2003 Federal Endangered Species Act Biological Opinion for the Orange Avenue Neighborhood Improvement Project and a March 18, 2003 Federal Endangered Species Act Biological Opinion for the Plano Street Bridge Project. In addition, this EASEMENT, and related plantings provide pre-mitigation for certain impacts located in and around the City of Porterville, County of Tulare, State of California, to be described in future Federal Endangered Species Act Biological Opinions and/or Habitat Conservation Plan(s). Among other such future projects, the EASEMENT will provide mitigation under an anticipated Federal Endangered Species Act Biological Opinion for the Indiana Street Bridge Project. The Mitigation of the Orange Avenue Neighborhood Improvement Project will account for 1.37 acres of the Mitigation Area; the Plano Street Bridge Project will account for 0.66 acres of the Mitigation Area; and the Indiana Street Bridge Project is expected to account for 1.77 acres of the Mitigation Area. The remaining area will be developed simultaneously and will be identified as compensatory mitigation in future Biological Opinions resulting from Section 7 or Section 10 Consultations with the USFWS.

Covenants, Terms, Conditions, and Restrictions

In consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of California and California Civil Code section 815 et seq., GRANTOR hereby voluntarily grants and conveys to GRANTEE a perpetual conservation easement over the Mitigation Area of the nature and character and to the extent hereinafter set forth.

1. PURPOSE

It is the purpose of this EASEMENT to assure that the Mitigation Area will be retained forever in a natural and open space condition and to prevent any use of the Mitigation Area that will impair or interfere with the Conservation Values of the Mitigation Area. GRANTOR intends that this EASEMENT (i) will assure that the Mitigation Area will be used for such activities as are consistent with the conservation purposes of this EASEMENT, and (ii) shall be implemented consistently with the Management Plan.

2. RIGHTS OF GRANTEE

To accomplish the purpose of this EASEMENT, the following rights are conveyed to GRANTEE by this EASEMENT:

(a) To conserve, protect, and enhance the Mitigation Area in a manner consistent with the Management Plan.

(b) To enter upon and traverse all portions of the Property at all times in order to have access to the Mitigation Area and to monitor GRANTOR's compliance with and otherwise enforce the terms of this EASEMENT and to fulfill duties identified in the Management Plan; provided that such entry shall not unreasonably impair or interfere with GRANTOR's use and quiet enjoyment of the Mitigation Area in a manner consistent with the Management Plan or unreasonably disturb natural resources on the Mitigation Area; and

(c) To prevent any activity on or use of the Mitigation Area that is inconsistent with the conservation purposes of this EASEMENT and to require the restoration of such areas or features of the Mitigation Area that may be damaged by any inconsistent activity or use.

(d) To conserve and protect all mineral, air, water rights, and ground water required to protect and to sustain the existing and enhanced biological resources of the Mitigation Area as described in the Management Plan.

3. PROHIBITED USES

Subject to the provisions of Paragraph 4 herein, any activity on or use of the Mitigation Area inconsistent with the conservation purposes of this EASEMENT is prohibited except as stated in the Management Plan. Without limiting the generality

of the foregoing, GRANTOR, its personal representative, heirs, assigns, agents, and potential future lessees are expressly prohibited from doing any of the following on the Mitigation Area:

(a) Erecting of any building, billboard, or sign, except where such signs shall be educational in nature, required or permitted by the Management Plan, and approved in advance by GRANTEE;

(b) Use of herbicides, rodenticides, mosquito abatement activities, or weed abatement activities not permitted by the Management Plan, incompatible fire protection activities and any and all other uses which may adversely affect the purposes of this EASEMENT;

(c) Depositing of soil, trash, ashes, garbage, waste, bio-solids or any other material;

(d) Excavating, dredging or removing of loam, gravel, soil, rock, sand or other material;

(e) Otherwise altering the general topography of the Mitigation Area;

(f) Removing, destroying, or cutting of trees, shrubs, or other vegetation, except as required for 1) fire breaks, 2) maintenance of existing maintenance roads and foot paths, 3) prevention or treatment of disease, 4) habitat management purposes consistent with the Management Plan, or 5) creation of

new footpaths for educational and/or recreational use where such activity does not interfere with the conservation values of the Mitigation Area, provided that all such activities shall be approved by GRANTEE in advance;

(g) Granting use of the land to any third party for off-road vehicle use;

(h) Legally subdividing the Mitigation Area, recording of a subdivision plan, partition, or any other division of the Mitigation Area into two or more parcels;

(i) Paving or otherwise covering of the Mitigation Area with concrete, asphalt, or any other impervious paving material;

(j) Transferring, or failing to protect, any appurtenant water right required, in the opinion of the GRANTEE or the SERVICE, to maintain and restore the biological resources of the Mitigation Area; and

(k) Granting surface entry for the exploration or extraction of minerals without approval by the SERVICE and GRANTEE.

4. GRANTOR'S DUTIES

GRANTOR shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Mitigation Area. Provision may be made for lawful entry by

persons for educational and/or recreational purposes provided that the conservation values of the mitigation area are maintained and that GRANTEE is notified in advance of such provision. In addition, GRANTOR shall undertake all necessary actions to obtain, protect and perfect GRANTEE's rights under section 2 of this EASEMENT, including, but not limited to, GRANTEE's water rights needed to support the conservation purposes and values of this easement.

5. RESERVED RIGHTS

GRANTOR reserves to itself, and to its personal representative, heirs, successors, assigns, agents and present and potential future lessees, including, but not limited to, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Mitigation Area that are not expressly prohibited herein and are not inconsistent with the conservation purposes and values of this EASEMENT, and as outlined in the Management Plan.

This EASEMENT includes Waters consisting of (i) any and all riparian water rights appurtenant to the Mitigation Area; (ii) any and all waters, the rights to which are secured under contract between the GRANTOR and any irrigation or water

district, to the extent such waters are necessary to fulfill the requirements and activities of the Management Plan; (iii) any water from wells that are in existence or may be required to be constructed in the future on the Mitigation Area, pursuant to the Management Plan (Collectively, "Easement Waters"). The Easement Waters are limited to the amount of GRANTOR's water reasonably required to maintain the Conservation Values of the Protected Property. So long as adequate water is made available at all times to fulfill the activities and requirements of the Easement and Management Plan at no cost to GRANTEE, GRANTOR shall retain the authority to choose among the sources of Easement Waters.

6. REMEDIES

If GRANTEE, SERVICE or other interested parties determines that there is a violation of the terms of this EASEMENT or that a violation is threatened, such party shall give written notice to the other parties of such violation and demand corrective action sufficient to cure the violation and, where the violation involved injury to the Mitigation Area resulting from any use or activity inconsistent with the purpose of this EASEMENT, to restore in accordance with the Management Plan the portion of the Mitigation Area so injured. In any instance, measures to cure the violation shall be reviewed and approved by the SERVICE. If a party fails to cure a violation within sixty

(60) days after receipt of notice thereof from the other party, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, fails to continue diligently to cure such violation until finally cured, the aggrieved party may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this EASEMENT, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this EASEMENT or injury to any conservation values protected by this EASEMENT, including damages for the loss of aesthetic, ecological, educational, historical, recreational or scientific values, and to require the restoration pursuant to the Management Plan of the Mitigation Area to the condition that existed prior to any such injury. If a party, in its good faith and reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Mitigation Area, such party may pursue its remedies under this paragraph without prior notice to the other party or without waiting for the period provided for the cure to expire. Each party's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this EASEMENT, and each party agrees that the other party's remedies at law for any violation of the terms of this

EASEMENT are inadequate and that such party shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which such party may be entitled, including specific performance of the terms of this EASEMENT, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Each party's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. Furthermore, the provisions of California Civil Code section 815 et seq., are incorporated herein by this reference and this EASEMENT is made subject to all of the rights and remedies set forth therein. If at any time in the future GRANTOR or GRANTEE or any subsequent transferee or assignee uses or threatens to use such lands for purposes not in conformance with the provisions of this EASEMENT, or releases or abandons this EASEMENT in whole or in part, notwithstanding California Civil Code § 815 et seq., the California Attorney General, the United States through the SERVICE, or any entities organized for conservation purposes shall have standing as interested parties, and as third party beneficiaries, in any proceeding affecting this EASEMENT.

(a) Costs of Enforcement. Reasonable costs incurred by any party enforcing the terms of this EASEMENT, including without limitation, costs of suit and attorneys fees, and any

costs of restoration necessitated by a violation of the terms of this EASEMENT shall be borne by the breaching party. If a party prevails in any action to enforce the terms of this EASEMENT, such party's costs of suit including, without limitation, attorneys fees, shall be borne by the other party.

(b) GRANTEE's Discretion. Enforcement of the terms of this EASEMENT shall be at the discretion of GRANTEE, and any forbearance by GRANTEE to exercise its rights under this EASEMENT shall not be deemed or construed to be a waiver by GRANTEE of such term or of any subsequent breach of the same or any other term of this EASEMENT or of any of GRANTEE's rights under this EASEMENT. No delay or omission by GRANTEE in the exercise of any right or remedy upon any breach by GRANTOR shall impair such right or remedy or be construed as a waiver.

(c) Acts Beyond GRANTOR's Control. Nothing contained in this EASEMENT shall be construed to entitle GRANTEE to bring any action against GRANTOR for any injury to or change in the Property resulting from causes beyond GRANTOR's control, including, without limitation, fire, drought, flood, storm, and earth movement caused by an earthquake.

7. COSTS AND LIABILITIES

Except as set forth in this EASEMENT, or as otherwise agreed in writing between the parties hereto, GRANTOR retains all

responsibilities related to the ownership as outlined in the Management Plan.

(a) Taxes: GRANTOR shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Mitigation Area by competent authority, including any taxes imposed upon, or incurred as a result of, this EASEMENT, and shall furnish GRANTEE with satisfactory evidence of payment upon request.

(b) Hold Harmless: GRANTOR or its successors shall hold harmless, indemnify, and defend GRANTEE and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them collectively from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including without limitation, reasonable attorney's fees, arising from or in any way connected with (1) injury to or the death of any person, or physical damages to any property, resulting from any act, omission, condition or other matters caused by GRANTOR or Grantor's negligence, occurring on or with respect to the Mitigation Area; and (2) caused by GRANTOR with regard to the existence or administration of this EASEMENT.

GRANTEE or its successors shall hold harmless, indemnify, and defend GRANTOR and its members, directors, officers, employees, agents and contractors and the heirs, personal

representatives, successors, and assigns of each of them collectively from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including without limitation, reasonable attorney's fees, arising from or in any way connected with (1) injury to or the death of any person, or physical damages to any property, resulting from any act, omission, condition or other matters caused by GRANTEE or GRANTEE's negligence, occurring on or with respect to the Mitigation Area; and (2) caused by GRANTEE with regard to the existence or administration of this EASEMENT.

8. ASSIGNMENT

This EASEMENT is transferable, but GRANTEE shall give GRANTOR and the SERVICE at least thirty (30) days prior written notice of the transfer. GRANTEE may assign its rights and obligations under this EASEMENT only to an organization that is 1) approved by the SERVICE; and, 2) a public agency or a qualified organization at the time of transfer under section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder; and, 3) authorized to acquire and hold conservation easements under California Civil Code section 815 et seq. (or any successor provision then applicable). As a condition of such assignment or transfer, the Assignee or

Transferee shall agree in writing that the conservation purposes that this grant is intended to advance shall continue to be fulfilled and that the Management Plan will be followed and notice of such restrictions shall be recorded in the county where the property is located. In the event that GRANTEE ever ceases to exist or no longer qualifies under Section 170(h) of the U.S. Internal Revenue Code or applicable state law, a court of competent jurisdiction shall transfer this EASEMENT to another qualified entity having substantially similar conservation purposes that agrees to assume GRANTEE's responsibilities in this EASEMENT, provided that GRANTOR shall be provided notice of an opportunity to participate in the court proceedings.

9. SUBSEQUENT TRANSFERS

GRANTOR agrees to incorporate the terms of this EASEMENT in any deed or other legal instrument by which GRANTOR divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. GRANTOR further agrees to give written notice to GRANTEE and the SERVICE at least fifteen (15) days prior to the date of any property transfer. The failure of GRANTOR to perform any act required by this paragraph shall not impair the validity of this EASEMENT or limit its enforceability in any way.

10. ESTOPPEL CERTIFICATES

Upon request by GRANTOR, GRANTEE shall within thirty (30) days execute and deliver to GRANTOR any document, including an estoppel certificate, which certifies GRANTOR's compliance with any obligation of GRANTOR contained in this EASEMENT and otherwise evidences the status of this EASEMENT as may be requested by GRANTOR.

11. NOTICES

Any notice, demand, request, consent, approval, or communication that the parties desire or is required to give to the others shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor: City of Porterville
 Community Development Department
 291 N. Main Street
 Porterville, CA 93257

To Grantee: Sequoia Riverlands Trust
 428 S. Garden
 Visalia, CA 93277

To the United States Fish and Wildlife Service:

U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846
Attn: Chief, Endangered Species Division

or to such other address or the attention of such other officer from time to time as shall be designated by written notice to the other.

12. RECORDATION

GRANTOR shall submit an original, signed and notarized Conservation Easement Grant to GRANTEE and GRANTEE shall promptly record this instrument in the official records of Tulare County, California and may re-record it at any time as may be required to preserve its rights in this EASEMENT.

13. FUNDING

GRANTOR has provided an endowment hereinafter referred to as the "Declaration of Trust" attached to this EASEMENT as Exhibit D to GRANTEE for the purposes of monitoring in perpetuity compliance with the terms of this EASEMENT, and fulfilling all of GRANTOR's obligations for long-term monitoring, management, maintenance and operations of the EASEMENT, under the Management Plan. Funding shall be transferred to the appropriate transferee or assignee if the EASEMENT is assigned or transferred.

14. ADDITIONAL EASEMENTS

GRANTOR shall not grant any additional easements, rights-of-way, or other interests in the Mitigation Area, other

than a fee or leasehold interest, undivided interest or security interest (mortgage or deed of trust), or grant or otherwise transfer to any other person or entity or to other lands or otherwise abandon fail to protect or perfect or relinquish any Waters associated with the Mitigation Area without the prior written authorization of GRANTEE and the SERVICE. Such authorization will be given unless the SERVICE and GRANTEE, determine that the proposed interest or transfer will interfere with the use of the Mitigation Area as habitat suitable for federally listed species or other federally protected species, or otherwise determines that the proposed interest or transfer may interfere with the conservation values or purpose of the Mitigation Area or this EASEMENT. This paragraph shall not prohibit the transfer of a fee title or leasehold interest in the Mitigation Area that is subject to the terms of this EASEMENT. This paragraph shall also not prohibit the granting of future compatible utility easements, as authorized by the GRANTEE and the SERVICE.

15. GENERAL PROVISIONS

(a) Controlling Law. The interpretation and performance of this EASEMENT shall be governed by the laws of the State of California, the Federal Endangered Species Act, and other applicable Federal laws.

(b) Construction. Any general rule of construction to the contrary notwithstanding, this EASEMENT shall be construed in favor of the grant to effect the Conservation Purpose of this EASEMENT and the policy and purpose of California Civil Code section 815 et seq. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this EASEMENT that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this EASEMENT, or the application thereof to any person or circumstances, is found to be invalid, the remainder of the provisions of this EASEMENT, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) Entire Agreement. This instrument, including exhibits, sets forth the entire agreement of the parties with respect to the EASEMENT and all exhibits and supersedes all prior discussions, negotiations, understandings, or agreements relating to the EASEMENT.

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of GRANTOR's title in any respect.

(f) Successors. The covenants, terms, conditions, and restrictions of this EASEMENT shall be binding upon, and inure to

the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as servitude running in perpetuity with the Property.

(g) Captions. The captions in this EASEMENT have been inserted solely for convenience of reference and are not a part of this EASEMENT and shall have no effect upon construction of interpretation.

(h) Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

(i) Third-Party Beneficiary: GRANTOR and GRANTEE acknowledge that the SERVICE is a third party beneficiary of this EASEMENT with the right of access to the EASEMENT property and the right to enforce all of the provisions of this EASEMENT.

IN WITNESS WHEREOF, GRANTOR and GRANTEE have entered into this EASEMENT the day and year first above written.

Grantor:

CITY OF PORTERVILLE

Entity

By:


Name Pedro R. Martinez

Title Mayor

Grantee:

SEQUOIA RIVERLANDS TRUST

Entity

By: _____

Name _____

Title _____

Exhibit A
Map of Conservation Easement Area

SCALE 1" = 80'
NORTH ARROW

SCALE 1 - BV

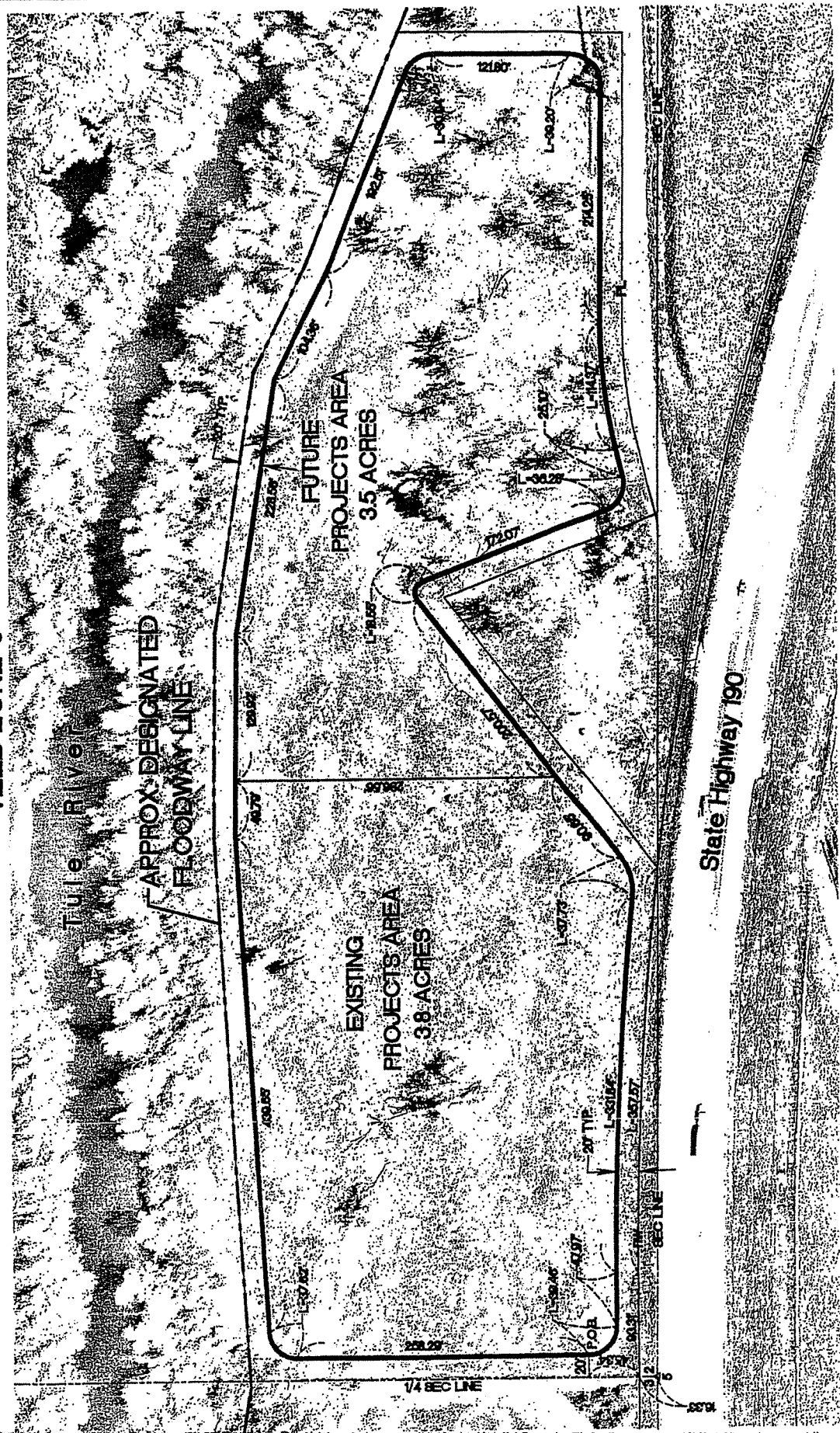


Exhibit B
Legal Description of Conservation Easement Area

EXHIBIT "B"
CONSERVATION EASEMENT
LEGAL DESCRIPTION

PARCEL 1 - (VELB ZONE 6)

That portion of the Southwest quarter of the Southeast quarter of Section 32, Township 21 South, Range 28 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of said Section 32;

THENCE, North $00^{\circ}05'08''$ East, along the west line of the Southeast quarter of said Section 32, a distance of 61.67 feet;

THENCE, South $89^{\circ}54'53''$ East, a distance of 20 feet to the **Point of Beginning**;

THENCE, North $00^{\circ}05'08''$ East, parallel with the west line of said Southeast quarter, a distance of 258.29 feet, to the beginning of a curve concave Southeasterly, having a radius of 25 feet;

THENCE, Northerly, Northeasterly and Easterly along said curve, through a central angle of $86^{\circ}12'45''$, an arc length of 37.62, to a point 20 feet, more or less, Southerly of the south line of the Tule River Designated Floodway, as shown on map filed June 4, 1975 as Document No. 20715 in Book 1 of Designated Floodways, at page 6 in the office of the County Recorder of said County;

THENCE, along a line 20 feet, more or less, Southerly and parallel with said Tule River Designated Floodway line, the following courses:

- 1) North $86^{\circ}17'53''$ East, 439.65 feet;
- 2) South $89^{\circ}29'36''$ East, 179.71 feet;
- 3) South $80^{\circ}52'11''$ East, 228.56 feet;
- 4) South $63^{\circ}03'55''$ East, 104.36 feet;
- 5) South $68^{\circ}26'22''$ East, 192.51 feet, to the beginning of a curve concave Southwesterly, having a radius of 25 feet;

THENCE, Easterly, Southeasterly and Southerly along said curve, through a central angle of $68^{\circ}50'11''$, an arc length of 30.04 feet to a point in a line parallel with the east line of said Southeast quarter;

THENCE, South $00^{\circ}23'49''$ West, along a line parallel with the east line of said Southeast quarter, a distance 121.80 feet the beginning of a curve concave Northwesterly, having a radius of 25 feet;

THENCE, Southerly, Southwesterly and Westerly along said curve, through a central angle of $89^{\circ}50'15''$, an arc length of 39.20 feet, to a point in a line parallel with the south line of said Southeast quarter;

THENCE, North $89^{\circ}45'56''$ West, along said parallel line, a distance of 214.25 feet to the beginning of a curve, concave Southerly, having a radius of 452 feet;

THENCE, Westerly and Southwesterly along said curve, through a central angle of $14^{\circ}29'53''$, an arc length of 114.37 feet;

THENCE, South $75^{\circ}44'11''$ West, a distance of 25.10 feet to the beginning of a curve, concave Northeasterly, having a radius of 25 feet;

THENCE, Southwesterly, Westerly and Northwesterly along said curve, through a central angle of $83^{\circ}08'11''$, an arc length of 36.28 feet;

THENCE, North $21^{\circ}07'38''$ West, a distance of 172.07 feet to the beginning of a curve, concave Southwesterly, having a radius of 10 feet;

THENCE, Northwesterly, Westerly and Southwesterly along said curve, through a central angle of $106^{\circ}18'02''$, an arc length of 18.55 feet;

THENCE, South $52^{\circ}34'20''$ West, a distance of 291.22 feet to the beginning of a curve, concave Northwesterly, having a radius of 50 feet;

THENCE, Southwesterly and Westerly along said curve, through a central angle of $43^{\circ}14'03''$, an arc length of 37.73 feet to the beginning of a reverse curve concave Southerly, having a radius of 3091 feet;

THENCE, Westerly along said curve, through a central angle of $6^{\circ}09'04''$, an arc length of 331.84 feet;

THENCE, South $89^{\circ}39'19''$ West, a distance of 47.97 feet to the beginning of a curve, concave Northeasterly, having a radius of 25 feet;

THENCE, Westerly, Northwesterly and Northerly along said curve, through a central angle of $90^{\circ}25'49''$, an arc length of 39.46 feet to the **Point of Beginning**;

Page 3
Parcel 1 - (VELB Zone 6)

Containing 7.32 acres, more or less.

BASIS OF BEARING described herein is the west line of the Southeast quarter of said Section 32, as shown on a Record of Survey, filed in Book 21 of Licensed Surveys, at page 68, in the office of the County Recorder of said County.

End of Description

Exhibit C
Management Plan

Exhibit C

City of Porterville Habitat Management Plan Porterville Mitigation Area No. 1 Valley Elderberry Longhorn Beetle

I. Background and Introduction

A. Habitat Management

The City of Porterville proposes to preserve portions of the City-owned Headgate property to compensate for impacts to Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) habitat which would occur from the implementation of the proposed Orange Avenue Neighborhood Improvement Project (O.A.N.I. Project), the Plano Street Bridge Project (P.S.B. Project), and other as yet unidentified projects within the City of Porterville, Tulare County, California. Designation of a habitat preserve represents the basis of the compensatory mitigation set forth in the Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) for the O.A.N.I. Project and the Biological Opinion issued for the P.S.B. Project. The Biological Opinions were issued as a result of formal Section 7 Consultations conducted between the USFWS and the U.S. Army Corps of Engineers for impacts on Valley elderberry longhorn beetle (VELB) habitat as a result of implementation of these two projects.

Approximately 7.3 acres (Mitigation Area) of the Headgate property will be enhanced and preserved as Valley elderberry longhorn beetle (VELB) habitat. This area will be named the "Porterville Mitigation Area No. 1." The Headgate property is located at the easterly edge of the City of Porterville on both the north and south sides of the Tule River (Figures 1, 2, and 3). The City of Porterville is proposing the Headgate property as a Mitigation Area for the VELB and its habitat as part of the City's proposed Habitat Conservation Plan (HCP) for potential future impacts on VELB within the City limits. When the HCP is completed, the Porterville Mitigation Area No. 1 may be combined with the rest of the Headgate property to form a single VELB habitat preserve protected in perpetuity.

At the Headgate Property, VELB have been observed as recently as 2001 in the riparian corridor adjacent to the Tule River (Dunlap, 2001). Planting elderberries and associated plant species will increase available habitat for VELB, and provide an opportunity for the known VELB population on site to expand. The City intends to plant and maintain VELB habitat across the entire 7.3-acre Porterville Mitigation Area No. 1. The O.A.N.I Project mitigation will account for 1.37 acres and the P.S.B. Project will account for an additional 0.66 acre within the Porterville Mitigation Area No. 1. The remainder of the site will be held available as "pre-mitigation" for future projects that will be described in individual Section 7 or Section 10 permits or as a component of the HCP.

The Porterville Mitigation Area No. 1 will be designed and managed to maximize habitat benefits for VELB and follow the directions and conditions listed in the two Biological Opinions (Attachment 1) as well as in the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, 9 July 1999 (Conservation Guidelines), published by the USFWS (Attachment 2). It is understood that the management conditions for future projects to be mitigated by current plantings at the Porterville Mitigation Area No. 1 will be substantially similar to the directions given in the O.A.N.I. and P.S.B. Section 7 permits.

This Habitat Management Plan (HMP) incorporates and implements in large measure the requirements of the Biological Opinions issued by the USFWS for the O.A.N.I. and P.S.B. Projects. The HMP is intended to provide overall direction and guidance for the short- and long-term management and stewardship of the Porterville Mitigation Area No. 1 to ensure that all planting and habitat enhancement objectives are successfully met and that existing habitat values are maintained. The HMP includes two management periods: the Initial Management Period and Long-Term Stewardship. The Initial Management Period consists of the first 10 years after initial vegetation planting and habitat enhancement on the Porterville Mitigation Area No. 1 is established. Long-term Stewardship begins in the eleventh year after successful planting is established, and continues on in perpetuity.

B. U.S. Fish and Wildlife Service Conditions

The USFWS, in its Biological Opinions for the O.A.N.I. and P.S.B. Projects and in its *Conservation Guidelines* for the species, has set forth a set of conditions to ensure that any mitigation for loss of VELB habitat will be successful. In cases where the *Conservation Guidelines* and the Biological Opinions differ, the Biological Opinions were used as the default. The conditions and guidelines from these documents that pertain to Mitigation Area habitat enhancement, monitoring, and/or maintenance are hereby incorporated into the HMP and are summarized as follows:

- 1) The proposed conservation area must be protected in perpetuity through the use of a conservation easement or deed restriction. A true, recorded copy of the conservation easement or deed restriction must be provided to USFWS before project implementation.
- 2) The City shall closely monitor the Porterville Mitigation Area No. 1 for an initial period of 10 years to ensure survival of transplants, cuttings, and/or seedlings. Monitoring will be conducted twice annually thereafter. An annual report of the monitoring efforts will be submitted to the USFWS no later than December 31 of each year. Any reported occurrences of VELB (actual sightings or presence of exit holes) will be reported to the Natural Diversity Data Base (NDDB) as well as to the USFWS.
- 3) A minimum survival rate of at least 60% of the elderberry plants must be maintained throughout the monitoring period. At least 60% of the replacement plantings must survive to the end of the 10-year monitoring period. Within one

year of discovery that the survival rate has dropped below 60%, the City shall replace the failed plantings to bring survival above this level.

- 4) Planting of associated plant species in the Porterville Mitigation Area No. 1 as mitigation associated with the O.A.N.I. Project was not considered necessary by the USFWS due to the presence of existing riparian species and the overall high quality of habitat at the site; however, planting of associated species was required as mitigation for the P.S.B. Project. In cases where individual Biological Opinions for projects utilizing the Mitigation Area will require associated species, supplemental plantings will be conducted at the time of development of individual projects.
- 5) Weeds and other plants that are not native to the Porterville Mitigation Area No. 1 must be removed at least once a year, or at the discretion of the USFWS and the California Department of Fish and Game (CDFG). Mechanical means should be used; herbicides are prohibited unless approved by the USFWS.
- 6) Measures must be taken to insure that no pesticides, herbicides, fertilizers, or other chemicals agents enter the Porterville Mitigation Area No. 1. No spraying of these agents must be done within 100 feet of the area, or if they have the potential to drift, flow, or be washed into the area in the opinion of biologists or law enforcement personnel from the USFWS or CDFG.
- 7) No dumping of trash or other material may occur within the Porterville Mitigation Area No. 1. Any trash or other foreign material found deposited on site within the Mitigation Area must be removed within 10 working days of discovery.
- 8) Permanent fencing must be placed completely around the Porterville Mitigation Area No. 1 to prevent unauthorized entry by off-road vehicles, equestrians, and other parties that might damage or destroy the habitat of VELB, unless approved by the USFWS. The applicant must receive written approval from the USFWS that the fencing is acceptable prior to initiation of the conservation program. The fence must be maintained in perpetuity, and must be repaired/replaced within 10 working days if it is found to be damaged. Some Mitigation Areas may be made available to the public for appropriate recreational and educational opportunities with written approval from the USFWS. In these cases, appropriate fencing and signs informing the public of the VELB's threatened status and its natural history and ecology should be used and maintained in perpetuity.
- 9) A minimum of two prominent signs must be placed and maintained in perpetuity at the Porterville Mitigation Area No. 1, unless otherwise approved by the USFWS. The signs should note that the site is habitat of the federally threatened VELB and, if appropriate, include information on the VELB's natural history and ecology. The signs must be approved by the USFWS. The signs must be repaired or replaced within 10 working days if they are found to be damaged or destroyed.

II. VELB Description

A. Species Description

The Valley elderberry longhorn beetle is a moderate-sized, brightly colored and sexually dichromatic beetle that is dependant on its host plant, the elderberry (*Sambucus*

spp.). Male VELB exhibit polymorphism in color pattern. Some males resemble the California longhorn beetle (*Desmocerus californicus californicus*), whose elytra are coarsely punctured and dark metallic green, with a bright reddish-orange border. The elytra in beetles is the first pair of wings that are generally hardened and act as protection for the flight wings. In other VELB, the metallic green elytral pattern is generally reduced to four oblong maculations (spots). Intergrades do exist between the two color patterns, but too few collections exist to analyze the frequency of the various morphs (USFWS 1984).

Female VELB are larger than the males and resemble *D. c. californicus* males except that the elytra do not fully cover the abdomen when viewed from above. Also, males possess longer, more robust antennae than females. Both male and female VELB tend to be smaller than *D. c. californicus* (USFWS 1984).

Adult VELB emerge about the same time as the elderberry flowers, from mid-March to early June, but the largest percentage of specimens have been collected in May (USFWS 1991). During this time, the VELB mate and females lay eggs on living elderberry plants. Adult VELB have been observed resting on foliage, or actively flying between the trees where their large size and coloration make them conspicuous (USFWS 1984).

Female VELB place eggs in bark crevices, or at the junctions of stem/trunk or leaf petiole/stem (USFWS 1991), and it is presumed that the eggs hatch shortly after they are laid (USFWS 1984). The larvae bore into the pith of larger stems and roots and, after transforming into an adult, chew an exit hole and emerge from the elderberry.

VELB exit holes are circular or slightly oval and are usually 7-10 mm in diameter. No other insects that burrow in wood for part of their life cycle are known to inhabit live elderberry and make exit holes of a similar size and shape in the Central Valley (USFWS 1991). VELB exit holes have been observed in shoots or branches with diameters as small as 0.5 inches (13mm), to as large as 8 inches.

B. Species Habitat

Elderberry is the host plant of the VELB and is a common component of riparian forests and adjacent grasslands of the Central Valley. Because of problems with the taxonomy of *Sambucus* (Caprifoliaceae), the specific species of elderberry serving as host(s) for the VELB has been in question. Elderberry grows in association with various species of woody plants, depending on locality, such as Fremont cottonwood (*Populus fremontii*), California sycamore (*Platanus racemosa*), willow (*Salix* spp.), oak (*Quercus* spp.), box elder (*Acer negundo*), Oregon ash (*Fraxinus latifolia*), wild grape (*Vitis californica*), and poison oak (*Rhus diversiloba*) (USFWS 1984). *Sambucus mexicana* is the characteristic species of the Elderberry Savanna that borders riparian forests in some areas.

III. Initial Management Period

A. Objective

The primary objective of monitoring and management activities within the Initial Management Period is to ensure the success of all plantings within the Porterville Mitigation Area No. 1 for a period of 10 years after initial plant establishment. Management activities will focus on evaluating plantings with respect to success criteria (below) to determine overall performance of the mitigation. Should remediation be necessary, the Initial Management Period will continue to 10 years after the last replacement elderberry has been planted.

B. Success Criteria & Remediation

A minimum survival rate of at least 60% of the elderberry plants must be maintained. At least 60% of the replacement plantings must survive to the end of the 10-year monitoring period. If the survival rate drops below 60%, the City will replace failed plantings to bring survival above this level within one year of discovery.

C. Easement Holder

To help ensure the legal strength of and enforceability of the terms of the Perpetual Conservation Easement, monitoring must take place at least once per year to ensure compliance with the terms of the easement. The Easement Holder, Sequoia Riverlands Trust (SRT) will conduct this compliance monitoring beginning in the first year of the Initial Management Period and continuing in perpetuity.

D. Preserve Manager

The City will act as the Preserve Manager for the Initial Management Period. The role of the Preserve Manager is to ensure that monitoring and maintenance activities are completed to meet habitat management goals and fulfill the success criteria. The Preserve Manager will be responsible for conducting monitoring evaluations, submitting the annual report, and for making sure that qualified personnel perform all of the management activities. When referring to monitoring and maintenance activities, the term "Preserve Manager" refers to Porterville and its agents, whether it is City of Porterville staff or contracted assistance. The Preserve Manager will receive and administer endowment funds that have been established for the Initial Management Period, with the exception of the endowment funds that will support easement compliance monitoring by the Easement Holder.

E. Monitoring

VELB

At least twice during the time period between mid-March and mid-June (or other appropriate beginning and ending dates as determined by a biologist expert in VELB life history), the Preserve Manager will visually survey the Porterville Mitigation Area No. 1 for VELB. These surveys will involve visually scanning vegetation in the preserve for the presence of VELB and noting VELB locations using a Geographic Positioning System (GPS). The individual shrubs may also be marked by flagging, or some other means, if the Preserve Manager determines it will not disturb the VELB.

During the VELB surveys, the Preserve Manager will also scan all elderberry stems 1" or greater in diameter for exit holes. Should exit holes be discovered on an elderberry stem, that plant will be flagged or marked in some other way that will not be detrimental to the elderberry shrub. The elderberry plant will also be recorded by GPS.

Elderberry Plantings

At the end of each growing season, the Preserve Manager will make an evaluation of the elderberry plants and associated native plants within the Porterville Mitigation Area No. 1. In addition, elderberry plants will be evaluated during VELB surveys and opportunistically during other field visits. This evaluation will typically occur during the month of September and will note the number of plants, their size and their condition. Plant condition will be evaluated into one of four categories: good, fair, poor, or dead. A plant described in "good" condition will have vigorous growth and green foliage. Plants described in "fair" condition will have some sickly young shoots and the foliage will be slightly droopy or yellowish. A plant considered to be in "poor" condition will have many dead or dying young shoots and/or branches, and the foliage will be droopy and yellowish. All "dead" plants will be recorded as such.

From the month of October through the month of March, the Preserve Manager will visit the Porterville Mitigation Area No. 1 once a month and make a general assessment of the Mitigation Area. From the month of April through the month of September, these assessments will increase to once every two weeks. The assessments will include noting any real or potential threats to VELB or its host plants, such as erosion, fire, off-road vehicle use, vandalism, excessive weed growth, etc. Current management does not include grazing as a management tool. If grazing is used to manage the site, then the Preserve Manager will note any areas of excessive grazing. During these visits, the Preserve Manager will make an evaluation of the fencing, signage, and irrigation system.

Evaluating the irrigation system will include inspecting the filters, looking for signs of plant stress (e.g., wilting, leaf drop) or large areas of green vegetation in non-irrigated locations, listening for the sound of running water, and checking all emission devices. Plant stress can indicate a break in an irrigation line or a clogged emitter. In areas that are not being irrigated, a large patch of green vegetation can indicate that a sub-surface pipe has broken. The sound of running water can also indicate a broken pipe, or a blown or malfunctioning emitter.

F. Maintenance

Within 10 working days of discovery, the Preserve Manager will replace or repair any damaged or destroyed fencing or signage according to design plan specifications.

Every month the Preserve Manager will remove any trash found on the Porterville Mitigation Area No. 1. This activity will typically occur when the Preserve Manager visits each month to assess the Mitigation Area. If there is trash that cannot be removed the same day, the Preserve Manager will make arrangements to have the trash removed within 10 working days of the visit.

The Preserve Manager will clean irrigation filters once every two weeks from the month of April through September, and once a month from October through March. If necessary, the Preserve Manager will replace the filter screen.

Once every two weeks during periods when the Preserve Manager is actively irrigating, the Preserve Manager will adjust emission devices. Adjustments include altering the placement or number of emission devices to ensure that wetting patterns are within plant root zones. Other maintenance activities for the irrigation system may be required as listed in the irrigation manual that will be created after the irrigation system has been designed.

At least once a year, the Preserve Manager will work to remove weeds and other non-native vegetation from the Porterville Mitigation Area No. 1. The Preserve Manager will use string-trimming as the preferred method. In cases where a desired plant has a high likelihood of being damaged or destroyed by this method, hand weeding will be conducted. The use of herbicides is prohibited unless approved by the USFWS. This effort should be conducted in the late spring before the seeds have an opportunity to set and therefore build up the seed bank. Another weed control effort may be necessary in mid-summer or early fall. All staff performing weed control will be aware of potential volunteer plants of desired species, and will make efforts to avoid damaging these plants.

Currently there are no plans to graze the Porterville Mitigation Area No. 1. If grazing is used as a management tool, a grazing plan will be developed with written approval from the USFWS and the SRT prior to the start of any grazing program.

G. Reporting

The Preserve Manager will submit a written report to the USFWS by December 31 of each year during the Initial Monitoring Period. A copy of this report will also be provided to the SRT. The report will explicitly address the status and progress of transplanted and planted elderberry and associated native plants and trees. The survival rate, condition, and size of all elderberries and associated plants will be analyzed. Individual VELB or fresh exit holes observed that year must be reported, as well as any failings of mitigation plantings and the steps taken to correct them. Included in this report will be copies of original field notes, raw data, photographs of the site, a vicinity

map, and a map showing where any individual VELB or fresh exit holes were observed. Suggestions for adaptive management, or to address current or potential threats, will also be included in this report. Any observations of individual VELB or fresh exit holes will be reported to the CNDDDB by December 31 of the year of observation.

H. Funding

The City will utilize funds from more than one source, including Certificates of Participation (COP), Department of Housing and Community Development (HUD), and potentially available Redevelopment Agency and FHWA Funds. The city is currently working with a balance of \$300,000 in COP funds to undertake the mitigation effort. Additional funds will pay back initial costs for the pre-mitigation efforts included in this conservation effort.

The City of Porterville will establish a dedicated, interest-bearing account and endowment for purposes to include perpetual monitoring of the Conservation Easement (Endowment Fund) to be held by SRT (see Long-Term Stewardship – Funding, below).

IV. Long-Term Stewardship

A. Objective

Long-term stewardship begins when the Initial Management Period (expected to be 10 years) is completed and continues on in perpetuity. The objective of long-term stewardship is to ensure that the Porterville Mitigation Area No. 1 continues to function and successfully reach the goal of providing high-quality VELB habitat in perpetuity. By the time long-term stewardship is implemented, it is contemplated that active management activities such as irrigation will be completed and no longer necessary.

B. Preserve Manager

Upon completion of the Initial Management Period, the SRT will act as the Preserve Manager for the Porterville Mitigation Area No. 1 in perpetuity. Should the SRT decide to step down in its role as Preserve Manager, its successor must be approved by the USFWS. The SRT will be responsible for receiving and administering endowment funds for monitoring and maintenance activities, reporting requirements, and making sure that qualified personnel conduct all management and monitoring activities. The term "Preserve Manager" refers to the Trust and its agents.

C. Success Criteria

There are no specific success criteria for long-term stewardship. The primary long-term goal is maintaining VELB habitat in perpetuity. This may involve using adaptive management to protect and encourage any "volunteer" elderberry plants that may occur on site. "Volunteers" are plants that were not seeded or planted by the City of Porterville, but may occur on site through natural reproduction or colonization.

D. Monitoring

Twice a year, at a minimum, the Preserve Manager will visit the Porterville Mitigation Area No. 1 to conduct a general assessment of the site. The Preserve Manager will note any real or potential threats to VELB or its host plants, such as erosion, fire, excessive grazing, off-road vehicle use, vandalism, excessive weed growth, etc. The Preserve Manager will also note and record any observations of VELB and will generally evaluate the overall health and condition of all mitigation plantings and compliance with the terms of the Perpetual Conservation Easement.

E. Maintenance

Within 10 working days of discovery, the Preserve Manager will replace or repair any damaged or destroyed fencing or signage according to design plan specifications.

During site visits, the Preserve Manager will remove any trash found on the Porterville Mitigation Area No. 1. This activity will typically occur when the Preserve Manager visits the Mitigation Area to assess overall conditions on the site. If there is trash that cannot be removed the same day, the Preserve Manager will make arrangements to have the trash removed within 10 working days of the visit.

At least once a year, the Preserve Manager will work to remove weeds and other non-native vegetation from the Porterville Mitigation Area No. 1. The Preserve Manager will use string-trimming as the preferred method. In cases where a desired plant has a high likelihood of being damaged or destroyed by this method, hand weeding will be conducted. The use of herbicides is prohibited unless approved by the USFWS. This effort will be conducted in the late spring before the seeds have an opportunity to set and therefore build up the seed bank. Another weed control effort may be necessary in mid-summer or early fall.

F. Reporting

When Long-term Stewardship begins, the new Preserve Manager will send written notification to inform the USFWS of the manager change. The Preserve Manager will submit a written report by December 31 of every 10th year of the Long-term Stewardship to the USFWS and the City of Porterville. This document will report on the general condition of the site, the overall health of the plantings, potential threats, and any suggestions for adaptive management.

G. Funding

The City of Porterville will establish a dedicated, interest-bearing account and endowment for monitoring of the Perpetual Conservation Easement and Long-term Stewardship (Endowment Fund) to be held by SRT. The accrued interest and earnings from the Endowment Fund shall be used exclusively to fund permanent management and

long-term maintenance and monitoring of the Porterville Mitigation Area No. 1 in accordance with this HMP. The initial amount of the Endowment Fund will be \$65,000 and will be deposited when the Initial Management Period begins. The Endowment Fund is a non-wasting account and interest income will be used beginning in the first year for easement compliance monitoring and thereafter for long-term stewardship.

V. Adaptive Management

Adaptive Management is the management philosophy that recognizes the need to constantly monitor restored or created habitats and implement management actions, as necessary, based on the results of monitoring. Over time, as restored habitats mature and more is learned about how the habitats respond to initial management actions, it is likely that adjustments to management actions will be required. New information that results from ongoing research on VELB and its habitat can also lead to changes in management actions. The Preserve Manager for the appropriate habitat management phase will be responsible for implementing any adaptive management changes. Any changes to the Habitat Management Plan will be approved by the USFWS, SRT, and the City of Porterville before they are implemented.

VI. References

A. Printed References

- U. S. Fish and Wildlife Service. 1984. Valley Elderberry Longhorn Beetle Recovery Plan. U. S. Fish and Wildlife Service, Portland, Oregon. 62 pp.
- U. S. Fish and Wildlife Service. 1991. The Distribution, Habitat, and Status of the Valley Elderberry Longhorn Beetle. U. S. Fish and Wildlife Service, Sacramento, California. 134 pp.

B. Personal Communication

Dunlap, Brad. City Planner. City of Porterville, Porterville, CA. 2001-meeting

ATTACHMENT NO. 1

BIOLOGICAL OPINION FOR ORANGE AVENUE NEIGHBORHOOD PROJECTS

AND

BIOLOGICAL OPINION FOR PLANO STREET BRIDGE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

IN REPLY REFER TO:
1-1-02-F-0119

January 22, 2003

Ms. Nancy A. Haley
United States Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Formal Section 7 Consultation on the Orange Avenue Neighborhood Improvement Project, Porterville, Tulare County, California (Corp File # 200100375)

Dear Ms. Haley:

This is in response to your February 21, 2002, request for formal consultation with the U.S. Fish and Wildlife Service (Service) on the Orange Avenue Neighborhood Improvement Project, Porterville, in Tulare County, California. Your request was received in our office on February 22, 2002. This document represents the Service's biological opinion on the effects of the action on the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle) and its elderberry shrub habitat (*Sambucus* spp.), in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act).

Federal funds for a portion of the project, the neighborhood center (Center), are being provided by the Department of Housing and Urban Development (HUD). The Porterville Unified School District (District) is building a new elementary school on an adjacent parcel of land. The City of Porterville (City) is planning to widen Orange Avenue where it is adjacent to the school site. The Corps of Engineers will provide the Federal nexus and function as the lead Federal action agency for this entire project, collectively titled the Orange Avenue Neighborhood Improvement Project.

Because of the potential for significant changes to existing habitat, compensation guidelines, and the species baseline prior to the start of construction for this project, the Terms and Conditions of this biological opinion include a requirement to reinstate formal consultation if the actual construction start date is greater than 5 years from the date of issuance of this biological opinion.

This biological opinion is based on information provided in the Porterville Urban Area Boundary Biotic Survey, dated August, 1988; *A Reconnaissance Level Biological Assessment of Valley Elderberry Beetle and San Joaquin Kit Fox on Property That Porterville Public Schools Is Contemplating Acquiring Near the Intersection of Plano Ave. and Olive St. in the City of Porterville, Tulare County, California* dated March 20, 1998; a November 27, 2000, letter from

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Live Oak Associates (Live Oak) to the Service; a February 1, 2001, letter from Live Oak Associates to Kevin Roukey, U.S. Army Corps of Engineers; February 8, 2001, and October 3, 2001, meetings with the Porterville City Planning Department; biological assessments dated October 7, 1998, February 1, 1999, November 9, 2000, and January 18, 2002; subsequent information received in this office; field investigations; and other sources of information. A complete administrative record of this consultation is on file in this office.

Consultation History

On November 13, 2000, the Service received a request for initiation of consultation dated November 9, 2000, from the City of Porterville. The Department of Housing and Urban Development (HUD), as a Federal action agency, had delegated consultation authority on a portion of the proposed project to the City of Porterville (City). Another portion of the project is owned by the Porterville Unified School District (District) and was not being approved, funded, or carried out by HUD. The third portion of the project was a non-contiguous street widening that also was not being approved, funded, or carried out by HUD. HUD declined to act as a Federal action agency for the complete project. Examination of the complete project description disclosed that portions of the facilities on the school site and the neighborhood center site would be shared and impacts could not be segregated. On January 5, 2001, the Service declined to consult with the City due to a lack of a Federal nexus for portions of the total project (the widening of Orange Avenue and the school). A meeting between the Service, City, District, and Live Oak Associates, Inc. was held February 8, 2001, and it was suggested that the United States Army Corps of Engineers (Corps) be contacted to discuss the feasibility of providing a nexus for initiating consultation on the two parcels where impacts will occur. Further discussions culminated in a meeting October 3, 2001, wherein the Corps agreed to serve as a Federal nexus for the entire project. The Corps initiated consultation on February 22, 2002.

BIOLOGICAL OPINION

Description of the Proposed Action

Site Description

The total area of the project will be approximately 25 acres located north of Orange Avenue, west of Plano Street, and south of Olive Avenue, in the City of Porterville, Tulare County, California (figure 1). The Center will be constructed upon the northeasterly 15 acres and will consist of an approximately 10,000 square foot community building, recreational facilities including 2 baseball fields, a restroom facility, and parking. The school will be erected upon the southwesterly approximately 10 acres of the combined site and will include 5 buildings totaling approximately 42,500 square feet. Parking facilities will be shared between the two facilities. Porter Slough, a seasonal wetland, passes along the northerly property line of both the school site and the Center site.

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The project footprint is defined as the 25 acres where the project construction will take place. This is also the area where the elderberries to be impacted are found. The action area is defined as those portions of the City of Porterville lying adjacent to the project site that will be serviced by the elementary school and neighborhood center.

Construction Methods and Equipment

The construction of the neighborhood center is expected to be accomplished with normal construction methods. Earth moving and grading equipment, delivery trucks and cement trucks, personal vehicles of inspectors and workers, and bulldozers can be expected to occur on site. Due to the close proximity of residential areas, work will be restricted to daylight hours.

Existing Habitats on the Project Site

Biological surveys conducted during 1988, 1998, 1999, 2000, and 2001, have disclosed four habitat types present upon the project site. These are described as:

- I. Non-native grassland/Ruderal: This habitat was determined to be present throughout the project site. Much of the site is highly disturbed due to unauthorized human activity. A children's play-site as well as an indigent person's camp were observed on the site. Bushes and shrubs have apparently been broken or pulled down to facilitate campfires or the construction of shelters.
- II. Residential/Commercial landscaping: Those portions along Orange Avenue are subject to landscaping by the City. The impacts from the widening of Orange Avenue will be addressed separately through informal consultation, and will not be addressed further in this opinion.
- III. Mixed riparian woodland: Riparian habitats are scattered and non-contiguous throughout the project site, but occur mainly along Porter Slough. Several elderberry shrubs occur within these areas.
- IV. Seasonal wetland: Porter Slough is classified as a seasonal wetland. The slough branches from the Tule River to the south, and seasonally contains excess water from the river as well as seasonal runoff from adjacent properties.

Proposed Conservation and Avoidance Measures

The City and District have proposed the following conservation and avoidance measures to compensate for the loss of beetle habitat:

- I. Designate a conservation area where all transplanted elderberry plants and replacements will be located: The City has identified and designated a 7.3-acre site to be protected as a conservation area. The site is owned by the City, and its location is shown on figure 2.

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The conservation area is located approximately 2 miles east of the project site adjacent to Porter Slough and the Tule River. The City will record a conservation easement on this entire parcel prior to start of construction. The Orange Avenue Neighborhood Project will require conservation of 1.37 acres within this 7.3 acre site. The remaining acreage will be utilized to compensate for future projects.

- II. Transplant all elderberries that cannot be avoided: Impacts will occur to 5 elderberry shrubs with a total of 104 stems that are currently on the project site. This includes one shrub that is on the property line between the school and the widening of Orange Avenue. Impacts to that shrub will be addressed through this consultation. Two of the shrubs are located upon the school site and two are located on the Center property. Two of the 5 shrubs are expected to be transplanted to the conservation area; one of the remaining shrubs will not be transplanted. The two remaining shrubs are not expected to survive transplanting due to previous damage.
- III. Plant replacement seedlings or cuttings: Impacts to the shrubs will be compensated for by planting seedlings or cuttings in the conservation area at a ratio set forth in *The Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS, 1999b).
- IV. Implement avoidance and conservation measures: The City and District will implement measures as set forth in *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS, 1999b).
- V. Monitor survival: The City and District propose to monitor the conservation area for a period of 10 years to ensure survival of transplants, cuttings, and seedlings. Monitoring will be conducted twice annually.
- VI. Reporting: An annual report of the monitoring efforts will be submitted to the Service no later than December 31 of each year. Any reported occurrences of the beetle (actual sightings or the presence of exit holes) will be reported to the Natural Diversity Data Base (NDDB) as well as to the Service.
- VII. Success Criteria: A minimum survival rate of at least 80% of the elderberry plants must be maintained. At least 87% of the replacement plantings must survive to the end of the 10 year monitoring period. Within one year of the discovery that the survival rate has dropped below 80%, the City and District shall replace the failed seedlings.
- VIII. Associated Plantings: The City and District do not propose to plant associated species in the conservation area due to the presence of existent riparian species and the overall high quality of the habitat at the site.

The biological conservation measures as proposed above and in the project materials reviewed by the Service are considered part of the proposed actions evaluated by the Service in this biological opinion. Any change in these plans or their implementation that might adversely affect listed

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species, either directly or indirectly, requires reinitiation of consultation with the Service, as set forth in the final paragraphs of this letter.

Status of the Species

Valley elderberry longhorn beetle:

Species Description and Life History: On August 8, 1980, the beetle was listed as a threatened species (45 FR 52803). Two areas along the American River in the Sacramento metropolitan area have been designated as critical habitat for the beetle. In addition, an area along Putah Creek, Solano County, and the area west of Nimbus Dam along the American River Parkway, Sacramento County, are considered essential habitat, according to the Recovery Plan for the beetle (USFWS 1984). These areas support large numbers of mature elderberry shrubs with extensive evidence of use by the beetle.

The beetle is dependent on its host plant, elderberry, which is a common component of the remaining riparian forests of the Central Valley. Use of the plants by the animal, a wood borer, is rarely obvious. Frequently, the only exterior evidence of the shrub's use by the beetle is an exit hole created by the larva just prior to the pupal stage. Recent field work along the Cosumnes River, and in the Folsom Lake area indicates that larval galleries can be found in elderberry stems with no evidence of exit holes; the larvae either succumb prior to constructing an exit hole or are not far enough along in the developmental process to construct an exit hole. Larvae appear to be predominantly distributed in stems which are 1.0 inch or greater in diameter at ground level. The *Valley Elderberry Longhorn Beetle Recovery Plan* (USFWS 1984) and Barr (1991) contain further details on the beetle's life history.

Population densities of the beetle are probably naturally low (USFWS 1984); and it has been suggested, based on the spatial distribution of occupied shrubs (Barr 1991), that the beetle is a poor disperser. Low density and limited dispersal capability may cause the beetle to be vulnerable to the negative effects of the isolation of small sub-populations due to habitat fragmentation.

Distribution: Historical distribution was assumed, in 1984, to consist of primarily the Sacramento and American River watersheds in central California. Subsequent surveys increased the known range to include areas as widely spread as the Sacramento River near Redding in the north, Caliente Creek in Kern County on the south, the western Sierra Nevada foothills to elevations as high as 2000 feet on the east, and, presumably, the foothills of the Coastal Ranges on the west. The beetle may intergrade with the more common coastal subspecies in the foothills along the western edge of the Central Valley.

Reasons for Decline: The Service believes that the beetle, though wide-ranging, is in long-term decline due to widespread alteration and fragmentation of its riparian upland habitats by human activities.

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Extensive destruction of California's Central Valley riparian forests has occurred during the last 150 years due to agricultural and urban development (Thompson 1961, Smith 1977, Katibah 1984, Katibah *et al* 1984). Based on a 1979 aerial survey, only about 102,000 acres out of an estimated 922,000 acres of Central Valley riparian forest remain (Katibah *et al* 1984). More extreme figures were given by Frayer *et al*. (1989), who reported that approximately 85% of all wetland acreage in the Central Valley was lost before 1939; and that from 1939 to the mid-1980's, the acreage of wetlands dominated by forests and other woody vegetation declined from 65,400 acres to 34,600 acres. Differences in methodology may explain the differences between the studies. In any case, the historical loss of riparian habitat in the Central Valley strongly suggests that the range of the beetle has been reduced and its distribution greatly fragmented. Loss of non-riparian habitat where elderberry occurs (e.g. savanna and grassland adjacent to riparian areas, oak woodland, mixed chaparral-woodland), and where the beetle has been recorded (Barr 1991), suggests further reduction of the beetle's range and increased fragmentation of its upland habitat.

Widespread use of pesticides by agriculture undoubtedly has impacted the beetle to an unknown extent. Elderberries commonly grow along drainage and irrigation ditches and, therefore, are subject to overspray and pesticide drift. Direct spraying and drift of pesticide, including herbicides and/or insecticides, in or near riparian areas (which is done to control mosquitos, crop diseases, invasive and/or undesirable plants, or other pests) is likely to adversely affect the beetle and its habitat. Although there have been no studies specifically focusing on the effects of pesticides on the beetle, evidence suggests that the species is likely to be affected by pesticides. Bee populations may take years to recover from a spraying incident due to the low fecundity of bees (Kevan, 1975; Johansen, 1977; and Plowright, *et al*, 1978, all as cited in Karron, 1987). Specifically, Tepedino (1979) found that bumblebee populations may require as long as 3 to 4 years to recover from pesticide treatments. As of 1980, the prevalent land use adjacent to riparian habitat in the Sacramento Valley was agriculture, even in regions where agriculture was not generally the most common land use (Katibah *et al*. 1984); therefore the species is likely vulnerable to pesticide contamination from adjacent agricultural practices. Recent studies of major rivers and streams documented that 96% of all fish, 100% of all surface water samples, and 33% of major aquifers contained one or more pesticides at detectable levels (Gilliom 1999). Pesticides were identified as one of the 15 leading causes of impairment for streams included on the *Clean Water Act* section 303(d) lists of impaired waters. As the beetle occurs primarily in riparian habitat, the contamination of rivers and streams affects this species and its habitat. Pesticides have been identified as one of a number of potential causes of pollinator species' declines and declines of other insects beneficial to agriculture (Ingraham *et al*. 1996), therefore it is likely that the beetle, typically occurring adjacent to agricultural lands, has suffered a decline due to pesticides.

Grazing by livestock damages or destroys elderberry plants and inhibits regeneration of seedlings. Cattle readily forage on new growth of elderberry, which may explain the absence of beetles at manicured elderberry stands (USFWS 1984). Habitat fragmentation exacerbates problems related to exotic species invasion and cattle grazing by increasing the edge-to-interior ratio of habitat patches, facilitating the penetration of these influences.

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Recent evidence indicates that the invasive Argentine ant poses a risk to the long-term survival of the beetle. Surveys along Putah Creek found beetle presence where Argentine ants were not present or had only recently colonized, and beetle absence from otherwise suitable sites where Argentine ants had become established (Huxel, in prep.). The Argentine ant has negatively impacted populations of other native arthropod species (Holway 1998; Ward 1987). Predation on eggs, larvae, and pupae are the most likely impacts these ants have on the beetle. In Portugal, Argentine ants have been found to be significant egg predators on the eucalyptus borer, a cerambycid beetle like the beetle. Egg predation on the beetle could lead to local extirpations, as indicated by a population viability study suggesting that egg and juvenile mortality are significant factors affecting probability of extinction for the beetle (Huxel and Collinge, in prep.). The Argentine ant has been expanding its range throughout California since its introduction around 1907, especially in riparian woodlands associated with perennial streams (Holway 1998, Ward 1987). Huxel (in prep.) states that, given the potential for Argentine ants to spread with the aid of human activities such as movement of plant nursery stock and agricultural products, this species may come to infest most drainages in the Central Valley, where the beetle is found.

Illegal damage to elderberries is also believed to have a sizeable but unknown impact upon the beetle. Various public and private entities are known to periodically trim elderberry shrubs for road maintenance, pole line repair, road construction, and brush clearing purposes. Additional losses occur through the removal of shrubs during new home construction or home alterations. Few of these activities are reported or permitted; therefore, the magnitude of the impact of such loss is unknown.

Environmental Baseline

Due to the secretive nature of the beetle, little is known about distribution of the beetle. The known range of the beetle is largely based upon the presence of beetle exit holes in elderberry stems. Because of this secretive lifestyle, most analysis of beetle range and impacts to the beetle are based largely upon the loss of requisite habitat: the elderberry.

The beetle's current distribution is patchy throughout the remaining habitat of the Central Valley from Redding to Bakersfield. The beetle appears to be only locally common, *i.e.*, found in population clusters which are not evenly distributed across available elderberry shrubs. Surveys conducted in 1991 (Barr 1991) found evidence of beetle activity at 28 percent of the 230 sites with elderberry. Previously, Jones and Stokes (1987) had found evidence of occupancy in 65% of a total of 4,800-acres of riparian habitat along the Sacramento River. Frequently only particular clumps or plants in the study areas were found to harbor the beetle. Plants used by the beetle usually show evidence of repeated use over a period of several years, but sometimes only one or two exit holes are present. Similar observations on the clustered distribution of exit holes were made by Jones and Stokes (1987). Barr (1991) noted that elderberry shrubs and trees with many exit holes were most often large, mature plants; young shrubs were seldom occupied.

Certain drainages or areas appear to contain clusters or groupings of occupied shrubs. Areas where the beetle has been found include, in the San Joaquin Valley, the Kaweah and Tule Rivers

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in Tulare County, the Stanislaus River in San Joaquin and Stanislaus Counties, the Tuolumne River in Stanislaus County, and the area near the community of Coarsegold in Madera County.

As of July, 2000, the Service has processed 172 consultations that involved the beetle with a total of 17,372 stems greater than one inch under section 7 and 6 permits under section 10 of the Act since 1980 (Service file 1-1-00-F-0131). It is estimated that 3784 elderberry shrubs were impacted through section 7 consultations. This approximates the loss of 31 acres of riparian habitat. An estimated total of 50 shrubs, with a total of 479 stems over one inch in diameter, were impacted through 5 section 10 (a)(1)(B) permits. Data are lacking for one 10 (a)(1)(B) project. Since January, 2001, at least 956 stems over 1-inch at the base have been impacted through additional section 7 consultations within the San Joaquin Valley and adjacent foothills.

Less study has been done on the loss of riparian areas within the Sierra Nevada foothills. Threats to riparian areas there include mining operations, hydroelectric generation plants, housing development, diversions for irrigation water or for flood control, and the building of roads and railroads, which often follow riparian corridors (Kondolf et al 1996).

Mining operations, some dating to the 1850's, impact riparian areas through alteration of the hydrology, changing of flood regimes, and sediment deposition (Kondolf et al 1996). Within Inyo National Forest alone, over 42,000,000 cubic meters of sediment have been introduced into riparian areas since 1850 (Kondolf et al 1996). A debris plain of over 64 square kilometers has been created along the Yuba River, burying many elderberry shrubs in an area known historically to have been inhabited by the beetle (Kondolf et al 1996). In a similar fashion, gravel mining may produce siltation, flooding, and other impacts to elderberry shrubs. It is estimated that 100,000,000 metric tons of aggregates may be mined annually in California, largely from alluvial plains at the base of the foothills (Kondolf et al 1996).

Hydroelectric plants and diversions have changed previous hydrology in several ways. Inundation of riparian areas can drown shrubs and beetles alike. Flood regimes are altered, impacting shrubs by increasing summer flows and reducing winter flows. Sediment load, necessary for periodic scouring of riparian areas, is typically reduced, supporting encroachment by non-native species and increasing stress upon native species, thereby reducing their competitive vigor. Accompanying hydroelectric facilities are direct and indirect impacts caused by road construction, increased public access (both legal and illegal) through these roads, and potential growth inducements to local areas. The reservoirs created further fragment habitat already interrupted by the dams themselves. Stream narrowing through reduced flows is another impact that may occur in areas such as the North Fork of the Kings River (Kondolf et al 1996). Streamflow reduction through erosion, in turn, can reduce alluvial water tables, further stressing riparian vegetation (Kondolf et al 1996). Diversions for irrigation purposes or for flood control produce similar impacts (Kondolf et al 1996), both in the Sierra foothills and downstream in the Central Valley.

As the phenomenon of urban flight becomes more prevalent, additional beetle habitat is lost through conversion. Foothill riparian areas are often impacted the most by development projects

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(Kondolf et al 1996). Increased recreational activities, growth of suburban areas into the foothills along riparian corridors, fragmentation, increased road building, and development of new areas contribute to the loss of elderberries. Additionally, urbanization increases drainage areas and decreases areas available for water absorption and aquifer replenishing (Kondolf et al 1996). Little or no protection of listed species occurs through the local permitting processes. Flood control and diversions for downstream urbanization also impacts water levels, flood regimes, and subsurface flow dynamics (Kondolf et al 1996).

As stated previously, little or no analysis of the loss of riparian habitat has been conducted within the Sierra Nevada foothills. Even less work has been done on the quantification of such loss. While loss of beetle habitat occurs on an annual basis, few records are kept.

Within the area near or adjacent to the project site, the Service is aware of several occurrences of the beetle. The Service is also aware of numerous occurrences of the beetle at, near or adjacent to the conservation area.

Effects of the Proposed Action

The proposed project may incidentally take valley elderberry longhorn beetles inhabiting 104 stems 1-inch or greater in diameter at ground level of 5 elderberry plants on the project sites. Incidental take will be in the form of habitat destruction incurred by trimming or removal of elderberry shrubs. Shrubs may also die or be reduced in quality for egg laying or feeding by the beetle due to project manipulations. Beetles may be crushed, disturbed, or otherwise killed during construction activities.

Transplantation of an elderberry shrub that is used by beetle larvae is expected to adversely affect the beetle. Beetle larvae may be killed, or the beetles' life cycle interrupted during or after the transplanting process. For example:

- I. Transplanted elderberry shrubs may experience stress or become unhealthy due to changes in soil, hydrology, microclimate, or associated vegetation. This may reduce their quality as habitat for the beetle, or impair their production of habitat-quality stems in the future.
- II. Elderberry shrubs may die as a result of transplantation.
- III. Branches containing larvae may be cut, broken, or crushed as a result of pruning or the transplanting process.

Elderberry plants that are too small to support larval beetles (i.e., consist of no stems measuring 1.0 inch or greater in diameter at ground level) could be destroyed without transplantation or compensation. However, were they not destroyed, such small plants could grow larger and produce stems capable of serving as habitat for the beetle.

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Temporal loss of habitat is expected to occur due to the project. Although mitigation for impacts on the beetle involve creation or restoration of habitat, it generally takes five or more years for elderberry plants to become large enough to support beetles, and it generally takes 25 years or longer for riparian habitats to reach their full value. Temporal loss of habitat will temporarily reduce the amount of habitat available to beetles and may cause fragmentation of habitat and isolation of subpopulations.

Proposed actions in this consultation may have indirect effects on the beetle. Effects to the beetle from construction actions, in relative proximity to elderberry host plants, may include but are not limited to: (1) fragmentation of habitat, (2) trampling by increased pedestrian traffic, (3) disturbance of mating or dispersal by increased activity in spray fields, and (4) increased fungal parasitism due to elevated humidity within the project area. Other indirect effects include an inducement to human population growth.

Based on the available information, the Service anticipates that beetles may be harassed when:

- I. Construction and survey crews begin work;
- II. When elderberries are transplanted; and,
- III. When monitoring and maintenance work is performed at the conservation site.

The Service has determined that growth inducing impacts may often result from the building of new schools and neighborhood centers. However, the building of a primarily inner city school is often done to accommodate a capacity that has already been reached and to reduce overcrowding. The City of Porterville has, in some areas, reached maximum density. The Service has also determined that many other factors, many cumulative in nature, may contribute to urban growth. These factors are discussed under "Cumulative Effects," below.

The conservation area will provide for shrub restoration and management. In implementing the proposed action, the Service expects that there will be no net loss of elderberry shrubs within the project area. Service personnel have examined the proposed conservation site and determined that the quality of habitat already present is high. As a result, it can be reasonably expected that the overall gain in good quality habitat will adequately compensate for the loss of marginal to fair quality habitat on the project site. Additional benefits will result from the creation of the conservation area:

- I. Protection in perpetuity of high quality habitat;
- II. Creation of high quality habitat;
- III. Creation and protection of a greater amount of habitat than is lost;

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- IV. The habitat being created/protected may be occupied habitat versus habitat that is apparently unoccupied;

Cumulative Effects

Cumulative effects include the effects of future State, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

The Service is currently in discussion with the City of Porterville with regard to the creation of a city-wide habitat conservation plan to compensate for future impacts upon sensitive species. Other projects currently under consultation or in discussion include a County-wide habitat conservation plan, and the creation of other conservation sites through section 7 consultations. In addition, several private conservation sites have been created, or are in the process of being created, near or adjacent to the City of Porterville.

The Service is aware of other projects currently under review by State, county, and local authorities where biological surveys have documented the occurrence of the valley elderberry longhorn beetle. These projects include commercial, residential, industrial, mineral, and energy development. Flood control and reservoir construction projects are also being considered. Because of ongoing cumulative impacts, we believe that the decline of beetle populations continues. However, the proposed project would have no appreciable effect on the conservation status of the beetle.

The creation of an approximately 1.37-acre conservation site would, however, preserve and protect known habitat for the beetle. During March, 2001, the beetle was observed and photographed upon elderberries at the proposed conservation site.

Conclusion

After reviewing the current status of the valley elderberry longhorn beetle, the environmental baseline for the action area, the effects of the proposed Orange Avenue Neighborhood Improvement Project and the cumulative effects, it is the Service's biological opinion that the Orange Avenue Neighborhood Improvement Project, as proposed, is not likely to jeopardize the continued existence of the valley elderberry longhorn beetle, and is not likely to destroy or adversely modify designated critical habitat. Critical habitat for this species has been designated at the American River in Sacramento County, however, this action does not affect that area and no destruction or adverse modification of that critical habitat is anticipated.

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INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by impairing behavioral patterns including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with this Incidental Take Statement.

The measures described below are non-discretionary, and must be implemented by the agency so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, in order for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, and/or (2) fails to retain oversight to ensure compliance with these terms and conditions, the protective coverage of section 7(o)(2) may lapse.

Amount or Extent of Incidental Take

The Service expects that incidental take of the valley elderberry longhorn beetle will be difficult to detect or quantify for the following reasons: the relatively small body size make the finding of a dead specimen unlikely, the secretive nature of the species, losses may be masked by seasonal fluctuations in numbers or other causes, and the species occurs in habitat that makes them difficult to detect. Due to the difficulty in quantifying the number of valley elderberry longhorn beetles that will be taken as a result of the proposed action, the Service is quantifying take incidental to the project as the number of elderberry stems over 1-inch in diameter at the base that will become unsuitable for the species as a result of the action. Therefore, the Service estimates that 5 elderberry shrubs with a total of 104 stems 1-inch or greater at ground level on 25 acres of land will become unsuitable as a result of the proposed action. Upon implementation of the following reasonable and prudent measure(s) incidental take associated with (project name) on these shrubs in the form of harm, harassment, or killing of (species) from habitat loss and crushing, will become exempt from the prohibitions described under section 9 of the Act for direct impacts; in addition, incidental take in the form of harm, harassment, or killing associated with Porter Slough Neighborhood Center and Elementary School, Orange Avenue on these elderberry stems will be exempt from the prohibitions described under section 9 of the Act for indirect impacts as a result of the management activities described.

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Effect of the Take

In the accompanying biological opinion, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.

Reasonable and Prudent Measure

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize impacts to the valley elderberry longhorn beetle:

- I. Minimize the potential for impacts on the species due to loss of important on-site habitat.
- II. Minimize the potential for incidental take and habitat destruction on compensation lands.
- III. Compensate for loss of beetle habitat at the project site.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the Act, the Corps shall ensure that the City and District comply with the following terms and conditions, which implement the reasonable and prudent measure described above. These terms and conditions are nondiscretionary.

- I. Implement the project as described in the biological assessments dated October 7, 1998, February 1, 1999, November 9, 2000, and January 18, 2002.
- II. Provide a copy of the recorded conservation easement to the Service before the start of construction.
- III. Implement a worker education program on the importance of protecting valley elderberry longhorn beetle habitat with the intent of minimizing take of the threatened valley elderberry longhorn beetle.
- IV. Ensure that all on-site construction personnel receive instruction from a qualified biologist regarding the presence of beetle habitat. The City and the District shall show a training video prior to the beginning of pruning. The qualified biologist shall be available to answer questions. The video shall be provided to the Service. Prior to onset of any ground-disturbing activities at the project site, a qualified biologist shall: (1) note the location of the 104 elderberry stems that could be removed; (2) identify any shrub with exit holes, and (3) brief all supervisory personnel and other workers on the occurrence and distribution of beetle habitat on the site and measures being implemented to maintain the habitat during operations and maintenance activities.

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- V. Plant all conservation areas with elderberry seedlings or shrubs during the first planting season following the date of disturbance at pruning areas.
- VI. Based on the proposed action, the City and the District shall plant 560 seedlings/cuttings at the mitigation site if 104 stems are removed.
- VII. Report to the Service annually for a period of 10 years of the status and success of the project conservation measures (see Reporting Requirements below).
- VIII. Because of the potential for significant changes to existing habitat, compensation guidelines, and the species baseline prior to the start of construction for this project, the Corp shall reinitiate formal consultation if the actual construction start date is greater than 5 years from the date of issuance of this biological opinion.

The reasonable and prudent measure, with its implementing terms and conditions, is designed to minimize the impact of incidental take that might otherwise result from the proposed action. With implementation of this measure and the proposed conservation measures previously identified, the Service believes that there would be no net loss of elderberry habitat. Actions on land containing elderberry habitat would be offset by avoidance of elderberry shrubs, transplantation, and installation of replacement seedlings.

Avoidance actions and conservation measures are designed to minimize and minimize the effects of the proposed actions. If, during the course of the action, the above level of incidental take is exceeded, such incidental take would represent new information requiring review of the reasonable and prudent measure provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measure.

Reporting Requirements

Any dead or severely injured beetles found (adults, pupae, or larvae) shall be deposited in the Entomology Department of the California Academy of Sciences. The Academy contact is the Senior Curator of Coleoptera at (415) 750-7239. All observations of valley elderberry longhorn beetles—live, injured, or dead— or fresh beetle exit holes shall be recorded on California Natural Diversity Data Base (NDDDB) field sheets and sent to the Department of Fish and Game, Wildlife Habitat Data Analysis Branch, 1416 Ninth Street, Sacramento, California 95814.

The Corps must provide the Service with annual reports to describe the progress of implementation of all the commitments in the Conservation Measures and Terms and Conditions sections of this biological opinion. The first report is due January 31, the first year after groundbreaking, and annually thereafter according to the monitoring plan set forth in the project description.

Ms. Nancy A. Haley

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The Sacramento Fish and Wildlife Office is to be notified within three working days of the finding of any dead listed wildlife species or any unanticipated harm to the species addressed in this biological opinion. The Service contact person for this is the Chief, Endangered Species Division at (916) 414-6620.

The Corps must require the City to report to the Service immediately any information about take or suspected take of listed wildlife species not authorized in this opinion. The Corps must notify the Service within 24 hours of receiving such information. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal. The Service contact is the Service's Law Enforcement Division at (916) 414-6660.

Any contractor or employee who during routine operations and maintenance activities inadvertently kills or injures a listed wildlife species must immediately report the incident to their representative. This representative must contact the California Department of Fish and Game immediately in the case of a dead or injured. The California Department of Fish and Game contact for immediate assistance is State Dispatch at (916) 445-0045.

The U.S. Fish and Wildlife Service Regional Office in Portland, Oregon, must be notified immediately if any dead or sick listed wildlife species is found in or adjacent to pesticide-treated areas. Cause of death or illness, if known, also should be conveyed to this office. The appropriate contact is Richard Hill at (503) 231-6241.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or development of information and data bases.

The Service recommends the following actions to protect federally listed species and their habitats in conjunction with the proposed project at this time:

- I. Reduce the impact of beetle habitat modification, degradation, or loss (Recovery Task 1.11).
- II. Preserve and protect newly discovered beetle habitat to provide suitable conditions for the species (Recovery Task 1.4)

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects, or actions benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

Ms. Nancy A. Haley

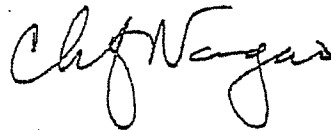
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REINITIATION-CLOSING STATEMENT

This concludes formal consultation on the action(s) outlined in the initiation request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease, pending reinitiation.

If you have any questions regarding this biological opinion for the Orange Avenue Neighborhood Improvement Project, please contact Gary Burton or Susan Jones of my staff at (916) 414-6630

Sincerely,



Cay C. Goude
Assistant Field Supervisor

enclosures:

cc:

United States Fish and Wildlife Service, Ecological Services Division, Portland, Oregon

(Attn: C. Barry)

California Department of Fish and Game, Fresno, California (Attn: A. Tenneboe)

California Department of Fish and Game CDFG, Sacramento, California (Attn: D. Warenycia)

Planning Department, City of Porterville, Porterville, California (Attn: B. Dunlap)

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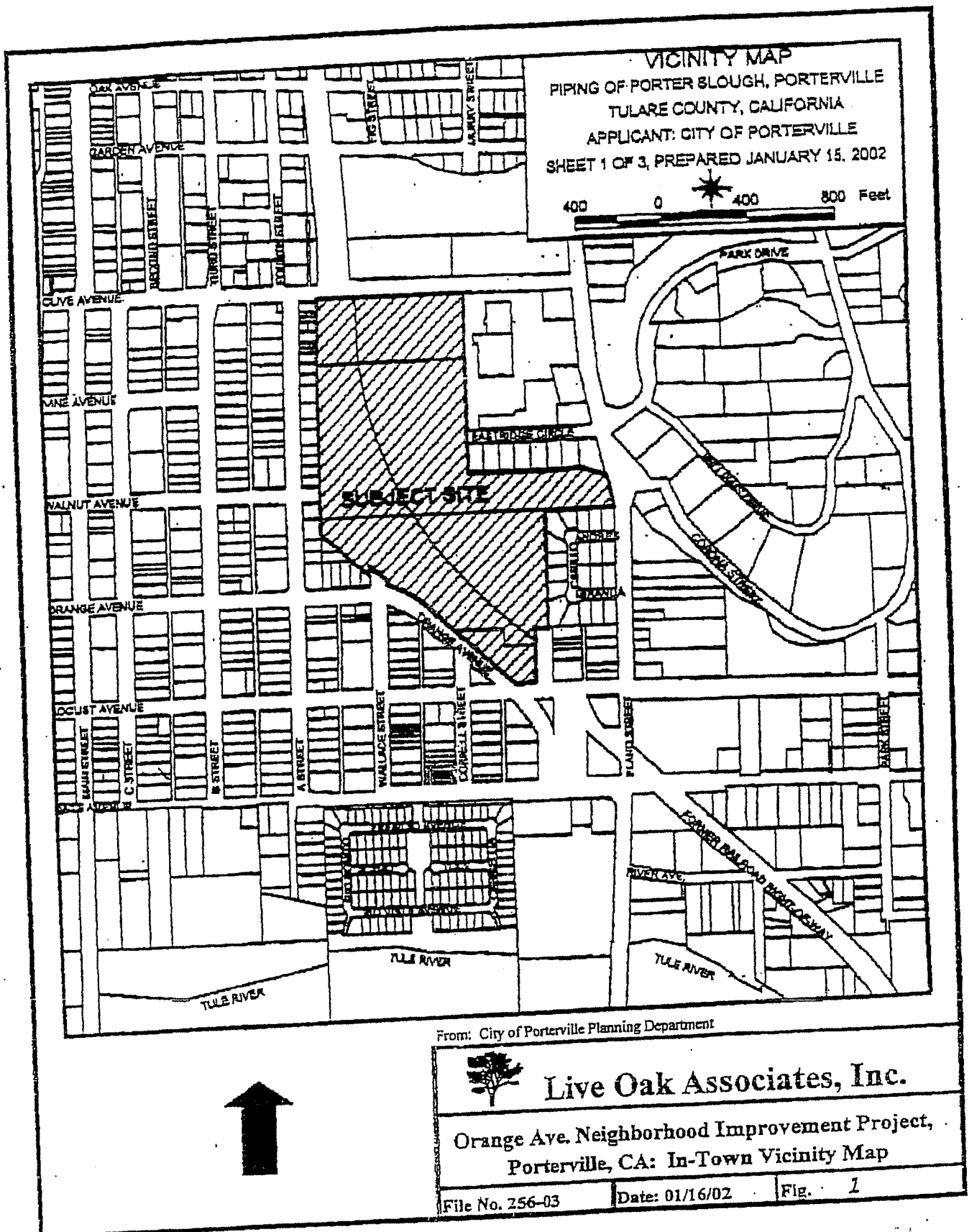
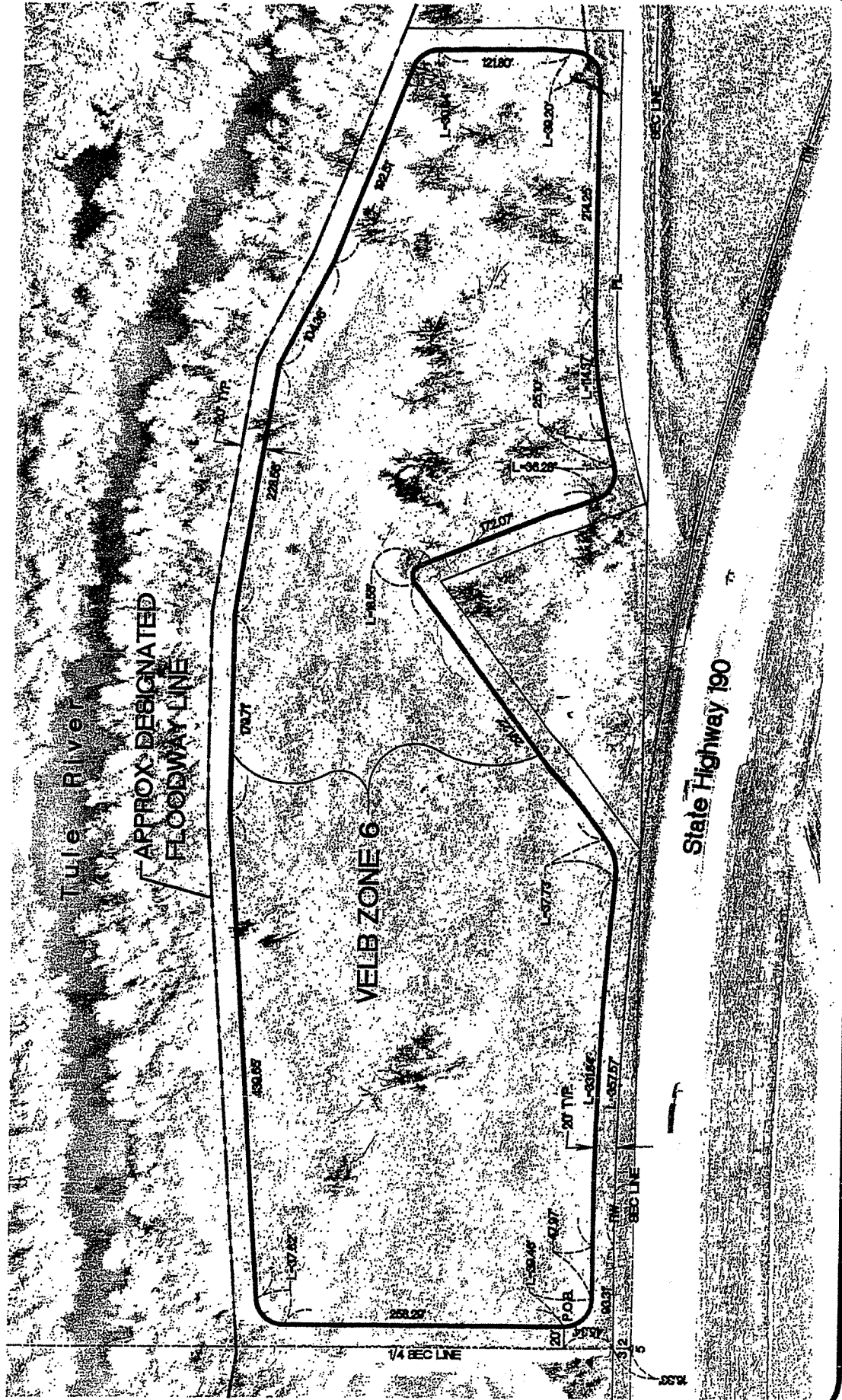


Figure 1 Project Location



Protected Property

Exhibit "A"



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

IN REPLY REFER TO:
1-1-03-F-0049

March 18, 2003

Mr. Gary N. Hamby
Division Administrator
Federal Highway Administration
U.S. Department of Transportation
980 Ninth Street, Suite 400
Sacramento California 95814-2724

Subject: Review of the Proposed Widening of Plano Street Bridge in the City of Porterville, Tulare County, California, for Inclusion in the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) Formal Programmatic Consultation (File number 1-1-96-F-0156) and Potential Effects to the San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Dear Mr. Hamby:

This document has been prepared in response to your December 23, 2002, request to append the proposed project to the *Formal Programmatic Consultation Permitting Projects with Relative Small Effects on the Valley Elderberry Longhorn Beetle* (file number 1-1-96-F-0156). (Programmatic Consultation) and your request for concurrence with your determination of not likely to adversely affect the San Joaquin kit fox (*Vulpes macrotis mutica*) (kit fox). The U.S. Fish and Wildlife Service (Service) received your request on December 26, 2002.

Although elderberry plants (*Sambucus* spp) are not considered endangered, threatened, or rare, they are the sole host of the threatened valley elderberry longhorn beetle (VELB). A direct or indirect effect on the elderberry shrub may have an effect on the VELB. The compensation guideline includes various protections for the elderberry shrub to protect the continued existence of the VELB.

After reviewing the information included with the request, the Service has determined it is appropriate to append the proposed project to the September 19, 1996, Programmatic Consultation. Also, the Service concurs with your determination that this proposed project may affect, but is not likely to adversely affect the kit fox. The Service believes the project may affect kit fox because the Service has records of recent sightings of kit fox in the City of Porterville within a 10-mile radius of the proposed project site, and annual grassland between Tule River and Poplar Ditch may serve as marginal foraging habitat and a potential movement corridor. The Service believes the project is not likely to adversely affect kit fox because no burrows greater

Mr. Gary N. Hamby

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han 4 inches in diameter were found in the project area, the project is located in a riparian area not typically utilized by kit fox, and there would be only a short-term temporary disturbance of 0.6 acre of marginal foraging habitat and movement corridor. This response has been prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act).

If initiation of groundbreaking activities has not begun in two years, effects to the beetle may increase from elderberry stem growth (in size and quantity). As such, the Administration will need to resurvey the elderberry shrubs and reinitiate consultation with the Service if groundbreaking activities have not begun in two years.

The determination and recommendations in this biological consultation are based on: (1) the December 2001 Biological Assessment for the Plano Street Bridge Widening Project; and (2) other information contained in Service files.

Consultation History

September 8, 2000: Federal Highway Administration (FHWA) received a list of threatened and endangered species from the Service.

February 27 and April 12, 2001: Electronic mail correspondence between FHWA and Service biologist Greg Van Stralen and Maryann Owens evaluated the proposed project's potential affects to the VELB and San Joaquin kit fox.

Project Description

The California Department of Transportation (Caltrans) proposes to widen the Plano Street Bridge in the City of Porterville, Tulare County, California. Plano Bridge crosses the Tule River and Poplar Ditch, 0.5 miles north of State Route 190. The proposed project is located in the southeastern portion of the City of Porterville between East Date Street and East Vandalia Street (figure 1). Both the Plano Street Bridge and 196 feet of roadway on each side of the bridge would be widened from two lanes to four lanes. The proposed project would widen this section of roadway from approximately 33 feet wide to 80 feet to accommodate two additional lanes of travel, bicycle lanes, and widening the sidewalk. Plano Street is a four lane roadway except for the location of Plano Street Bridge and 60 feet of roadway on each side of the bridge.

The widened bridge would be approximately 489 feet long and would include two abutments and 14 intermediate bents. The pier walls and associated pile caps would be lengthened to support the widened bridge. Each abutment would be lengthened to support the wider bridge using diaphragm abutments for the widened section of the bridge. The existing abutment walls would be tied and strengthened to the diaphragm abutments for increased seismic load strength. A temporary earthen ramp would be constructed from the top of the Tule Rive/Poplar Ditch bank down to the channel bottom. The temporary ramp would be constructed to allow for equipment to move into and out of the river/ditch channel. Temporary culverts would be placed in the temporary ramp to allow for water to flow through the temporary ramp and around the in-channel construction site.

During the widening of the bridge piers, local de-watering would be done to allow for in-channel construction. De-watering of the construction site would be done by placing sheet piling around each pier widening site and using a portable sump pump to remove water from within the inclosed area. Cutting into the river bank would be prohibited. Equipment that the contractor may use

Mr. Gary N. Hamby

includes but is not limited to; large flat bed truck, front end loaders, graders, fork lifts, concrete trucks, concrete pump trucks, hydraulic cranes, pile drivers, and water trucks.

The staging area is located in an open field approximately 200 feet north of the Tule River and immediately west of Plano Street Bridge. The staging is located in the northern section of the temporary construction area. The staging is approximately 115 feet wide by 300 feet long. The widening of Plano Street Bridge would occur during two construction seasons for a total of 10 months for both construction seasons. Construction in the Tule River/Popular Ditch would occur between June 15 and October 15 during each construction season. The eastern half of Plano Street Bridge would be constructed during the first construction season and the western half of the bridge would be constructed during the second season. The earthen ramp would be built at the beginning of each construction season and removed at the end of the construction season.

The habitat within the construction site consists of two intermittent waterways, the Tule River and Popular Ditch, and Great Valley willow scrub, ruderal land, and annual grassland. There are 19 elderberry shrubs that are within the action area of the project site. Fifteen of the elderberry shrubs will be affected by the construction activities, six elderberry shrubs are proposed to be transplanted, and one of the shrubs does not have any stems that are 1 inch or greater in diameter at ground level. All the elderberry shrubs are located in riparian habitat. No exit holes were found on the elderberry shrubs.

Conservation Measures

This project incorporates the avoidance and minimization measures described in the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*, Dated July 9, 1999 (VELB Guidelines) appended to the Programmatic Consultation. The project also incorporates the conservation measures found in the *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to of During Ground Disturbance* (Standard Recommendations), dated June 1999.

The City has identified and designated a 7.3-acre site to be protected as a conservation area. The site is owned by the City, and its location is shown on figure 2. The conservation area is located approximately 2 miles east of the project site adjacent to Porter Slough and the Tule River. The City will record a conservation easement on this entire parcel prior to start of construction. The Plano Street Bridge Project will require conservation of 0.66 acre within this 7.3 acre site. The remaining acreage will be utilized to compensate for future projects.

Programmatic Consultation Requirements

This document and the Programmatic Consultation represents the Service's biological opinion on the effects of the proposed action. Minimization of effects for projects appended to the Programmatic Consultation involves the implementation of avoidance and minimization measures described in the VELB Guidelines.

In accordance with the Programmatic Consultation, projects that are appended to that biological opinion will be compensated according to the VELB Guidelines unless otherwise approved by the Service. The compensation identified in the Programmatic Consultation includes the following:

Protection and compensation for the VELB include:

1. transplantation of affected elderberry plants to the compensation area;

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2. Planting of additional elderberry seedlings or cuttings and planting of associated native species at the compensation area;
3. Management and monitoring of the compensation area for either ten (10) consecutive years or seven (7) years over a 15-year period with monitoring reports submitted for each monitoring year; and
4. A management plan for long-term protection of the compensation area to protect the area in perpetuity as habitat for the elderberry longhorn beetle.

There are a total of 18 elderberry shrubs with stems greater than or equal to 1 inch at ground level located within the action area. Three of these shrubs are greater than 100 feet from the construction area, and will be completely avoided in accordance with the VELB Guidelines. Nine shrubs are located at greater than 20 feet, but less than 100 feet from the construction area. Orange barrier fencing will be installed around these nine shrubs, and no ground-disturbing activities or vegetation disturbances will be permitted within 20 feet of these shrubs. In addition, dust control measures will be implemented to protect VELB.

There are six elderberry shrubs with stems greater than or equal to 1 inch at ground level that are proposed for transplanting due to their vicinity to the bridge construction site. Construction effects on these shrubs likely will have an adverse effect on the VELB. The six shrubs have a total of 28 stems between 1-3 inches in diameter at ground level, 2 stems between 3-5 inches in diameter at ground level, and 4 stems greater than 5 inches in diameter at ground level. The six shrubs were surveyed and no exit holes were found. All six shrubs are located within riparian habitat. The Programmatic Consultation requires that each elderberry stem 1.0 inches or greater at ground level be replaced with elderberry seedlings or cuttings at a ratio shown on Table 1. Native trees and/or shrubs are required to be planted with the elderberry seedlings. The conservation area must provide an 1,800 square foot area for a maximum of five elderberry plantings and up to five associated native plant species. The ratio for the native plants that are required depends on the absence or presence of exit holes on the elderberry stems. The ratio for native plants required for mitigation is found on Table 1.

Table 1: Replanting ratios for adverse effects to elderberry shrubs

Location	Stems (maximum diameter at ground level)	Exit hole on shrub	Elderberry Seedling Ratio	Associate d Native Plant Ratio	Stem Count	Required Elderberry Plantings	Required Vegetation Plantings
non- riparian	stems $\geq 1"$ & $\leq 3"$	No	1:1	1:1			
		Yes	2:1	2:1			
non- riparian	stems $\geq 3"$ & $\leq 5"$	No	2:1	1:1			
		Yes	4:1	2:1			

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non-riparian	stems $\geq$ 5"	No	3:1	1:1			
		Yes	6:1	2:1			
riparian	stems $\geq$ 1" & $\leq$ 3"	No	2:1	1:1	28	56	56
		Yes	4:1	2:1			
riparian	stems $\geq$ 3" & $\leq$ 5"	No	3:1	1:1	2	6	6
		Yes	6:1	2:1			
riparian	stems $\leq$ 5"	No	4:1	1:1	4	16	16
		Yes	8:1	2:1			
Total replacement plantings						78	78
Total Elderberry Plants to be transplanted						6	
Total mitigation area required						0.66	
Required VELB units						16	

Compensation for the adverse affects to the VELB resulting from the proposed Plano Street Bridge project will require the planting of 78 elderberry seedlings or cuttings and 78 native trees or shrubs. One 1,800 square area is equivalent to a VELB unit. A total of sixteen (16) VELB units are required to compensate for this project.

Terms and Conditions

To be exempt from the prohibitions of section 9 of the Act, the FHWA must ensure that the permittee complies with the following terms and conditions, which implements the reasonable and prudent measures described in the programmatic biological opinion:

1. FHWA or the permittee shall implement the conservation measures for the VELB, as described in the biological assessment for the proposed project dated December, 2001.
2. The VELB Guidelines, as revised in 1999, are hereby incorporated into the Terms and Conditions for this project.
3. A Service-approved biologist will be on site during initial ground disturbance, and will supervise any transplanting of elderberry shrubs.
4. Prior to initiation of any site preparation/construction activities, a Service-approved biologist will conduct a training session about the beetle for all construction personnel. All individuals that will be involved in the site preparation or construction must be present, including the Service-approved biologist responsible for reporting take to the Service and California Department of Fish and Game. Training sessions will be repeated for all new employees before they access the proposed project site. A sign-up sheet identifying attendees and contract/company they represent will be provided to the Service with the post-construction compliance report. At a minimum, the training will include a description

Mr. Gary N. Hamby

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of the history of the beetle, its habitat, the penalties for non-compliance, and the boundaries (work area) within which the proposed project must be accomplished.

5. If initiation of groundbreaking activities has not begun in two years, effects to the beetle may increase from elderberry stem growth (in size and quantity). As such, the FHWA will need to resurvey the elderberry shrubs and reinstate consultation with the Service if construction has not begun in two years.
6. A post-construction compliance report, prepared by the Service-approved biologist shall be submitted to the Sacramento Fish and Wildlife Office no later than 30 days after the completion of the construction activities. The report shall include an accounting of the final area affected by the project; brief description of materials provided to the contractors and employees; sign-up sheet from the training sessions; sightings of any listed species in the vicinity of the proposed project; harassment, injury, or death of any listed species; and any non-compliance by employees or contractors.

The Service is tracking losses of VELB habitat permitted under the Programmatic Consultation, and minimization measures for those losses, in each County under the jurisdiction of the Sacramento Fish and Wildlife Office and within the range of the VELB. The Service reevaluates the effectiveness of this Programmatic Consultation at least every six (6) months to ensure continued implementation will not result in unacceptable effects to the VELB or the habitats upon which it depends.

Reporting Requirements

All written correspondence to the Service concerning this biological opinion shall reference the Service file number 1-1-03-F-0049. The Sacramento Fish and Wildlife Office is to be notified via letter/facsimile within one (1) working day of the finding of any dead listed wildlife species. Notification must include the date, time, and location of the finding of the dead or injured animal. Any contractor or employee who, during routine operations and maintenance activities, inadvertently kills or injures a listed wildlife species must immediately report the incident to their representative. This representative must contact the California Department of Fish and Game (CDFG) and the Service immediately in the case of a dead or injured listed species. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. The Service contact person is the Chief of Endangered Species Division, at (916) 414-6600.

Conservation Recommendations

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities that can be implemented to further the purposes of the Act, such as preservation of endangered species habitat, implementation of recovery actions, or development of information and databases. The actions that the FHWA and Caltrans can take to improve habitat for the VELB include the following.

When developing the revegetation plan for the project, Caltrans should incorporate plantings of elderberry shrubs and associated riparian species identified in the 1999 VELB Guidelines to the maximum extent feasible.

Mr. Gary N. Hamby

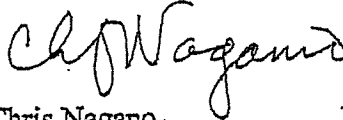
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Reinitiation-Closing Statement

This concludes formal consultation with the FWHIA on the proposed Caltrans highway improvements for the Plano Street Bridge Widening Project. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded [e.g., if initiation of groundbreaking activities does not occur within the next two years and effects to beetle habitat may increase through increased stem growth and/or numbers]; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions concerning this biological opinion for the Plano Street Bridge Widening Project (File Number 1-1-03-F-0049), please contact Gary Burton or Susan Jones of my staff at the address above or at (916) 414-6630.

Sincerely,



Chris Nagano
Chief, Endangered Species Division

cc:

Federal Highway Administration, Sacramento, California (attn: Larry Vinzant and Steve Healow)
California Department of Fish Game, Region 4, Fresno, California (attn: Annette Tenneboe)

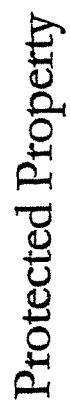
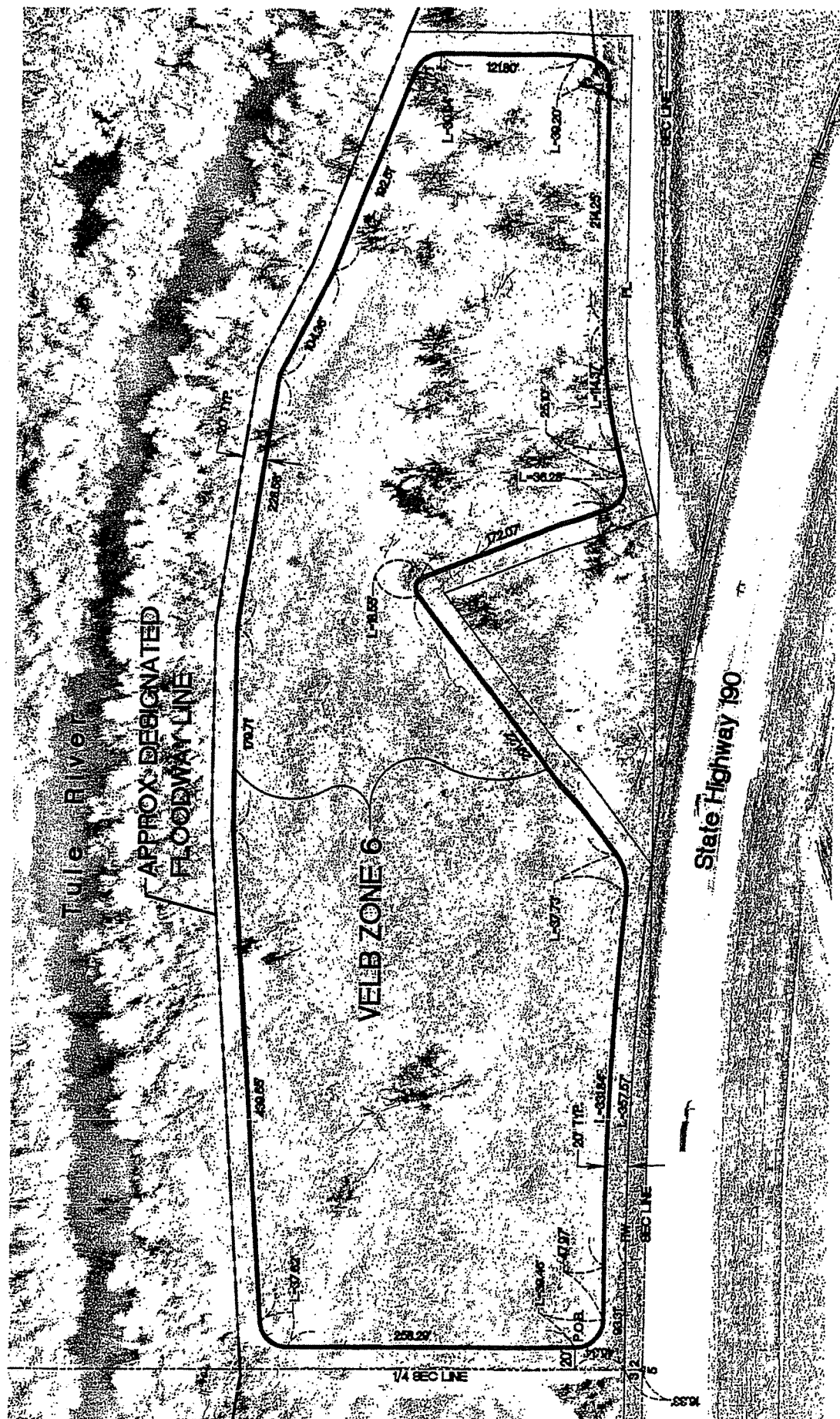


Exhibit "A"



ATTACHMENT NO. 2

CONSERVATION GUIDELINES FOR THE VALLEY ELDERBERRY LONGHORN
BEETLE, 9, JULY 1999

United States Department of the Interior

Fish and Wildlife Service

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

Conservation Guidelines for the Valley Elderberry Longhorn Beetle

Revised July 9, 1999

The following guidelines have been issued by the U.S. Fish and Wildlife Service (Service) to assist Federal agencies and non-federal project applicants needing incidental take authorization through a section 7 consultation or a section 10(a)(1)(B) permit in developing measures to avoid and minimize adverse effects on the valley elderberry longhorn beetle. The Service will revise these guidelines as needed in the future. The most recently issued version of these guidelines should be used in developing all projects and habitat restoration plans. The survey and monitoring procedures described below are designed to avoid any adverse effects to the valley elderberry longhorn beetle. Thus a recovery permit is not needed to survey for the beetle or its habitat or to monitor conservation areas. If you are interested in a recovery permit for research purposes please call the Service's Regional Office at (503) 231-2063.

Background Information

The valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), was listed as a threatened species on August 8, 1980 (Federal Register 45: 52803-52807). This animal is fully protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The valley elderberry longhorn beetle (beetle) is completely dependent on its host plant, elderberry (*Sambucus* species), which is a common component of the remaining riparian forests and adjacent upland habitats of California's Central Valley. Use of the elderberry by the beetle, a wood borer, is rarely apparent. Frequently, the only exterior evidence of the elderberry's use by the beetle is an exit hole created by the larva just prior to the pupal stage. The life cycle takes one or two years to complete. The animal spends most of its life in the larval stage, living within the stems of an elderberry plant. Adult emergence is from late March through June, about the same time the elderberry produces flowers. The adult stage is short-lived. Further information on the life history, ecology, behavior, and distribution of the beetle can be found in a report by Barr (1991) and the recovery plan for the beetle (USFWS 1984).

Surveys

Proposed project sites within the range of the valley elderberry longhorn beetle should be surveyed for the presence of the beetle and its elderberry host plant by a qualified biologist. The beetle's range extends throughout California's Central Valley and associated foothills from about the 3,000-foot elevation contour on the east and the watershed of the Central Valley on the west (Figure 1). All or portions of 31 counties are included: Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, Kings, Lake, Madera, Mariposa, Merced, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Luis Obispo, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, Yuba.

If elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level occur on or adjacent to the proposed project site, or are otherwise located where they may be directly or indirectly affected by the proposed action, minimization measures which include planting replacement habitat (conservation planting) are required (Table 1).

All elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level that occur on or adjacent to a proposed project site must be thoroughly searched for beetle exit holes (external evidence of beetle presence). In addition, all elderberry stems one inch or greater in diameter at ground level must be tallied by diameter size class (Table 1). As outlined in Table 1, the numbers of elderberry seedlings/cuttings and associated riparian native trees/shrubs to be planted as replacement habitat are determined by stem size class of affected elderberry shrubs, presence or absence of exit holes, and whether a proposed project lies in a riparian or non-riparian area.

Elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level are unlikely to be habitat for the beetle because of their small size and/or immaturity. Therefore, no minimization measures are required for removal of elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level with no exit holes. Surveys are valid for a period of two years.

Avoid and Protect Habitat Whenever Possible

Project sites that do not contain beetle habitat are preferred. If suitable habitat for the beetle occurs on the project site, or within close proximity where beetles will be affected by the project, these areas must be designated as avoidance areas and must be protected from disturbance during the construction and operation of the project. When possible, projects should be designed such that avoidance areas are connected with adjacent habitat to prevent fragmentation and isolation of beetle populations. Any beetle habitat that cannot be avoided as described below should be considered impacted and appropriate minimization measures should be proposed as described below.

Avoidance: Establishment and Maintenance of a Buffer Zone

Complete avoidance (i.e., no adverse effects) may be assumed when a 100-foot (or wider) buffer is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level. Firebreaks may not be included in the buffer zone. In buffer areas construction-related disturbance should be minimized, and any damaged area should be promptly restored following construction. The Service must be consulted before any disturbances within the buffer area are considered. In addition, the Service must be provided with a map identifying the avoidance area and written details describing avoidance measures.

Protective Measures

1. Fence and flag all areas to be avoided during construction activities. In areas where encroachment on the 100-foot buffer has been approved by the Service, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant.
2. Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
3. Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.
4. Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.

Restoration and Maintenance

Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and re-vegetate with appropriate native plants.

Buffer areas must continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate.

No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.

The applicant must provide a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed.

Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).

Transplant Elderberry Plants That Cannot Be Avoided

Elderberry plants must be transplanted if they can not be avoided by the proposed project. All elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level must be transplanted to a conservation area (see below). At the Service's discretion, a plant that is unlikely to

survive transplantation because of poor condition or location, or a plant that would be extremely difficult to move because of access problems, may be exempted from transplantation. In cases where transplantation is not possible the minimization ratios in Table 1 may be increased to offset the additional habitat loss.

Trimming of elderberry plants (e.g., pruning along roadways, bike paths, or trails) with one or more stems 1.0 inch or greater in diameter at ground level, may result in take of beetles. Therefore, trimming is subject to appropriate minimization measures as outlined in Table 1.

1. Monitor. A qualified biologist (monitor) must be on-site for the duration of the transplanting of the elderberry plants to insure that no unauthorized take of the valley elderberry longhorn beetle occurs. If unauthorized take occurs, the monitor must have the authority to stop work until corrective measures have been completed. The monitor must immediately report any unauthorized take of the beetle or its habitat to the Service and to the California Department of Fish and Game.

2. Timing. Transplant elderberry plants when the plants are dormant, approximately November through the first two weeks in February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.

3. Transplanting Procedure.

- a. Cut the plant back 3 to 6 feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. The trunk and all stems measuring 1.0 inch or greater in diameter at ground level should be replanted. Any leaves remaining on the plant should be removed.

- b. Excavate a hole of adequate size to receive the transplant.

- c. Excavate the plant using a Vemeer spade, backhoe, front end loader, or other suitable equipment, taking as much of the root ball as possible, and replant immediately at the conservation area. Move the plant only by the root ball. If the plant is to be moved and transplanted off site, secure the root ball with wire and wrap it with burlap. Dampen the burlap with water, as necessary, to keep the root ball wet. Do not let the roots dry out. Care should be taken to ensure that the soil is not dislodged from around the roots of the transplant. If the site receiving the transplant does not have adequate soil moisture, pre-wet the soil a day or two before transplantation.

- d. The planting area must be at least 1,800 square feet for each elderberry transplant. The root ball should be planted so that its top is level with the existing ground. Compact the soil sufficiently so that settlement does not occur. As many as five (5) additional elderberry plantings (cuttings or seedlings) and up to five (5) associated native species plantings (see below) may also be planted within the 1,800 square foot area with the transplant. The transplant and each new planting should have its own watering basin measuring at least three (3) feet in diameter. Watering basins should have a continuous berm measuring approximately eight (8) inches wide at the base and six (6) inches high.

- e. Saturate the soil with water. Do not use fertilizers or other supplements or paint the tips of stems with pruning substances, as the effects of these compounds on the beetle are unknown.

- f. Monitor to ascertain if additional watering is necessary. If the soil is sandy and well-drained, plants may need to be watered weekly or twice monthly. If the soil is clayey and poorly-drained, it may not be necessary to water after the initial saturation. However, most transplants require watering through the first summer. A drip watering system and timer is ideal. However, in situations where this is not possible, a water truck or other apparatus may be used.

Each elderberry stem measuring 1.0 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) must be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). Minimization ratios are listed and explained in Table 1. Stock of either seedlings or cuttings should be obtained from local sources. Cuttings may be obtained from the plants to be transplanted if the project site is in the vicinity of the conservation area. If the Service determines that the elderberry plants on the proposed project site are unsuitable candidates for transplanting, the Service may allow the applicant to plant seedlings or cuttings at higher than the stated ratios in Table 1 for each elderberry plant that cannot be transplanted.

Plant Associated Native Species

Studies have found that the beetle is more abundant in dense native plant communities with a mature overstory and a mixed understory. Therefore, a mix of native plants associated with the elderberry plants at the project site or similar sites will be planted at ratios ranging from 1:1 to 2:1 [native tree/plant species to each elderberry seedling or cutting (see Table 1)]. These native plantings must be monitored with the same survival criteria used for the elderberry seedlings (see below). Stock of saplings, cuttings, and seedlings should be obtained from local sources. If the parent stock is obtained from a distance greater than one mile from the conservation area, approval by the Service of the native plant donor sites must be obtained prior to initiation of the revegetation work. Planting or seeding the conservation area with native herbaceous species is encouraged. Establishing native grasses and forbs may discourage unwanted non-native species from becoming established or persisting at the conservation area. Only stock from local sources should be used.

Examples

Example 1

The project will adversely affect beetle habitat on a vacant lot on the land side of a river levee. This levee now separates beetle habitat on the vacant lot from extant Great Valley Mixed Riparian Forest (Holland 1986) adjacent to the river. However, it is clear that the beetle habitat located on the vacant lot was part of a more extensive mixed riparian forest ecosystem extending farther from the river's edge prior to agricultural development and levee construction. Therefore, the beetle habitat on site is considered riparian. A total of two elderberry plants with at least one stem measuring 1.0 inch or greater in diameter at ground level will be affected by the proposed action. The two plants have a total of 15 stems measuring over 1.0 inch. No exit holes were found on either plant. Ten of the stems are between 1.0 and 3.0 inches in diameter and five of the stems are greater than 5.0 inches in diameter. The conservation area is suited for riparian forest habitat. Associated natives adjacent to the conservation area are box elder (*Acer negundo californica*), walnut (*Juglans californica* var. *hindsii*), sycamore (*Platanus racemosa*), cottonwood (*Populus fremontii*), willow (*Salix gooddingii* and *S. laevigata*), white alder (*Alnus rhombifolia*), ash (*Fraxinus latifolia*), button willow (*Cephalanthus occidentalis*), and wild grape (*Vitis californica*).

Minimization (based on ratios in Table 1):

- Transplant the two elderberry plants that will be affected to the conservation area.
- Plant 40 elderberry rooted cuttings (10 affected stems compensated at 2:1 ratio and 5 affected stems compensated at 4:1 ratio, cuttings planted:stems affected)
- Plant 40 associated native species (ratio of associated natives to elderberry plantings is 1:1 in areas with no exit holes):

5 saplings each of box elder, sycamore, and cottonwood

5 willow seedlings

5 white alder seedlings

5 saplings each of walnut and ash

3 California button willow

2 wild grape vines

Total: 40 associated native species

- Total area required is a minimum of 1,800 sq. ft. for one to five elderberry seedlings and up to 5 associated natives. Since, a total of 80 plants must be planted (40 elderberries and 40 associated natives), a total of 0.33 acre (14,400 square feet) will be required for conservation plantings. The conservation area will be seeded and planted with native grasses and forbs, and closely monitored and maintained throughout the monitoring period.

Example 2

The project will adversely affect beetle habitat in Blue Oak Woodland (Holland 1986). One elderberry plant with at least one stem measuring 1.0 inch or greater in diameter at ground level will be affected by the proposed action. The plant has a total of 10 stems measuring over 1.0 inch. Exit holes were found on the plant. Five of the stems are between 1.0 and 3.0 inches in diameter and five of the stems are between 3.0 and 5.0 inches in diameter. The conservation area is suited for elderberry savanna (non-riparian habitat). Associated natives adjacent to the conservation area are willow (*Salix* species), blue oak (*Quercus douglasii*), interior live oak (*Q. wislizenii*), sycamore, poison oak (*Toxicodendron diversilobum*), and wild grape.

Minimization (based on ratios in Table 1):

- Transplant the one elderberry plant that will be affected to the conservation area.
- Plant 30 elderberry seedlings (5 affected stems compensated at 2:1 ratio and 5 affected stems compensated at 4:1 ratio, cuttings planted:stems affected)
- Plant 60 associated native species (ratio of associated natives to elderberry plantings is 2:1 in areas with exit holes):

20 saplings of blue oak, 20 saplings of sycamore, and 20 saplings of willow, and seed and plant with a mixture of native grasses and forbs

- Total area required is a minimum of 1,800 sq. ft. for one to five elderberry seedlings and up to 5 associated natives. Since, a total of 90 plants must be planted (30 elderberries and 60 associated natives), a total of 0.37 acre (16,200 square feet) will be required for conservation plantings. The conservation area will be seeded and planted with native grasses and forbs, and closely monitored and maintained throughout the monitoring period.

Conservation Area—Provide Habitat for the Beetle in Perpetuity

The conservation area is distinct from the avoidance area (though the two may adjoin), and serves to receive and protect the transplanted elderberry plants and the elderberry and other native plantings. The Service may accept proposals for off-site conservation areas where appropriate.

1. Size. The conservation area must provide at least 1,800 square feet for each transplanted elderberry plant. As many as 10 conservation plantings (i.e., elderberry cuttings or seedlings and/or associated native plants) may be planted within the 1800 square foot area with each transplanted elderberry. An additional 1,800 square feet shall be provided for every additional 10 conservation plants. Each planting should have its own watering basin measuring approximately three feet in diameter. Watering basins should be constructed with a continuous berm measuring approximately eight inches wide at the base and six inches high.

The planting density specified above is primarily for riparian forest habitats or other habitats with naturally dense cover. If the conservation area is an open habitat (i.e., elderberry savanna, oak woodland) more area may be needed for the required plantings. Contact the Service for assistance if the above planting recommendations are not appropriate for the proposed conservation area.

No area to be maintained as a firebreak may be counted as conservation area. Like the avoidance area, the conservation area should connect with adjacent habitat wherever possible, to prevent isolation of beetle populations.

Depending on adjacent land use, a buffer area may also be needed between the conservation area and the adjacent lands. For example, herbicides and pesticides are often used on orchards or vineyards. These chemicals may drift or runoff onto the

conservation area if an adequate buffer area is not provided.

2. Long-Term Protection. The conservation area must be protected in perpetuity as habitat for the valley elderberry longhorn beetle. A conservation easement or deed restrictions to protect the conservation area must be arranged. Conservation areas may be transferred to a resource agency or appropriate private organization for long-term management. The Service must be provided with a map and written details identifying the conservation area; and the applicant must receive approval from the Service that the conservation area is acceptable prior to initiating the conservation program. A true, recorded copy of the deed transfer, conservation easement, or deed restrictions protecting the conservation area in perpetuity must be provided to the Service before project implementation.

Adequate funds must be provided to ensure that the conservation area is managed in perpetuity. The applicant must dedicate an endowment fund for this purpose, and designate the party or entity that will be responsible for long-term management of the conservation area. The Service must be provided with written documentation that funding and management of the conservation area (items 3-8 above) will be provided in perpetuity.

3. Weed Control. Weeds and other plants that are not native to the conservation area must be removed at least once a year, or at the discretion of the Service and the California Department of Fish and Game. Mechanical means should be used; herbicides are prohibited unless approved by the Service.

4. Pesticide and Toxicant Control. Measures must be taken to insure that no pesticides, herbicides, fertilizers, or other chemical agents enter the conservation area. No spraying of these agents must be done within one 100 feet of the area, or if they have the potential to drift, flow, or be washed into the area in the opinion of biologists or law enforcement personnel from the Service or the California Department of Fish and Game.

5. Litter Control. No dumping of trash or other material may occur within the conservation area. Any trash or other foreign material found deposited within the conservation area must be removed within 10 working days of discovery.

6. Fencing. Permanent fencing must be placed completely around the conservation area to prevent unauthorized entry by off-road vehicles, equestrians, and other parties that might damage or destroy the habitat of the beetle, unless approved by the Service. The applicant must receive written approval from the Service that the fencing is acceptable prior to initiation of the conservation program. The fence must be maintained in perpetuity, and must be repaired/replaced within 10 working days if it is found to be damaged. Some conservation areas may be made available to the public for appropriate recreational and educational opportunities with written approval from the Service. In these cases appropriate fencing and signs informing the public of the beetle's threatened status and its natural history and ecology should be used and maintained in perpetuity.

7. Signs. A minimum of two prominent signs must be placed and maintained in perpetuity at the conservation area, unless otherwise approved by the Service. The signs should note that the site is habitat of the federally threatened valley elderberry longhorn beetle and, if appropriate, include information on the beetle's natural history and ecology. The signs must be approved by the Service. The signs must be repaired or replaced within 10 working days if they are found to be damaged or destroyed.

Monitoring

The population of valley elderberry longhorn beetles, the general condition of the conservation area, and the condition of the elderberry and associated native plantings in the conservation area must be monitored over a period of either ten (10) consecutive years or for seven (7) years over a 15-year period. The applicant may elect either 10 years of monitoring, with surveys and reports every year; or 15 years of monitoring, with surveys and reports on years 1, 2, 3, 5, 7, 10, and 15. The conservation plan provided by the applicant must state which monitoring schedule will be followed. No change in monitoring schedule will be accepted after the project is initiated. If conservation planting is done in stages (i.e., not all planting is implemented in the same time period), each stage of conservation planting will have a different start date for the required monitoring time.

Surveys. In any survey year, a minimum of two site visits between February 14 and June 30 of each year must be made by a qualified biologist. Surveys must include:

1. A population census of the adult beetles, including the number of beetles observed, their condition, behavior, and their precise locations. Visual counts must be used; mark-recapture or other methods involving handling or harassment must not be used.
2. A census of beetle exit holes in elderberry stems, noting their precise locations and estimated ages.
3. An evaluation of the elderberry plants and associated native plants on the site, and on the conservation area, if disjunct, including the number of plants, their size and condition.
4. An evaluation of the adequacy of the fencing, signs, and weed control efforts in the avoidance and conservation areas.
5. A general assessment of the habitat, including any real or potential threats to the beetle and its host plants, such as erosion, fire, excessive grazing, off-road vehicle use, vandalism, excessive weed growth, etc.

The materials and methods to be used in the monitoring studies must be reviewed and approved by the Service. All appropriate Federal permits must be obtained prior to initiating the field studies.

Reports. A written report, presenting and analyzing the data from the project monitoring, must be prepared by a qualified biologist in each of the years in which a monitoring survey is required. Copies of the report must be submitted by December 31 of the same year to the Service (Chief of Endangered Species, Sacramento Fish and Wildlife Office), and the Department of Fish and Game (Supervisor, Environmental Services, Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814; and Staff Zoologist, California Natural Diversity Data Base, Department of Fish and Game, 1220 S Street, Sacramento, California 95814). The report must explicitly address the status and progress of the transplanted and planted elderberry and associated native plants and trees, as well as any failings of the conservation plan and the steps taken to correct them. Any observations of beetles or fresh exit holes must be noted. Copies of original field notes, raw data, and photographs of the conservation area must be included with the report. A vicinity map of the site and maps showing where the individual adult beetles and exit holes were observed must be included. For the elderberry and associated native plants, the survival rate, condition, and size of the plants must be analyzed. Real and likely future threats must be addressed along with suggested remedies and preventative measures (e.g. limiting public access, more frequent removal of invasive non-native vegetation, etc.).

A copy of each monitoring report, along with the original field notes, photographs, correspondence, and all other pertinent material, should be deposited at the California Academy of Sciences (Librarian, California Academy of Sciences, Golden Gate Park, San Francisco, CA 94118) by December 31 of the year that monitoring is done and the report is prepared. The Service's Sacramento Fish and Wildlife Office should be provided with a copy of the receipt from the Academy library acknowledging receipt of the material, or the library catalog number assigned to it.

Access. Biologists and law enforcement personnel from the California Department of Fish and Game and the Service must be given complete access to the project site to monitor transplanting activities. Personnel from both these agencies must be given complete access to the project and the conservation area to monitor the beetle and its habitat in perpetuity.

Success Criteria

A minimum survival rate of at least 60 percent of the elderberry plants and 60 percent of the associated native plants must be maintained throughout the monitoring period. Within one year of discovery that survival has dropped below 60 percent, the applicant must replace failed plantings to bring survival above this level. The Service will make any determination as to the applicant's replacement responsibilities arising from circumstances beyond its control, such as plants damaged or killed as a result of severe flooding or vandalism.

Service Contact

These guidelines were prepared by the Endangered Species Division of the Service's Sacramento Fish and Wildlife Office. If you have questions regarding these guidelines or to request a copy of the most recent guidelines, telephone (916) 414-6600, or write to:

U.S. Fish and Wildlife Service
Ecological Services
2800 Cottage Way, W-2605
Sacramento, CA 95825

Literature Cited

Barr, C. B. 1991. The distribution, habitat, and status of the valley elderberry longhorn beetle *Desmocerus californicus dimorphus*. U.S. Fish and Wildlife Service; Sacramento, California.

Holland, R.F. 1986. Preliminary descriptions of the terrestrial natural communities of California. Unpublished Report. State of California, The Resources Agency, Department of Fish and Game, Natural Heritage Division, Sacramento, California.

USFWS. 1980. Listing the valley elderberry longhorn beetle as a threatened species with critical habitat. Federal Register 45:52803-52807.

USFWS. 1984. Recovery plan for the valley elderberry longhorn beetle. U.S. Fish and Wildlife Service, Endangered Species Program; Portland, Oregon.

Table 1: Minimization ratios based on location (riparian vs. non-riparian), stem diameter of affected elderberry plants at ground level, and presence or absence of exit holes.

Location	Stems (maximum diameter at ground level)	Exit Holes on Shrub Y/N (quantify) ¹	Elderberry Seedling Ratio ²	Associated Native Plant Ratio ³
non-riparian	stems ≥ 1 " & ≤ 3 "	No:	1:1	1:1
		Yes:	2:1	2:1
non-riparian	stems > 3 " & < 5 "	No:	2:1	1:1
		Yes:	4:1	2:1
non-riparian	stems ≥ 5 "	No:	3:1	1:1
		Yes:	6:1	2:1
riparian	stems ≥ 1 " & ≤ 3 "	No:	2:1	1:1
		Yes:	4:1	2:1
riparian	stems > 3 " & < 5 "	No:	3:1	1:1
		Yes:	6:1	2:1
riparian	stems ≥ 5 "	No:	4:1	1:1
		Yes:	8:1	2:1

¹ All stems measuring one inch or greater in diameter at ground level on a single shrub are considered occupied when exit holes are present anywhere on the shrub.

² Ratios in the Elderberry Seedling Ratio column correspond to the number of cuttings or seedlings to be planted per elderberry stem (one inch or greater in diameter at ground level) affected by a project.

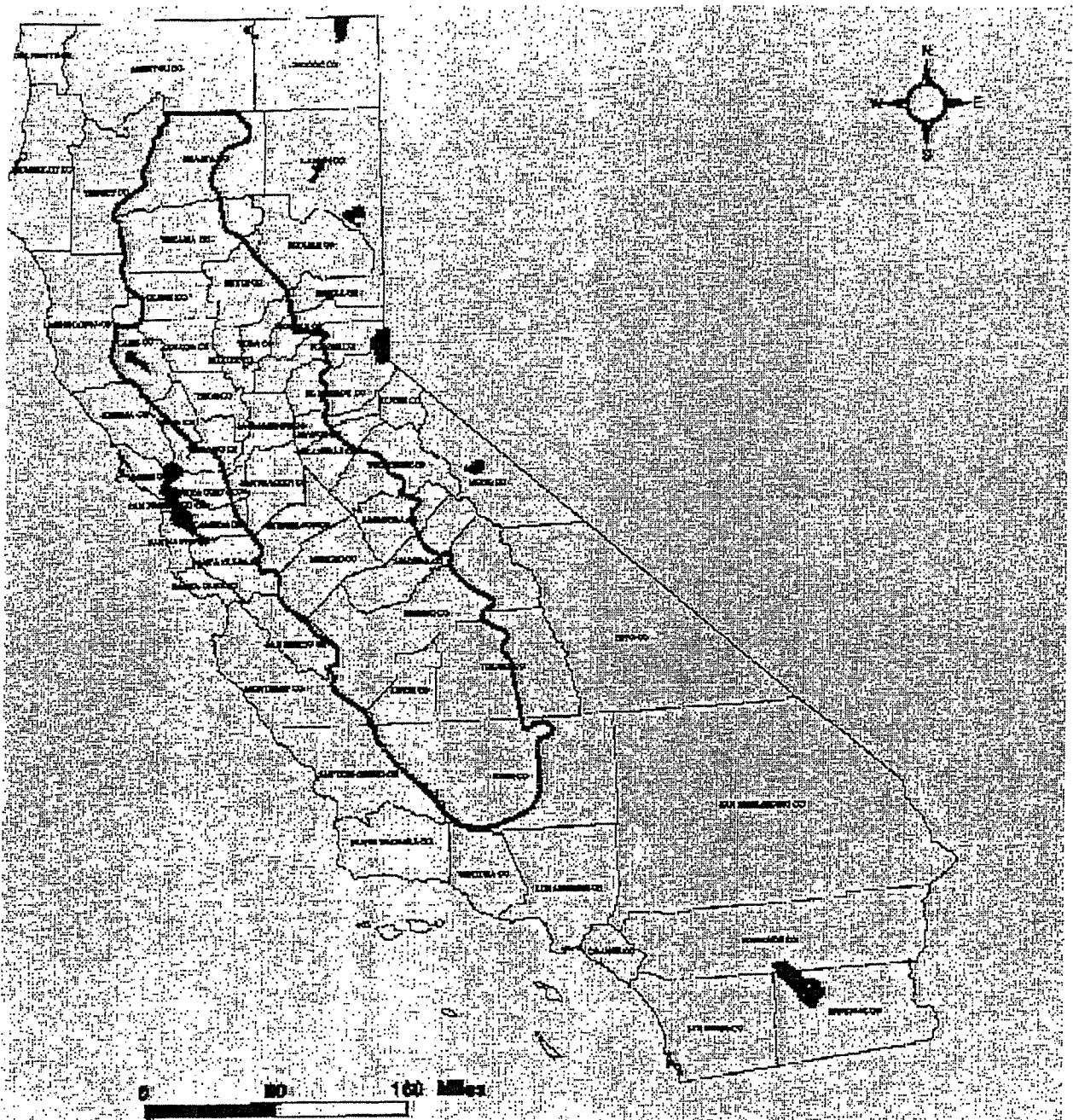


Figure 1: Range of the Valley Elderberry Longhorn Beetle

Exhibit D
Declaration of Trust

Exhibit D

DECLARATION OF TRUST

I

The City of Porterville (hereinafter "Trustors") hereby declare that they have transferred and delivered to the Sequoia Riverlands Trust (hereinafter "Trustee") in perpetuity the sum of \$65,000. This amount, constituting the entire endowment amount, is to be held, administered, disbursed and expended for public benefit as an endowment fund for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, in Section 23701(d) of the California Revenue and Tax Code, more particularly as set forth and provided herein.

II

The name of this Trust shall be "Porterville Mitigation Area No. 1 Trust"

III

- A. The Trustee shall hold, administer, disburse and expend, from time to time, from the interest income of trust fund, deposited with it, such amounts as shall be required to monitor, preserve, operate, and maintain, in perpetuity, the real property referred to as the "Porterville Mitigation Area No. 1", described on Exhibit A attached hereto, as a Conservation Bank and habitat for wildlife, pursuant to the terms of the Mitigation Area Perpetual Conservation Easement Grant, dated April 6, 2004. The endowment principle amount (\$65,000) shall never be depleted without explicit, written permission from the Conservation Bank Coordinator, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service.
- B. The Trustee, in its sole discretion, may make direct disbursements from the trust fund for the purposes of the Trust, or it may from time to time, upon justification and receipts for expenditures, disburse such funds to the Trustor or persons or entity charged with the responsibility of monitoring, preserving, operating, and maintaining the Porterville Mitigation Area No. 1, which funds shall be used by such persons or entity only for the purposes set forth herein and in said Grant. Notice of such disbursement shall be provided to the Conservation Bank Coordinator, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service.
- C. The current Conservation Bank Coordinator, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, may from time to time

recommend to the Trustee persons or entities to whom such funds may be disbursed and used for the purposes set forth in this Trust.

IV

The property of this Trust is irrevocably dedicated to charitable purposes and no part of the net income or assets of this trust shall ever inure to the personal benefit of any Trustor, Trustee, officer, or member hereof or to the benefit of any private person, except in payment for services or goods rendered. Upon any termination of this Trust, its assets remaining after payment, or provision for payment, of all debts and liabilities of the Trust shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, and whose purposes are consistent with the overall public purpose of this Trust to develop, acquire, and maintain in perpetuity wildlife habitats.

V

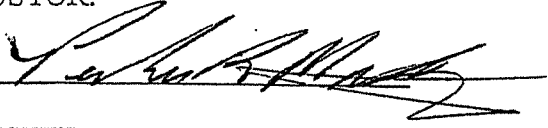
No substantial part of the activities of the Trust shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Trust shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate, public office or ballot proposition.

VI

- A. In the event the Trustee resigns or is removed, such vacancy may be filled by the appointment of a Successor Trustee, but Trustee shall give Trustor at least thirty (30) days prior written notice of the transfer. Trustee may assign its rights and obligations under this Trust only to an organization that is 1) approved by the U.S. Fish and Wildlife Service; and 2) a public agency or a qualified organization at the time of transfer under section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and 3) authorized to acquire and hold conservation easements under California Civil Code section 815 et seq. (or any successor provision then applicable). As a condition of such appointment, the Successor Trustee shall agree in writing that the conservation purposes that this Trust is intended to advance shall continue to be fulfilled. In the event that Trustee ever ceases to exist or no longer qualifies under Section 180(h) of the U.S. Internal Revenue Code or applicable state law, a court of competent jurisdiction shall appoint a Successor Trustee to another qualified entity having substantially similar conservation purposes that agrees to assume Trustee's responsibilities in this Trust, provided that Trustor shall be provided notice of an opportunity to participate in the court proceedings.

- B. The Trustee shall at all times keep the Trust Fund on deposit with a federally insured financial institution, at the maximum prudent interest rate and in accordance with the bylaws of the Sequoia Riverlands Trust.

TRUSTOR:

By: 

TRUSTEE:

By: _____

Approved:
U.S. FISH AND WILDLIFE SERVICE

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

I, JOHN LONGLEY, 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 a 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 6th day of April, 2004.

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

Council:	WEST	IRISH	HAMILTON	STADTHERR	MARTINEZ
AYES:	X	X		X	X
NOES:					
ABSTAIN:					
ABSENT:			X		

JOHN LONGLEY, City Clerk

Georgia Hawley
by Georgia Hawley, Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Authorization to Submit a California State Water Resources Control Board Planning Grant Application for Water Recycling Funds – Feasibility Study

SOURCE: Public Works

COMMENT: City staff and Carollo Engineers, Inc., the City's consultant, have been working together over the past several weeks in preparing an application for planning funds that will assist in financing a recycled water feasibility study. The application is attached in draft form while supporting documentation is being obtained. The California State Water Resources Control Board is the agency responsible for the Water Recycling Fund Program. The maximum available funding through the water recycling funding program is fifty (50) percent of the total eligible costs up to a maximum of \$75,000.

The purpose of the feasibility study is to determine a cost-effective approach to increase the city's water capacity for growth within the City of Porterville's Urban Development Boundary while maintaining groundwater sustainability. Staff has locked in on four concepts and within some of the concepts there are several alternatives that are summarized as follows:

1. Development of three satellite tertiary facilities for unrestricted irrigation. One facility to serve Veterans' Park and Monache High School. Another facility to serve two, and potentially three, Burton School sites, and, finally, a third facility that will serve the City of Porterville's Sports Complex.
2. Tertiary treatment at the Waste Water Treatment Facility (WWTF) to provide unrestricted irrigation water throughout the city to all outdoor irrigation customers or limiting the distribution to open spaces and public facilities. The latter option will create excess treated water that could be distributed to city drainage reservoirs or the reclamation area fields as a component of our required groundwater recharging program. The third scenario to this option is distributing all of the tertiary treated water to the City's reclamation area, which will lift the restriction on crop plantings. This scenario will maintain our current attributions towards our groundwater recharging efforts.
3. Advanced Water Recycling Treatment Facility (AWRTF) located at the WWTF to produce water strictly for groundwater recharging.
4. An AWRTF located at the WWTF for the purposes of direct potable reuse (DPR), in conjunction with the use of City water shares and purchase of additional water rights for the construction of a surface water treatment facility.

Under this concept, the highly treated recycled water would be further treated in the surface water treatment facility prior to distribution into the City water system.

All of these alternatives will be evaluated as to the economic costs and benefits, institutional and legal requirements, and potential environmental impacts. In summary, the feasibility study will evaluate potable offsets through the alternatives that consider additional urban landscape irrigation (such as freeway medians, schools, cemeteries, and city parks), groundwater recharge opportunities, and direct or indirect potable reuse opportunities.

The Groundwater Sustainability Management Act is also affecting how agencies do business. The act will require the City of Porterville to secure surface water rights in order to balance groundwater pumping versus groundwater recharging. Dr. Kenneth D. Schmidt has prepared a report that assesses the city's groundwater conditions. The water balancing analysis provided in the report will be a major focus in evaluating all herein stated concepts.

It is anticipated that the feasibility study will cost approximately \$200,000, and those funds have been approved in the 2015/2016 Annual Budget. Waste Water Treatment Facility Reserve is the funding source. If successful in obtaining a \$75,000 state planning grant, the City's share then becomes \$125,000. The state matching funds will assist the City in maintaining cash flow in the reserve account as the project moves into the upcoming environmental and design phases should the study reveal a viable option to pursue.

RECOMMENDATION:

That City Council:

1. Approve the water recycling scope within the attached draft application;
2. Authorize the Mayor and City Clerk to execute the attached Resolution supporting the grant application submittal; and
3. Authorize the Acting Public Works Director to finalize the application and submit to the State Water Resources Control Board.

ATTACHMENTS:

1. Draft Resolution
2. Water Recycling Funding Program Planning Grant Application
3. City of Porterville Overview Map
4. Urban Development Boundary Overview Map
5. Porterville Grant Application Plan of Study
6. Water Conservation Review Procedures

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____ - 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE PORTERVILLE CITY MANAGER OR DESIGNEE TO
APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FROM THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD TO FUND A
RECYCLED WATER FACILITIES PLANNING STUDY

BE IT RESOLVED, by the Council of the City of Porterville as follows:

SECTION 1: The City Council hereby authorizes the Porterville City Manager, or his/her designee, to sign and file, for and on behalf of the City, a financial assistance application for a Water Recycling Facilities Planning Grant from the California State Water Resources Control Board, in an amount not to exceed \$75,000 for a Recycled Water Facilities Planning Study for producing and expanding recycled water delivery from the Porterville Wastewater Treatment Facility.

SECTION 2: The City Council acknowledges and approves the application and information herein submitted for consideration, and further does authorize the aforementioned representative, or his/her designee, to certify that the City of Porterville has available, and will provide, the amount of funding and/or in-kind contributions specified in the funding plan.

SECTION 3: The City Manager, or his/her designee, of the City of Porterville is hereby authorized to negotiate and execute a grant contract and any amendments or change orders thereto on behalf of the City of Porterville, including certifying any disbursement requests on behalf of the City of Porterville, and further agrees to work with the California State Water Resources Control Board to meet established deadlines for entering into a cooperative agreement, and agrees that the City will comply with all applicable state statutory and regulatory requirements related to state grant funds received.

SECTION 4: This Resolution will take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

WATER RECYCLING FUNDING PROGRAM PLANNING GRANT APPLICATION

I. APPLICANT INFORMATION			
Agency Name: City of Porterville			
Agency Type: ☒ Public – Local ☐ Public - State ☐ Indian Tribe ☐ Nonprofit ☐ Other: Specify _____			
Charter City/County: ☒ Yes ☐ No			
Street Address: 1333 W Grand Ave, Porterville, CA 93257			
Mailing Address: 291 North Main Street, Porterville, CA 93257			
Congressional District(s): 23rd		State Senate District(s): 14th	
State Assembly District(s): 26th		County (or Counties): Tulare	
Regional Water Board where the project will take place: ☐ 1 (North Coast) ☐ 2 (San Francisco Bay) ☐ 3 (Central Coast) ☐ 4 (Los Angeles) ☒ 5 (Central Valley) ☐ 6 (Lahontan) ☐ 7 (Colorado River) ☐ 8 (Santa Ana) ☐ 9 (San Diego)			
Federal ID No.:			
Authorized Representative Name, Title:			
Phone No.:		Email Address:	
General Contact Person Name, Title: Michael Reed, Acting Public Works Director			
Phone No.: 559-782-7462		Email Address: mreed@ci.porterville.ca.us	
II. PROJECT INFORMATION			
Project Title: Recycled Water Facilities Planning Study			
Total Study Cost: \$200,000			
Grant Amount Requested: \$75,000			
Note: The maximum grant is 50 percent of the total eligible study cost up to a maximum grant of \$75,000			
Estimated Project Schedule	Study starting date	Submit draft facilities plan	Submit final facilities plan
	January 2016	November 2016	January 2017
Funds for Cash Flow: The Agency is expected to have funds available to handle cash flow of the entire study cost, Pending receipt of grant disbursements.			
Does the Agency have local funds on hand to cover the entire study cost? ☒ Yes ☐ No			
Describe any other loans, grants, or other financial assistance provided to the grant applicant to assist in this study: There are no other loans, grants, or other financial assistance for this study.			

State Use Only	
WRFP Project #	
Project Manager	
Date Received	

III. REGULATORY INFORMATION	
NPDES Permit and/or WDR Order No.: WDR No. R5-2008-0034	
Has enforcement action occurred as a result of the water quality problem? ☐ Yes ☒ No	
IV. COMPLIANCE WITH URBAN WATER MANAGEMENT AND WATER RIGHTS REQUIREMENTS	
Are you an Urban Water Supplier*? ☒ Yes ☐ No	
• If yes, have you submitted an Urban Water Management Plan to the Department of Water Resources?	☒ Yes ☐ No
*An Urban Water Supplier provides water for municipal purposes either directly or indirectly to more than 3,000 customers or supplies more than 3,000 acre-feet of water annually. The Urban Water Management Planning Act, Water Code, Section 10631.5, requires every urban water supplier to prepare and adopt an Urban Water Management Plan that includes specific elements.	
Is your entity a water diverter and subject to section 5103 of the Water Code? ☐ Yes ☐ No	
V. DISCUSSION OF MATERIAL EVENTS, MATERIAL OBLIGATION CONDITIONS, AND ANY DEBT LIMIT	
Identify any current, prior or pending material events such as bankruptcy, defaults, litigation, grant jury findings, unscheduled draws on reserve funds, substitution of insurers or their failure to perform, unscheduled draws on credit enhancements, actions taken in anticipation of filing Chapter 9, rating changes, relevant conditions in material obligations, and any local debt limit: None.	
VI. ATTACHMENTS	
☒ 1 – Study Scope (see WRFPP Guidelines for suggested format) <i>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/docs/tbl1.pdf</i> ☒ 2 – Authorizing Resolution/ Ordinance (see attached example) ☐ 3 – Compliance with the Division of Financial Assistance Water Conservation Plan requirements ☐ 4 – Proof of Submittal of an Urban Water Management Plan to the Department of Water Resources ☐ 5 – Proof of Compliance with Demand Management Measures and Best Management Practices <i>http://www.water.ca.gov/wateruseefficiency/docs/compliance-ab1420.pdf</i> ☒ 6 – Certification for Compliance with Water Metering (see attached) ☐ 7 – Relevant Service, Management, Operating or Joint Powers Agreements (if applicable)	

CERTIFICATION AND SIGNATURE OF AUTHORIZED REPRESENTATIVE

To the best of my knowledge and belief, I certify that I am authorized to submit this application; the information provided in this application is true and correct; the documentation has been duly authorized by the governing body of the applicant; and the entity possesses the legal authority to apply for the financing and enter into a financing agreement with the State Water Resources Control Board and to finance and construct the proposed facilities.

Name of Authorized Representative: _____ Title: _____

Signature of Authorized Representative: _____ Date: _____

CERTIFICATION FOR COMPLIANCE WITH WATER METERING REQUIREMENTS FOR FUNDING APPLICATIONS



Funding Entity name: State Water Resources Control Board

Funding Program name: Water Recycling Funding Program

Applicant (Entity name): _____

Please check one of the boxes below and sign and date this form.

☐ As the authorized representative for the applicant Entity, I certify under penalty of perjury that the Entity is not an urban water supplier, as that term is understood pursuant to the provisions of section 529.5 of the Water Code.

☒ As the authorized representative for the applicant Entity, I certify under penalty of perjury that the applicant Entity has fully complied with the provisions of Division 1, Chapter 8, Article 3.5 of the California Water Code (sections 525 through 529.7 inclusive) and that the ordinances, rules, or regulations submitted with this certification as listed below have been duly adopted and are in effect as of this date.

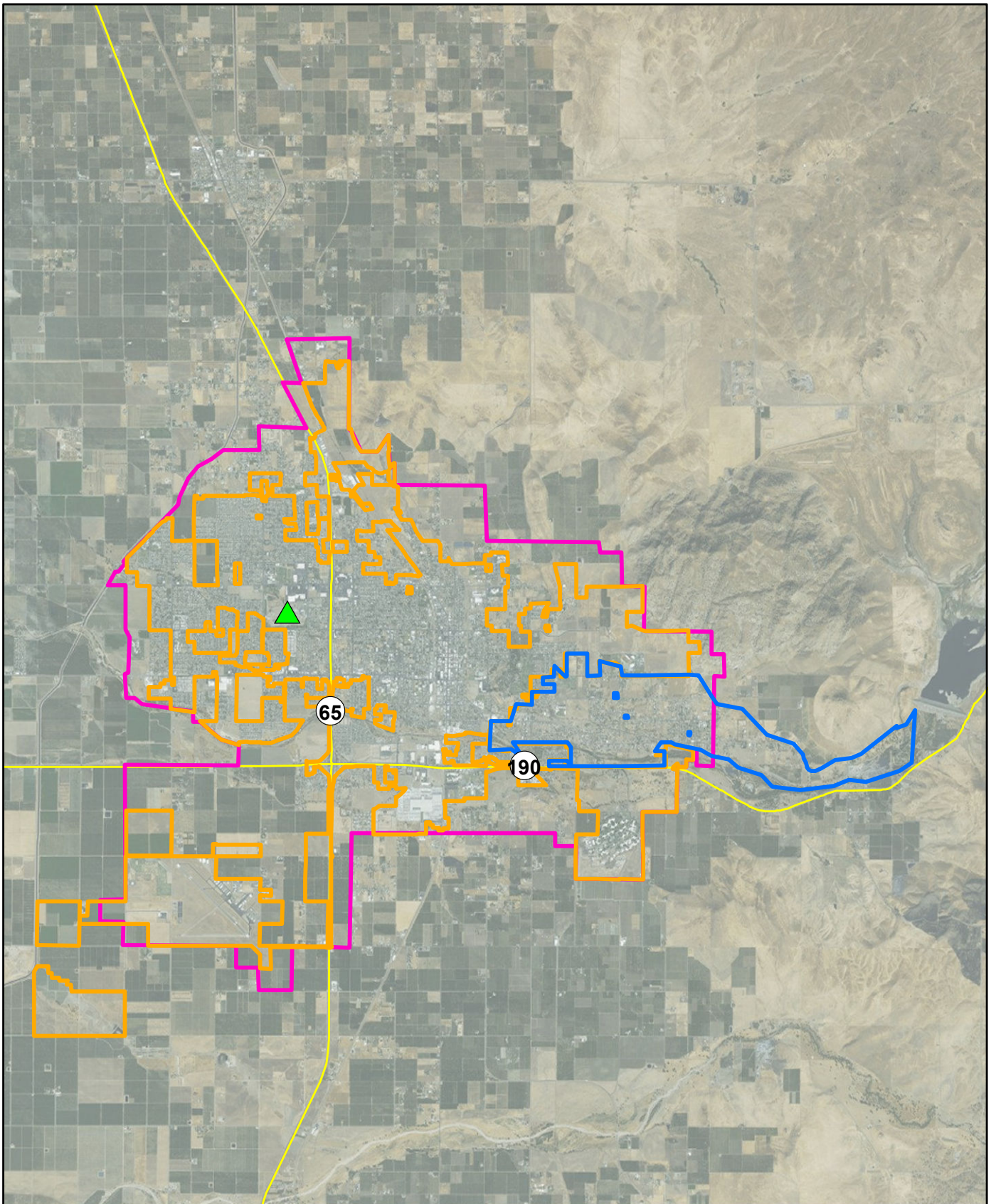
I understand that the Funding Entity will rely on this signed certification in order to approve funding and that false and/or inaccurate representations in this Certification Statement may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the Funding Entity may withhold disbursement of project funds, and/or pursue any other applicable legal remedy.

Name of Authorized Representative
(Please print)

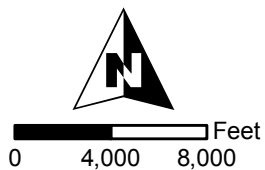
Title

Signature of Authorized Representative

Date

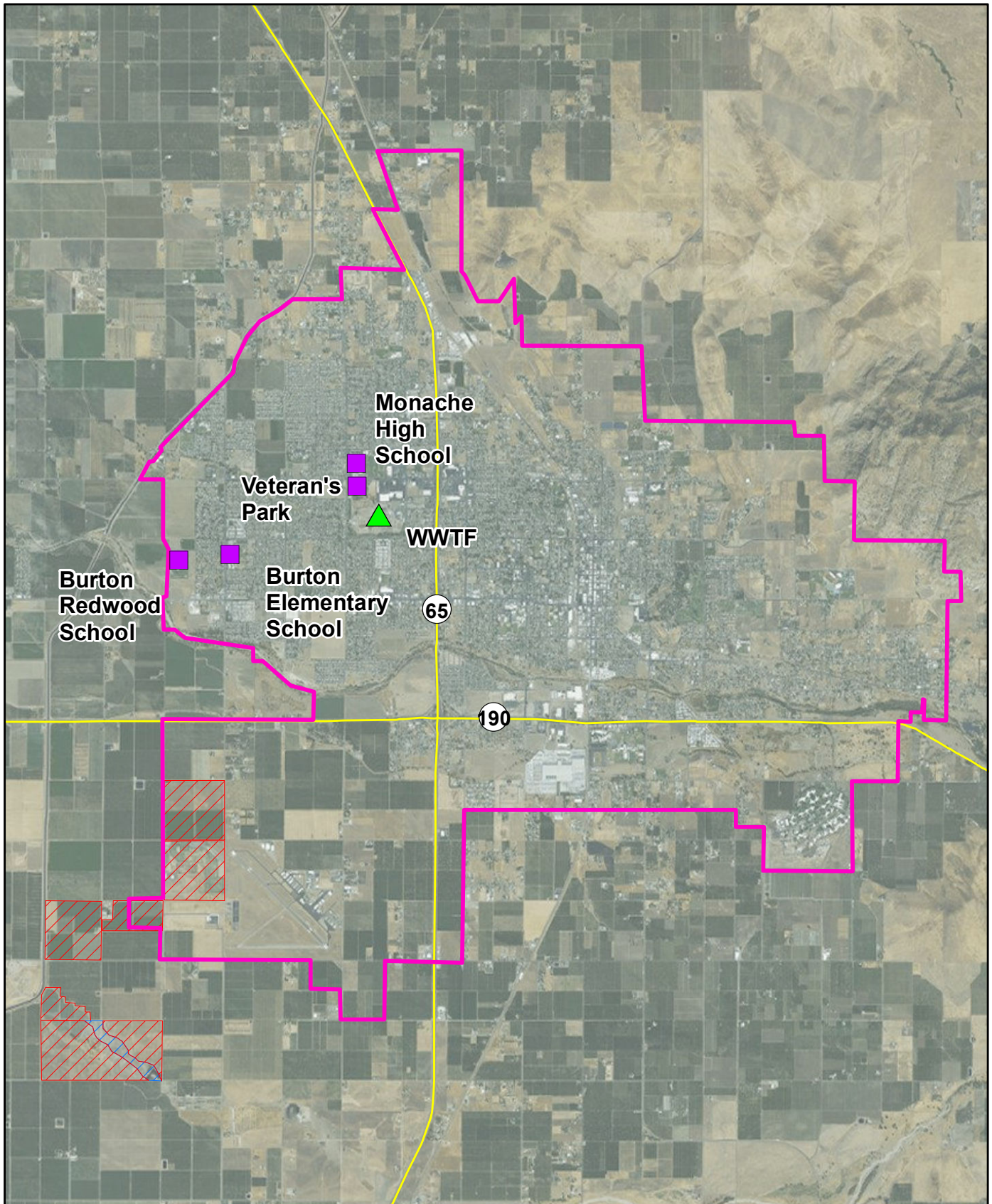


-  WWTF
-  East Porterville
-  City of Porterville
-  Urban Development Boundary
-  Highways



CITY OF PORTERVILLE OVERVIEW

FIGURE 1
CITY OF PORTERVILLE
GRANT APPLICATION FOR
RECYCLED WATER PLANNING STUDY



 WWTF

 Possible Satellite Treatment Facilities

 Urban Development Boundary

 Highways

Reclamation Area

 Secondary Effluent Irrigation Area

 Secondary Effluent Percolation Area





0 3,000 6,000 Feet

CITY OF PORTERVILLE

URBAN DEVELOPMENT BOUNDARY

FIGURE 2

CITY OF PORTERVILLE

GRANT APPLICATION FOR

RECYCLED WATER PLANNING STUDY

City of Porterville
Recycled Water Facilities Planning Study
Plan of Study Components
September 2015

1.1 Background information

The City of Porterville (City) intends to prepare a Recycled Water Facilities Planning Study.

The City does use secondary effluent for restricted water reuse applications. However, the City does not use, and has not previously conducted any recycled water studies for the use of, tertiary recycled water to offset potable uses or for purification of the reclaimed water for potable use. At this time, the City is interested in upgrading their plant to offset uses of potable water for landscape irrigation and is considering potable water reuse applications.

Currently the City is over-drafting their groundwater supply by approximately 1,200 acre-feet per year.¹ Using recycled water for some potable water applications will help sustain the aquifer and meet the State's new groundwater recharge requirements stipulated in the Sustainable Groundwater Management Act.

The City's goal for the Recycled Water Facilities Planning Study (Facilities Plan) is to specifically address the accommodation of the City's growth within the Urban Development Boundary (UDB) while meeting their objectives to sustain the aquifer.

1.2 Service Area and Map

The service area to be investigated in the Facilities Plan includes the City of Porterville and agricultural areas surrounding the City of Porterville, in or near the UDB (Figure 1). The community of East Porterville is located within the UDB, however this Facilities Plan is not intended to examine or develop alternatives specific to addressing the water supply problems of East Porterville.

The source of recycled water will be the City's municipal wastewater treatment facility (WWTF), which is also shown in Figure 1. One aspect of this study is to evaluate the feasibility of constructing decentralized treatment (satellite) facilities at several locations within the City's UDB.

1.3 Sources of Recycled Water and Existing Wastewater facilities

The City of Porterville owns and operates the wastewater treatment facility (WWTF) which produces undisinfected secondary treated water for restricted water reuse applications

¹ Kenneth D. Schmidt and Associates, "Groundwater Conditions Within the City of Porterville Urban Area Boundary," Draft, September 2009.

(agriculture). The WWTF consists of screenings and grit removal, primary sedimentation, flow equalization, activated sludge and secondary clarification. In addition, solids processing includes dissolved air flotation (DAF) units combined with the primary solids prior to mesophilic anaerobic digestion. It currently holds a waste discharge permit from the California Regional Water Quality Control Board, (Waste Discharge Requirements Order No. R5-2008-0034). The facility is designed to treat up to 8 million gallons per day (mgd). The permitted discharge from the facility is 5.3 mgd. The average daily flow in 2014 was 4.5 mgd.

1.4 Current Wastewater Disposal/Reuse

The secondary effluent is discharged to restricted irrigation use in the City's permitted reclamation area, or to ponds for percolation to the groundwater. The reclamation area consists of 630 acres, which are owned by the City and incorporated into the City limits. Throughout the year, approximately 60 percent of the secondary effluent is used for irrigation and 40 percent is percolated to the groundwater. The digested sludge is dewatered and stabilized in solar drying beds prior to final land application in the reclamation area.

1.5 Jurisdictions

The City of Porterville has jurisdiction over water and wastewater services within the City and within the UDB, and as such, has jurisdiction over the sources of recycled water and/or the potential service area. The WWTF treats flows from residential, commercial, and industrial users within the City's boundaries, and some areas located outside the City boundaries, including the community of East Porterville.

The City has traditionally depended on groundwater from the Tule Subbasin to supply the City with drinking water, through a network of XX potable supply wells. The Tule Subbasin has been classified as a critical overdraft condition, as determined by XXX. Additionally, the City has purchased approximately 900 acre-feet of water rights from the Pioneer Ditch Company and Porter Slough Ditch Company.

1.6 Alternatives

Alternatives to be investigated in the Facilities Plan will include tertiary treatment opportunities and advanced purification facilities, with new facilities either located at the central WWTF (potentially with nitrogen control technology) or at three new satellite tertiary plants. Preliminary alternatives include:

- 1) Development of three satellite tertiary facilities for unrestricted landscape irrigation at:
 - a. Veterans Park and Monache High School
 - b. Burton Schools
 - c. City of Porterville Sports Complex
- 2) Tertiary treatment upgrade at the WWTF to provide unrestricted irrigation water, through one of the following options:
 - a. Comprehensive distribution throughout the city to all outdoor irrigation customers
 - b. Distribution limited to open spaces and public facilities (including city parks, schools, golf courses, etc.). Excess water would be distributed to the reclamation field or to storm drain reservoirs as a component of their groundwater recharge program.
 - c. Distribution only to the City's reclamation area and providing the City options to convert to other crops and unrestricted reuse.

- 3) Advanced Water Recycling Treatment Facility (AWRTF) located at the WWTF to produce water for a Groundwater Replenishment Reuse Project (GRRP).
- 4) An AWRTF located at the WWTF for purposes of direct potable reuse (DPR), in conjunction with the acquisition of water rights and construction of a surface water treatment facility. Under this concept, the highly treated recycled water would be further treated in the surface water treatment facility prior to distribution.

All of these alternatives will be evaluated as to the economic costs and benefits, institutional and legal requirements, and potential environmental impacts. The current effluent irrigation areas as well as potential tertiary satellite facility locations are shown in Figure 2. The Facilities Plan will evaluate potable offsets through the alternatives that consider additional urban landscape irrigation (such as freeway medians, schools, a cemetery and city parks), groundwater recharge opportunities, and direct or indirect potable reuse opportunities.

The Groundwater Sustainable Management Act will require the City to secure surface water rights in order to balance groundwater pumping versus groundwater recharging. Dr. Kenneth D. Schmidt has prepared a report that assesses the City's groundwater conditions. The water balancing analysis provided in this report will be a major focus of all concepts evaluated.

The Facilities Plan will follow the outline below:

- Chapter 1 – Background, Study Area Characteristics, Statement of Problem and Needs
- Chapter 2 – Water Supply Characteristics and Facilities
- Chapter 3 – Wastewater Characteristics and Facilities
- Chapter 4 - Treatment Requirements for Discharge and Reuse
- Chapter 5 – Recycled Water Market/Opportunities
- Chapter 6 – Alternatives Description and Analysis
- Chapter 7 – Economic Analysis
- Chapter 8 – Legal, Permitting, and Environmental Analysis
- Chapter 9 – Summary of Stakeholder Input
- Chapter 10 - Recommendations (Project Selection) and Financial Plan/Capabilities
- Chapter 11 - Next Steps (Research needs)

1.7 Stakeholder Participation Workshops

The City has already participated in several local-area workshops that have helped the City formulate the objectives for their recycled water facilities study and develop the proposed project alternatives to offset potable water use within the City. The City also understands the water supply issues faced by their neighbor, East Porterville. Because East Porterville is currently not supplied potable water from the City, this Facilities Plan does not address new water supplies for East Porterville. However, East Porterville is a welcome participant in meetings and workshops related to this project as they see fit.

For this project, the City intends to actively engage its stakeholders in consideration of the reuse opportunities that will be explored in the Facility Plan. As part of this planning effort, the City proposes to conduct three stakeholder workshops. These workshops will be announced on the City's website and potential participants will be notified by email. Possible participants include local residents, schools, environmental groups, resource agencies, irrigation districts, and

neighboring utilities. Additional meetings with specific user groups will be conducted if deemed necessary through the scope of this work.

1.8 Schedule

The project is anticipated to be conducted in the course of thirteen months. This schedule can be expedited if necessary. A potential schedule, from January 2016 through January 31, 2017 is shown in the table below.

Scope of Work Element	Start Date	End Date
Facilities Planning Study	January 2016	January 2017
Stakeholder Workshops (3)	May 2016, September 2016, January 2017	
Progress Meetings (4)	March 2016, June 2016, September 2016, November 2016	
Project Management/Meetings	February 2016	January 2017
Submittal of Draft Report		November 2016
Submittal of Final Report		January 2017

1.9 Potential Problems

There are no potential problems known at this time that may cause a delay in the progress of the study.

1.10 Entities Conducting the Study

The City of Porterville will conduct the study. The Project Manager will be Mr. Michael Reed, Acting Public Works Director. The City will hire a consultant to complete the work, and intends to issue a request for qualifications by October, 2015. Selection of the consultant is anticipated by December 2015.

1.11 Budget

The proposed budget for the tasks outlined in the above scope of work is shown in the table below for each major task heading. The City has allocated the funds from their enterprise account to pay for this entire project, however, the City wishes to reduce impacts to ratepayers by leveraging grant funds as much as possible. Therefore, the City is pursuing funds from the SWRCB Water Recycled Funding Program. The City requests the maximum allowable grant amount of \$75,000 for this project.

Scope of Work Element	Project Costs
Facilities Planning Study	\$166,000
Stakeholder Workshops (3)	\$10,000
Progress Meetings with City, Mid-Course Meeting with City	\$24,000

and Division of Financial Assistance (DFA) Staff, General Project Management	
Total	\$200,000

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
DIVISION OF FINANCIAL ASSISTANCE (DIVISION)
May 2008
WATER CONSERVATION REVIEW PROCEDURES

Section IX(B) of *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (Policy) requires applicants to have an approved Water Conservation Program (Program), or waiver, before the SWRCB issues a preliminary funding commitment. The Program must cover at least 75 percent of the water connections within the service area, must be consistent with local ordinances and authorities, and must be accepted by the Division. The applicant may become a signatory to the *Memorandum of Understanding Regarding Urban Water Conservation in California* (MOU) instead of adopting an independent Program. If the applicant is not the water purveyor for the service area, then the applicant must certify that the water purveyor(s) either has an approved water conservation program or is a signatory to the MOU.

The easiest and best way to implement the Water Conservation Program is to become a signatory to and follow the Best Management Practices (BMPs) listed in the MOU. If signing on the MOU is not feasible, applicants and water purveyors may adopt their own water conservation programs that are specific to their individual water needs. In this situation, a water conservation program must be submitted to the Division for review to determine compliance with the Division's water conservation criteria.

Programs submitted for review should include discussions of the following areas:

- Water Supply and Area Characteristics
- Current Water Conservation Program
- Evaluation of Alternative Measures
- Recommended Water Conservation Program
- Water Shortage Plan

WATER SUPPLY AND AREA CHARACTERISTICS

Water supply and area characteristics should include an estimate of past, current, and projected potable and reclaimed water use. Relate these estimates to demographic users (residential, industrial, irrigation, and landscape) with the estimated percentage of water consumption per user type. The current status of groundwater, surface water, reclaimed water, and purchased water with respect to over all supply, demand, and quality should also be considered. A quantified analysis of the cost per unit volume must be evaluated so that water consumption savings with respect to water conservation mechanisms versus cost savings with respect to production and distribution of potable water can be compared.

CURRENT WATER CONSERVATION PROGRAM

A comprehensive review of the current Water Conservation Program with a description of the various water conservation measures must be included. This review should consist of an explanation of the BMPs used by the applicant, an estimated overall amount of water conserved by the BMP, and an estimated implementation cost of each BMP.

EVALUATION OF ALTERNATIVE MEASURES

An evaluation of alternative measures should consider no less than all BMPs specified in the MOU. An analysis of the applicability, cost effectiveness, potential water savings, public acceptance, non-quantifiable benefits, and ability to implement should be performed on each BMP. Each BMP should be analyzed individually and should contain the most optimum level of implementation with respect to different types of water users (i.e. if it is not effective to provide low flush toilets to all water consumers, would it be effective to replace toilets of the top 10 percent of residential water users?)

If any of the BMPs are determined to not be applicable or implementable, a discussion and justification must be given so that these measures may be waived. An example of justification for waiving BMP #9 would be that commercial and industrial water users do not exist within the water purveyor's distribution area.

The 14 BMPs discussed in the MOU are listed below:

1. Water Survey Programs For Single-Family Residential And Multi-Family Residential Customers
2. Residential Plumbing Retrofit
3. System Water Audits, Leak Detection And Repair
4. Metering With Commodity Rates For All New Connections And Retrofit Of Existing Connections
5. Large Landscape Conservation Programs And Incentives
6. High-Efficiency Clothes Washing Machine Financial Incentive Programs
7. Public Information Programs
8. School Education Programs
9. Conservation Programs For Commercial, Industrial, And Institutional Accounts
10. Wholesale Agency Assistance Programs
11. Retail Conservation Pricing
12. Conservation Coordinator
13. Water Waste Prohibition
14. Residential Ultra-Low Flush Toilet Replacement Programs

A full description of the elements of the BMPs contained in the MOU is available at the California Urban Water Conservation Council: <http://www.cuwcc.org/>

RECOMMENDED WATER CONSERVATION PROGRAM

The Recommended Water Conservation Program should consist of all BMPs found to be effective after the evaluation process is done. The Program should clearly identify the resources and time required to implement each of the effective BMPs.

WATER SHORTAGE PLAN

Provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier:

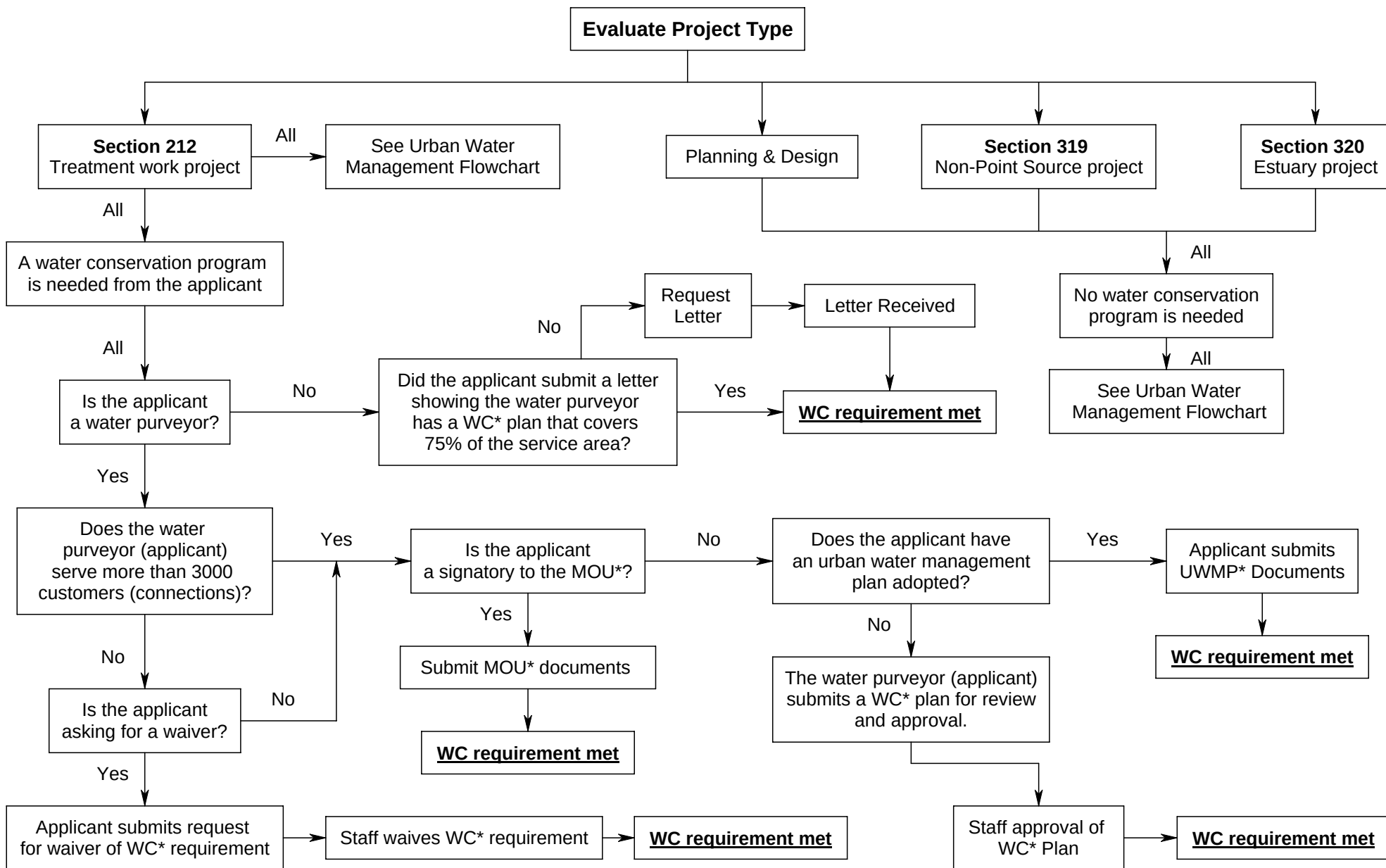
1. Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.
2. An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.

3. Actions to be undertaken by the urban water supplier to prepare for, and implement during a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
4. Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
5. Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use reduction consistent with up to a 50 percent reduction in water supply.
6. Penalties or charges for excessive use, where applicable.
7. An analysis of the impacts of each of the actions and conditions described in (a) to (f) above, inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
8. A draft water shortage contingency resolution or ordinance.
9. A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

OTHER STATE LAW

The Urban Water Management Planning Law, Water Code, Part 2.6, Section 10610 et.seq., requires every urban water supplier to prepare and adopt an Urban Water Management Plan that includes specific elements. Water urban suppliers, either publicly or privately owned, providing water for municipal purpose either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually are subject to this Law. Agencies may submit an Urban Water Management Plan instead of a Water Conservation Program in meeting the water conservation requirement (Section 10653 of the Water Code).

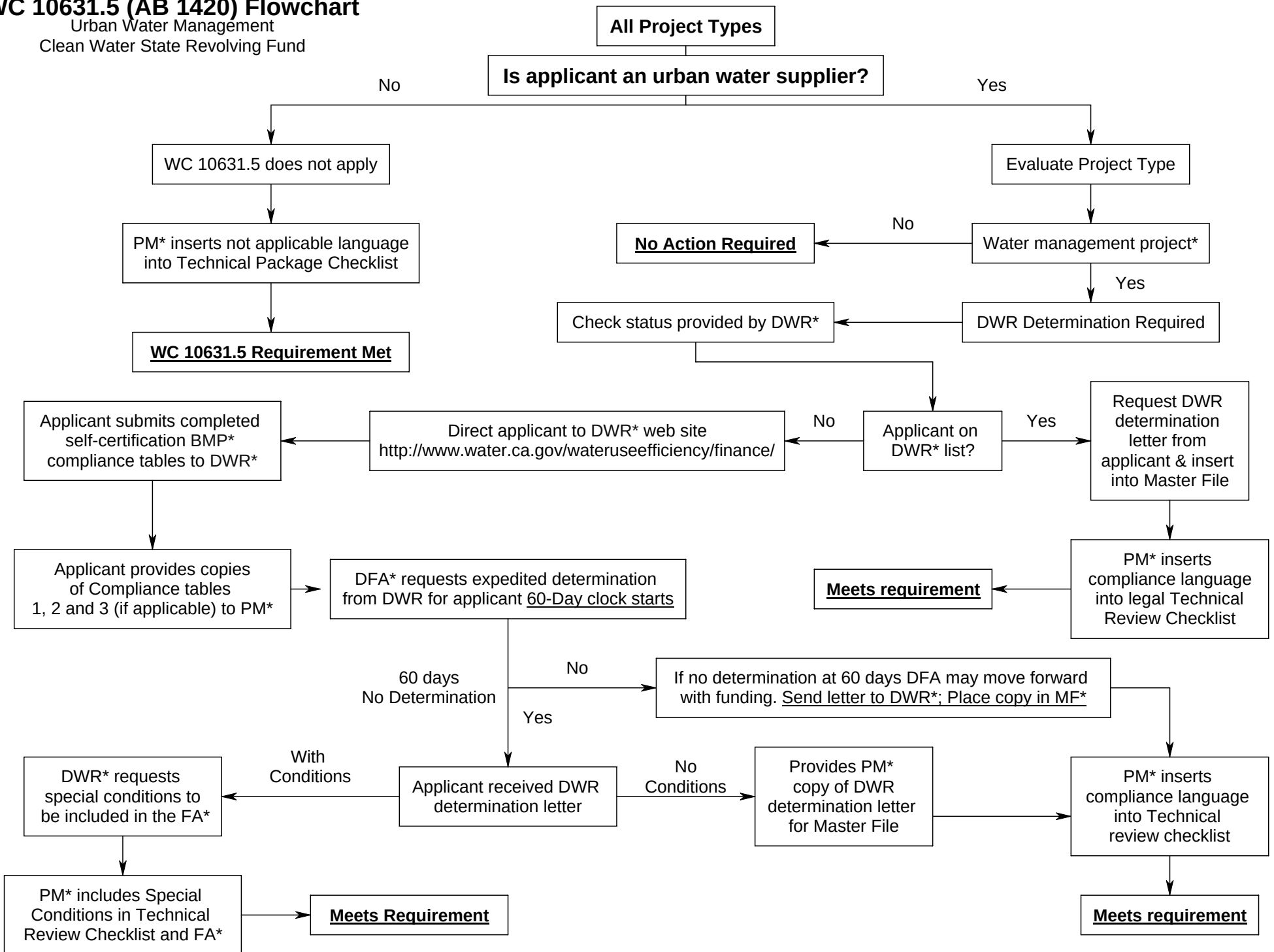
CWSRF Water Conservation Requirement Flowchart



*See attached for definitions

WC 10631.5 (AB 1420) Flowchart

Urban Water Management
Clean Water State Revolving Fund

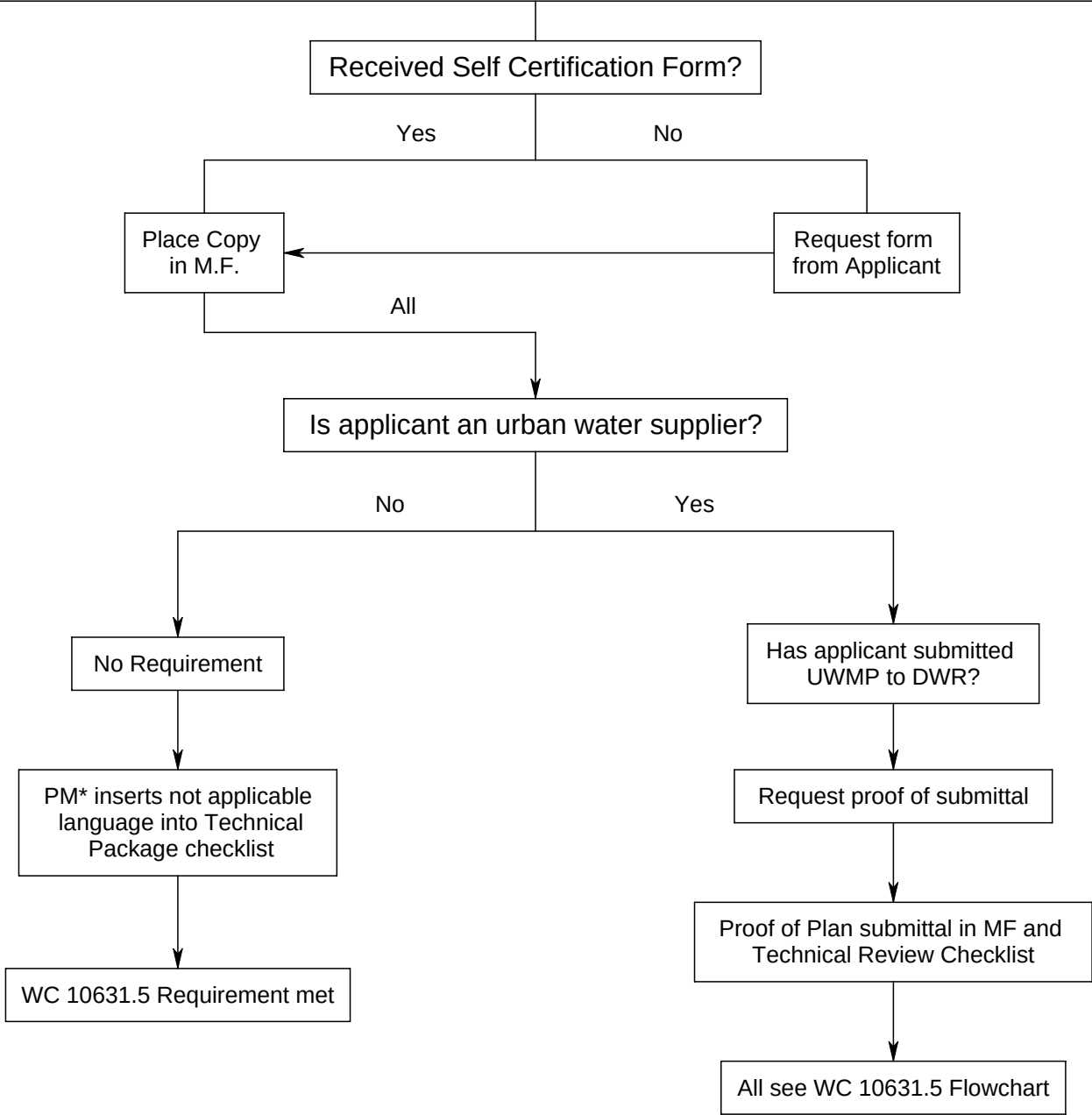


*See attached for definitions

Urban Water Management Flowchart

Clean Water State Revolving Fund

WC Section 529.5 (AB 2572*) Self Certification Form Required for All Project Types



*See attached for definitions

Water Code 10631.5 Flowchart Definitions

Clean Water State Revolving Fund

Water Code 10631.5, created by AB 1420 - Requires DWR and other State agencies to condition water management grants and loans to urban water suppliers on implementation of the Demand Management Measures (DMMs).

Water Code 529.5 created by AB2572 - Urban water supplier water metering requirements

BMP - Best Management Practice

DWR - Department of Water Resources

FA - Funding Agreement

TRC - Technical Review Checklist

MF - Master File

MOU - Memorandum of understanding, regarding Urban Water Conservation in California

PM - Project Manager

UWMP - Urban Water Management Plan

Water Management Project - Water management grants and loans include programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability and water supply augmentation.

WC - Water Conservation



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Proposed Installation of a Sign on City-Owned Property Located at 466 E. Putnam Avenue

SOURCE: Community Development

COMMENT: On August 14, 2015, Roberto de la Rosa Jr. submitted an application for a building permit to install a sign located at 466 E. Putnam Avenue. The building is owned by the City and leased to Comision Honorifica Mexicana Americana (CHMA).

Under the Property License Agreement between the City of Porterville and CHMA for the property at 466 E. Putnam Avenue, the Rights and Obligations Section 4(g) of the Property License Agreement states CHMA has the ability to modify the building and facility with written consent from the City. The applicant is requesting consent to install a sign 3/4" thick by 40" in diameter fabricated of treated board above the main entrance of the building, strapped securely to the vent screen with four rigid two hole straps and bolts. The applicant proposes to leave a two-inch gap between the sign and the vent screen so as not to disturb the ventilation requirements per the building code. Therefore, the placement and installation of the sign will not affect the ventilation requirements for the attic.

The installation of the sign shall meet all requirements of Chapter 305 (Signs) of the Porterville Development Ordinance, building codes, and any other applicable ordinances and regulations.

RECOMMENDATION: That the City Council approve the applicant's request to submit for a building permit to install a sign located at 466 E. Putnam Avenue.

ATTACHMENTS:

1. Property License Agreement between the City of Porterville and Comision Honorifica Mexicana Americana Inc. and Agreement Concerning Rights and Obligat
2. Existing Elevation
3. Proposed Sign Elevation and Specs

Appropriated/Funded: MB

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

**PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA INC.
AND
AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES**

Parties

1. This License agreement is entered into by and between the City of Porterville ("City"), and Comision Honorifica Mexicana Americana, Inc. ("CHMA") of said property.

Description of Property

2. Licensor is rightful possessor of certain real property situated at 466 East Putnam Avenue in the city of Porterville, and more particularly described as the Porterville Community Center ("Center").

Grant of License

3. In consideration for and in accordance with the terms and conditions of this agreement, the City grants to CHMA a License ("the License") for exclusive use of the Center at all times, unless otherwise permitted by CHMA or set forth via this Agreement. CHMA intends to operate the Center Monday through Friday during normal business hours and on weekend days. The parties agree that CHMA will utilize the Center for multi-cultural, community benefit, and educational events, exhibits, workshops and classes. The parties further agree that CHMA will utilize the Center for business and operational activities of CHMA as well as other social service and community non-profit organizations.

Rights and Obligations

4. The following rights and obligations accompany the License and the use of the property:
- a. Except as otherwise provided herein, CHMA shall have full and exclusive management authority over the Center, and shall assume full responsibility for and provide all facility management oversight, all building and grounds maintenance and

repairs as necessary to make the building fully operational. The property, including all facilities located upon the property, shall be maintained in a neat and cleanly appearance, with mature trees preserved and all landscaping sustained in a healthy and vigorous growing condition.

- b. CHMA shall assume full responsibility for all utilities service for the Center.
- c. CHMA shall assume full responsibility for the Center and facilities, including the structural integrity of the Center building. In doing so, CHMA acknowledges and accepts the present condition (except as otherwise provided in item h below) of the facility, including deficiencies in the kitchen floor structure, as well as code limitations and restrictions on use of the kitchen for cooking purposes.
- d. CHMA shall provide insurance certificates to the City naming the City as an additional insured.
 - i. Comprehensive general liability insurance, including contractual liability, and personal injury liability and property damage with at least two million dollars (\$2,000,000) liability limit per occurrence, and having a deductible of not more than \$5,000. CHMA shall require any renters or other users for which regular programs and exclusive-use space is provided within the Center, to provide evidence satisfactory to CHMA of general liability insurance, in amounts and terms not less restrictive than above, and naming City and CHMA as additional insured.
 - ii. Commercial property insurance providing basic coverage for fire, lightning, explosion, smoke, windstorm, vandalism, etc., in the name of City, and in a sum equal to the full replacement cost of the building.
- e. CHMA shall have control and assume all responsibility for the scheduling of the building. City programs and uses, when requested, will be accommodated on a scheduled basis, and not in conflict with prior scheduled programs and uses.
- f. CHMA shall provide a one-time payment of \$100.00 to the City to be used in consideration for this License. Payments shall be due and payable within thirty-days after execution of this License.
- g. CHMA shall be allowed to modify the Center building and facilities, with written consent from the City, which shall not be unreasonably withheld.

- h. City shall, within ninety-days after execution of this License, provide a replacement HVAC unit for the 'chapel' portion of the building, refinish the floor surface in the 'auditorium' room, and replace carpeting within the west wing hallway and north 'classroom'.
- i. CHMA shall engage Kings/Tulare Area Agency on Aging ("K/T AAA") in good faith negotiations and enter into an agreement between CHMA and K/T AAA, with an effective date of no later than April 2, 2007, for the accommodation and use of the Center for a Senior Nutrition Program to be operated up to five-days per week.

In exercising these rights and obligations, CHMA must use reasonable care and may not unreasonably increase the burden on the Property.

License Non-assignable

5. This License is personal to CHMA and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

Term of License

6. This License shall be for a term of 10 years, commencing on March 7, 2007, and terminating on March 31, 2017. The parties may agree to extend this Agreement for an additional 15 years, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

Termination of Occupancy

7. On or before the termination date for this License specified in paragraph 6 of this agreement, CHMA shall remove all of its personal property from the Property and shall surrender possession of the Property to the City in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

Default

8. In the event CHMA fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may

be revoked by the City, upon CHMA's receipt of written notice of the violation to the parties and its failure to cure within ten (10) days. More time may be granted for the cure of any violations if agreed to in writing by the parties.

Indemnification

9. To the fullest extent permitted by law, CHMA will hold harmless, defend and indemnify City from and against any liability, claims, actions, costs, damages or losses and expenses (including, without limitation, reasonable attorneys' fees and expenses) for injury, including death, to any person or damage to any property resulting from CHMA's acts or omissions with respect to the Premises. CHMA's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination. The City will hold harmless, defend and indemnify CHMA from and against any liability, claims, actions, costs, damages, losses and expenses (including, without limitation, reasonable attorney's fees and expenses) for injury, including death, to any person, damage to any property, resulting from the City's acts or omissions with respect to its use of the Premises as permitted by this Agreement. City's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination.

Attorneys' Fees

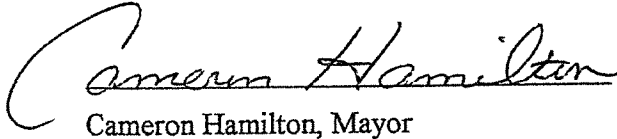
10. In any action or proceeding involving a dispute between the City and CHMA, arising out of the execution of this Agreement, or to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

Entire Agreement

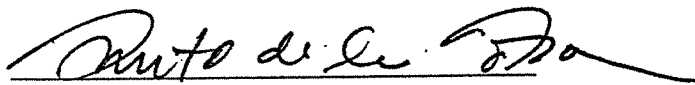
11. This Agreement constitutes the entire agreement between the City and CHMA relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.

Executed on March 7, 2007 at Porterville, California.

CITY OF PORTERVILLE, LICENSOR


Cameron Hamilton, Mayor

COMISION HONORIFICA MEXICANA AMERICANA, INC., LICENSEE

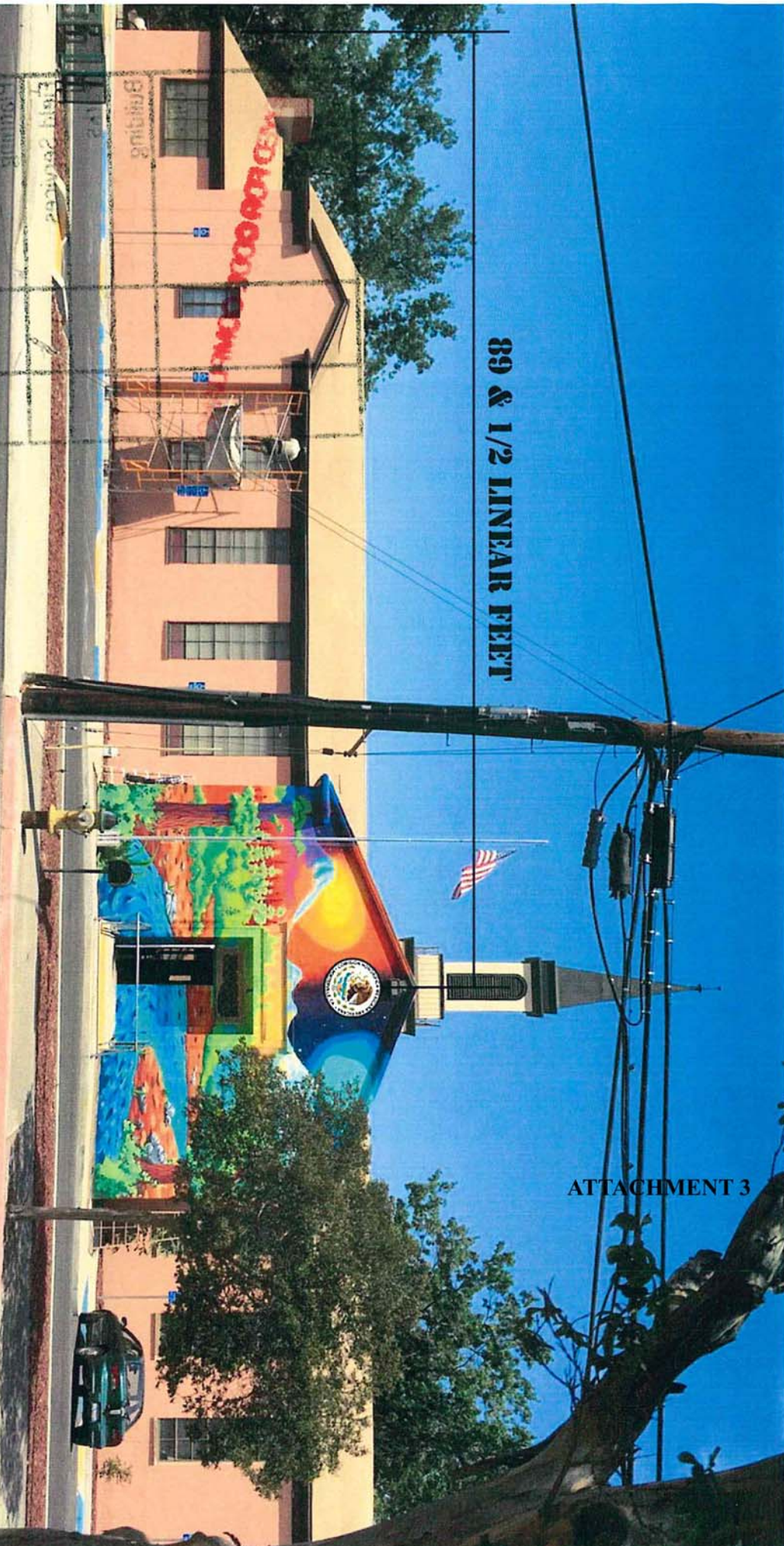

Roberto de la Rosa, President

P:\parks\jim\ComisionHonorificaMexicanaAmericana\chma agreement 03.07.07

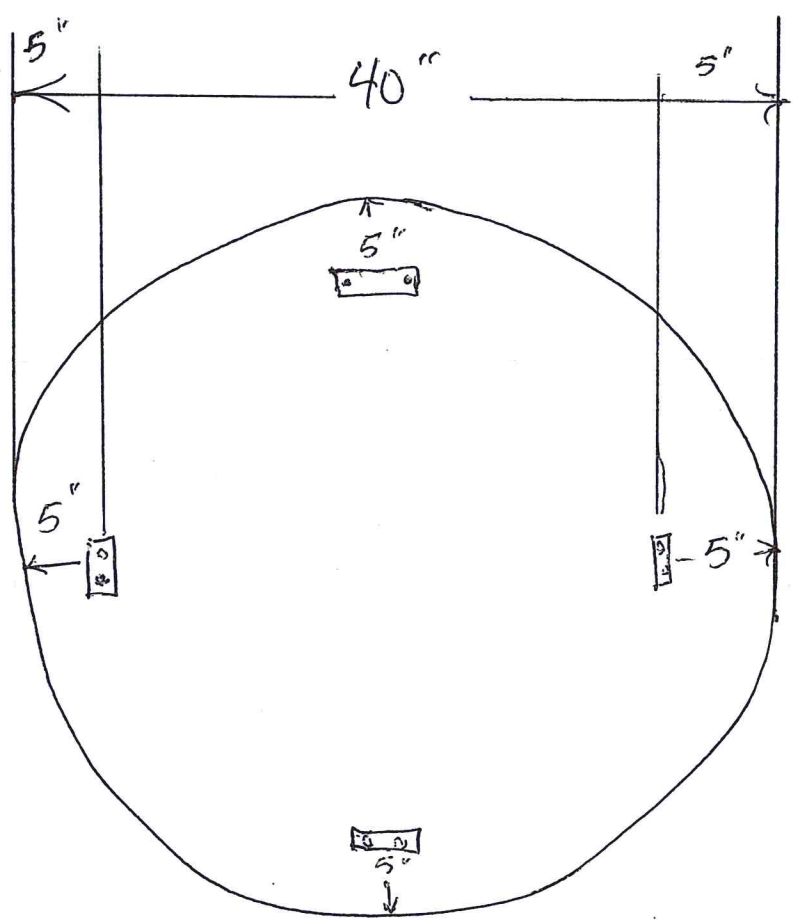
SAN 08-15-0562



ATTACHMENT 3



1 1/2" long 1/4" screws



REVIEWED FOR CODE COMPLIANCE

	DATE	IN
Building Dept. City of Fort Worth		
Fire		
Engineering		
Planning		
Field Services		
Parks		
Building		
Police		

REVIEWED FOR CODE COMPLIANCE

Crash - ACT-7



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Letter of Support for AB 935

SOURCE: Public Works

COMMENT: Local Irrigation Districts are in collaboration, seeking endorsement of Assembly Member Rudy Salas' (D-Bakersfield) water legislative package which recently passed the Assembly Floor. Collective irrigation districts have gathered to show support for AB 935, one of the three bills in Assembly-member Rudy Salas water legislative package. The local districts have requested that the City of Porterville join in written support of AB 935.

AB 935 will provide funding for an inter-connector canal expansion project to deliver water from the east side to the west side of the Valley; increasing water reliability and security. This bill will help increase water delivery, ensure our groundwater is sustainable, and see that our local water districts have the support and resources to make sure we have clean drinking water for our valley. The project is directed to enhance water availability and protect our limited groundwater resources. AB 935 would fund projects to return water to the Friant Water Division and would be very helpful in getting water to communities in dry years through pump back in the Friant.

It is staff's recommendation that the City Council support AB 935 (as amended on July 16, 2015) if the bill is further amended to ensure that the opportunity to participate in the benefits of the projects it proposes is extended to all Friant Division contractors.

RECOMMENDATION: That the City Council:

1. Support AB 935 (as amended on July 16, 2015) if the bill is further amended to ensure that the opportunity to participate in the benefits of the projects it proposes is extended to all Friant Division contractors; and
2. Authorize the Mayor to sign the attached letter as drafted.

ATTACHMENTS:

1. Friant Water Authority Support Letter
2. AB 935 Fact Sheet Interconnector Project
3. AB 935 Support Letter

Appropriated/Funded: N/A

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

FRIANT

WATER AUTHORITY

Eric Borba

Chairman of the Board

Kent H. Stephens

Vice Chairman

Lucille Demetriff

Secretary/Treasurer

William Luce

*Interim General
Manager*

Jennifer T. Buckman

General Counsel

Member Agencies

Arvin-Edison W.S.D.

City of Fresno

Kaweah Delta W.C.D.

Kern-Tulare W.D.

Lindmore I.D.

Lindsay-Strathmore I.D.

Orange Cove I.D.

Porterville I.D.

Saucelito I.D.

Terra Bella I.D.

Tulare I.D.

Main Office

854 N. Harvard Avenue

Lindsay, CA 93247

559.562.6305

559.562.3496 Fax

Sacramento Office

1107 9th Street, Ste. 640

Sacramento, CA 95814

916.346.5165

916.346.4165 Fax

www.friantwater.org

August 10, 2015

Honorable Rudy Salas
California State Assembly
State Capitol, Room 4162
Sacramento, CA 95814

SUBJECT: AB 935 (Salas) – SUPPORT IF AMENDED

Dear Assemblymember Salas:

Friant Water Authority is pleased to inform you that it will support your AB 935 (as amended on July 16, 2015), if the bill is further amended to ensure that the opportunity to participate in the benefits of the projects it proposes is extended to all Friant Division long-term contractors.

As you know, the bill would provide funding for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project and for the San Joaquin River Recapture at Patterson Irrigation District conveyed through Delta-Mendota Canal to San Luis Reservoir Project. Both of these projects were set forth in the draft investment strategy released by the San Joaquin River Restoration Program in December 2014.

Friant Water Authority is particularly interested in this bill for several reasons. First, Friant operates and maintains the Friant-Kern Canal, to which the bill proposes to add pump-back facilities. Second, Friant's mission is to protect the surface water supplies of its 11 members, which have contracts to receive water from the Bureau of Reclamation. Like other agencies throughout the Fresno-Tulare-Kings area, some of which have already taken a position on this bill, Friant Water Authority is very sensitive to the water supply issues which AB 935 proposes to address, in part, through authorization of specified projects. These water supplies are critically important to the people of the Friant Division, and it is imperative to maximize recapture of water that would otherwise be lost. Equally important, though, is that all Friant Division contractors be afforded the opportunity to participate in projects to recapture the water, since that water was lost by all Friant Division contractors.

Main Office
**854 N. Harvard Avenue
Lindsay, CA 93247**

Phone: 559-562-6305
Fax: 559-562-3496

Sacramento Office
**1521 I Street
Sacramento, CA 95814**

Phone: 916-441-1931
Fax: 916-441-1581

Website: www.friantwater.org

Assemblymember Rudy Salas
August 10, 2015
Page 2

In other words, while we support the expenditure of public funds to facilitate this important project to restore water supplies to our region, we believe public funds should be expended in such a manner so that they do not favor the interests of a small group of contractors over the good of the whole.

To that end, we offer the following text as a suggested amendment that would resolve Friant's concern with the bill's current language:

SECTION 1. Section 140 is added to the Water Code, to read:

140. Upon appropriation by the Legislature, the department shall provide funding for the following projects, provided that the opportunity to participate in these projects has been extended to all interested Friant Division long-term contractors:

(a) A project that substantially conforms to the project description for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project set forth by the draft investment strategy released by the San Joaquin River Restoration Program in December 2014.

(b) A project that substantially conforms to the project description for the San Joaquin River Recapture at Patterson Irrigation District Conveyed through Delta-Mendota Canal to San Luis Reservoir Project set forth by the draft investment strategy released by the San Joaquin River Restoration Program in December 2014.

We do not believe inclusion of this text will be controversial, since a similar provision was negotiated amongst a wider group of Friant Division contractors last fall, in response to language that some districts wanted to include in federal legislation supporting the recapture project. All parties agreed at that time that the opportunity to participate in the projects should be extended to all interested Friant Division long-term contractors.

We look forward to working with you, your staff, and the stakeholder interests to arrive at a bill to which we can offer our full support. Thank you for your efforts to support these projects, and

Assemblymember Rudy Salas

August 10, 2015

Page | 3

for your consideration of these comments. Should you or your staff have any questions about Friant's position, please feel free to contact me at 916-804-0173.

Sincerely,



Jennifer T. Buckman
General Counsel

cc: Assembly Member Atkins
Assembly Member Bigelow
Assembly Member Gray
Assembly Member Olsen
Assembly Member Perea
Assembly Member Rendon
Senator Berryhill
Senator Cannella
Senator Fuller
Senator Galgiani
Senator Vidak
FWA Member Districts
Bill Luce, Interim General Manager
George Soares



Assemblymember Rudy Salas, 32nd District

INTERCONNECTOR PROJECT FUNDING

ISSUE

We need to develop and improve conveyance facilities in order to optimize inter-regional water supplies, facilitate the movement of water from the east side to the west side, and make additional water available to be distributed to places of need.

THIS PROPOSAL (\$63.5 Million)

1). PATTERSON IRRIGATION DISTRICT PROJECT (PID) - (\$53.5 Million)

Description: This project provides the ability to pump water from the San Joaquin River into the State and Federal systems along the California Aqueduct (State) and the Delta-Mendota Canal (Federal).

Benefits: This project would improve water supply and reliability due to its potential to convey approximately 95,000 acre-feet of water per year from the east side of the San Joaquin Valley. Increases in releases for transfer would improve water quality and quantity in the San Joaquin River and its tributaries. Additional water supplies made available would also reduce the dependence on groundwater wells to offset unreliable surface deliveries on the west side of the San Joaquin Valley.

New facilities could further reduce conveyance losses, resulting in water conservation and incorporate efficient pumping technologies, making more water available to be distributed to places of need.

Diversions under the final project can help to attenuate and reduce the effects of flooding, and allow flood waters to be conveyed into the Delta-Mendota Canal for storage and future use.

The modernization project is estimated to reduce power consumption through PID's facilities by approximately 16-percent and would avoid greenhouse gas (GHG) emissions generated through the reduction in power consumption.

2). FRIANT KERN PUMP BACK PROJECT- (\$7.5 Million – \$10 Million)

Description: This project provides a mechanism to recirculate recaptured Restoration Flows and improvement of pump back facilities in the Friant-Kern Canal. The proposed project is to install permanent pump-back facilities.

Benefits: This project would improve water supply and reliability due to its potential to convey approximately 15,000 – 30,000 (average annual) acre-feet of water per year from the west side of the San Joaquin Valley.

Additional water supplies made available through this project would reduce the dependence on groundwater wells and as a result help improve groundwater management. The project will also address potential water quality impacts in a balanced and reasonable manner.

The power consumption through the proposed high-efficiency electrical pump-back facilities would provide a savings in power consumption of 34% over the use of diesel pumps. Over the lifetime of the project, not only would we see energy conservation but also increase access to water supplies along an additional 35 miles of the Friant-Kern Canal. The Project would avoid greenhouse gas (GHG) emissions generated through the reduction in power consumption.

SUPPORT

California Citrus Mutual
Desert Water Agency
Delano Earlimart Irrigation District
Exeter Irrigation District
Ivanhoe Irrigation District
Lower Tule River Irrigation District
Patterson Irrigation District
Pixley Irrigation District
Shafter Wasco Irrigation District
Southern San Joaquin M.U.D.
Stone Corral Irrigation District
Teapot Dome Water District



The Honorable Rudy Salas
California State Assembly
State Capitol
Sacramento, California 95814

RE: **AB 935 – Support**

Dear Assembly Member Salas,

I write to express support for your AB 935, if the bill is further amended to ensure that the opportunity to participate in the benefits of the projects it proposes is extended to all Friant Division contractors. AB 935 identifies two important water conveyance projects in the San Joaquin Valley that will greatly enhance the state's ability to manage this valuable resource.

In the 2009 Water Bond and early versions of the 2014 Water Bond, \$350 million was identified for the purpose of building a regional conveyance system. Many supporters of this funding had envisioned a trans-valley canal located in the Southern San Joaquin Valley connecting the State Water Project with the lower end of the Friant-Kern Canal.

As this historic drought continues to deprive many areas of the state of needed water supplies, supporters of the trans-valley canal have identified the two projects in AB 935 as an alternative approach that will accomplish the same goals, in a shorter time frame for less money. Providing a means to better circulate water at the north and south end of the valley will ensure greater flexibility in our complicated water system and provided much needed relief to the water parched communities of the Central Valley.

We appreciate your efforts on this important matter and are more than pleased to lend the support of the City of Porterville to AB 935, if the bill is further amended to ensure that the opportunity to participate in the benefits of the projects it proposes is extended to all Friant Division contractors.

Sincerely,

Mayor Milt Stowe
City of Porterville



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Consideration of City of Lindsay's Request for Cash Payment for the Balance Remaining on the Purchase Price of the Animal Control Facility Located in the City of Lindsay

SOURCE: Finance

COMMENT: On December 3, 2013, the City Council accepted a grant deed in fee from the City of Lindsay for the animal shelter located at 23611 Road 196 in Lindsay, CA. The negotiated purchase price of \$251,948 was to be paid through in-kind services of dispatching, animal sheltering, and the use of the firing range through fiscal year 2016-2017.

The Lindsay Police Department reassessed their dispatching needs and made a decision to discontinue the dispatching services provided by the Porterville Police Department at the end of June 2015, and instead contracted with the Tulare County Sheriff's Office. As of July 1, 2015, the total outstanding amount of the purchase price of the shelter is \$121,474. Staff received a request from the City of Lindsay for payment of the remaining balance.

Staff requests approval of General Fund reserves to pay the remaining balance owed to the City of Lindsay for the animal shelter facility. Preliminary reports for fiscal year 2014-2015 indicate General Fund revenues exceeding expenditures more than \$1 million, however, an overall deficit will be accounted in the General Fund due to the purchase of the Centennial Plaza facility for \$2.4 million through a short-term loan from General Fund Equipment Replacement Reserves.

RECOMMENDATION: That the City Council authorize the payment of \$121,474 to City of Lindsay for the remaining balance due on the purchase price of the animal shelter.

ATTACHMENTS: 1. Resolution No. 79-2013

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 79-2013

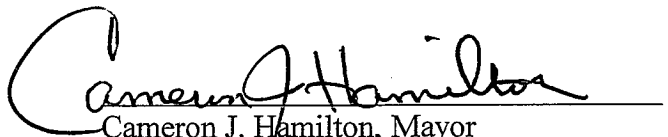
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING A GRANT DEED IN FEE
FOR A PORTION OF ASSESSOR PARCEL NUMBER 197-090-005

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville, hereby accepts a Grant Deed in fee from the City of Lindsay, a Municipal Corporation, for a portion of Assessor Parcel Number 197-090-005, in the County of Tulare, State of California, to-wit:

See Exhibits "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of \$251,948.00, to be paid through in-kind services, is hereby approved, with the City to open an escrow account, pay all escrow fees, and authorize the Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder, contingent upon a clear Phase 1 environmental site assessment. The foregoing has been accepted by the City Council for the City of Porterville.

PASSED, APPROVED, and ADOPTED this 3rd day of December, 2013.


Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

2033-23
9/25/2013
Revised 10/22/2013

Animal Control Site
Legal Description

That portion of the South 10 acres of the East half of the Northeast quarter of Section 3,
Township 20 South, Range 26 East, Mount Diablo Base and Meridian, County of Tulare, State of
California, described as follows:

Beginning at the Southeast corner of said Northeast quarter;

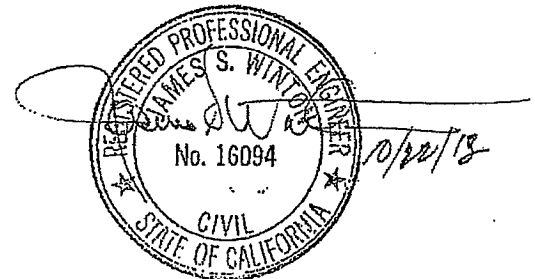
Thence, North 00°49'57" West, 330.15 feet along the East line of said Northeast quarter
to the Southeast corner of Lot 1 of Sierra Vista Colony No. 2, per map recorded in Book
10, page 32 of Maps, in the Office of the County Recorder of said County;

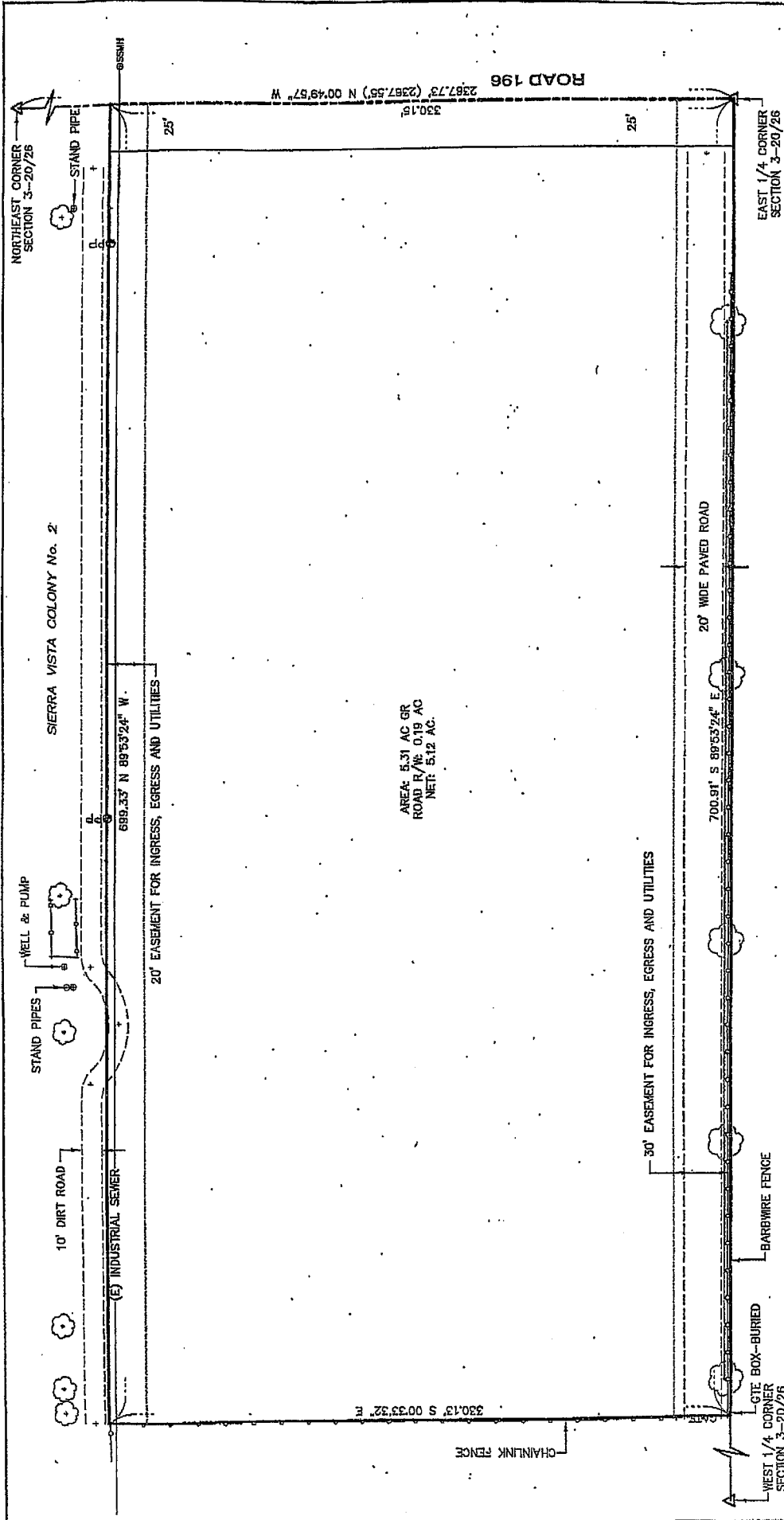
Thence, North 89°53'24" West, 699.33 feet along the South line of said Lot 1;

Thence, South 00°33'32" East, 330.13 feet to a point in the South line of said Northeast
quarter;

Thence, South 89°53'24" East, 700.91 feet to the point of beginning.

Reserving unto grantor, an easement for ingress, egress and utilities, over, across, through and
within the South 30 feet and the North 20 feet thereof.





LEGAL DESCRIPTION PLAT		DRAWN BY: BMG/LRH
FOR: CITY OF LINDSAY PO BOX 359 LINDSAY, GA 33247		DATE: 9/26/2013
PORTION OF APN 197-090-005		REVISION:
BY: JAMES WINTON & ASSOCIATES 150 WEST HORTON AVENUE PORTERVILLE, CALIFORNIA 93257		SCALE: 1" = 50'
JOB No. 2033-23	SHEET 1 OF 1	

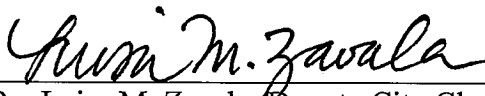
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 3rd day of December, 2013.

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

Council:	McCRACKEN	WARD	HAMILTON	SHELTON	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Authorization to Execute the Tule Subbasin Sustainable Groundwater Management Act Memorandum of Understanding

SOURCE: Public Works

COMMENT: On September 16, 2014, Governor Brown signed the Sustainable Groundwater Management Act (SGMA) (the “Act”) and, with that, each high or medium priority Hydrologic Basin or Subbasin as defined by the California Department of Water Resources (DWR) Bulletin 118 must form a Groundwater Sustainability Agency (GSA) and prepare a Groundwater Sustainability Plan (GSP). Tule Subbasin is located within the Tulare Lake Hydrologic Region-San Joaquin Valley Groundwater Basin and it is considered a basin of a high priority in critical overdraft based on DWR analysis.

As a public agency providing water services, the City of Porterville has been invited, along with several other public agencies, irrigation companies, and water districts within the Tule Subbasin, to participate in the development of a GSA, implementation of a GSP and cooperation agreement for all parties to follow within the subbasin. Attached is a final version of the Memorandum of Understanding (MOU) prepared by Peltzer & Richardson Law Corporation for all parties to review and execute upon approval by each governing board. The MOU outlines a road map in forming GSA governance, GSP preparation and cost sharing of the parties involved.

Water Code § 10727 allows for the preparation of a GSP by three methods: (1) A single GSP covering the entire basin/subbasin developed and implemented by one GSA; (2) A single GSP covering the entire basin/subbasin developed and implemented by multiple GSAs; or (3) Multiple GSPs implemented by multiple GSAs that are subject to a single Coordination Agreement that covers the entire basin/subbasin. There have been several meetings involving Tule Subbasin stakeholders. RL Schafer and Associates has been designated the “Water Master” of sorts and has brought all of the parties to the table to determine the best approach in forming a GSA for the Tule Subbasin. It has been mutually agreed that option (3), Multiple GSPs implemented by multiple GSAs, is the best approach for our subbasin.

The “Act” requires local groundwater agencies to define the GSA governance by June 30, 2017, and, since the Tule Subbasin is a high priority subbasin in critical overdraft, a GSP must be approved by January 31, 2020. The GSA must achieve “sustainability” within their basin or subbasin within *twenty (20) years* after adoption of their GSP. The “Act” defines “sustainability” as operating the basin or subbasin within a “sustainable yield,” which generally means the maximum quantity of water that can be withdrawn annually from a groundwater supply

without causing an undesirable result. Each GSA may directly regulate groundwater pumping by restricting or suspending well production, prohibit new well construction, impose well-spacing requirements, and require measurement (e.g. metering) and reporting of groundwater production by well owners. Small domestic wells are exempt from metering and reporting, unless the GSA wishes to impose production monitoring regulations and levy fees for excess extraction. The concept of multiple GSAs with multiple GSPs allows for the City of Porterville to self-regulate and most, if not all, reporting requirements are currently being performed by the City's Water Division.

In 2009, Dr. Ken Schmidt was hired by the City to perform a Groundwater Hydrology Study and incorporated within the study is a "Sustainable Yield." The study was based on the City's prior Urban Development Boundary (UDB) and should be updated to coincide with the recently approved expanded UDB. The study demonstrates the need for the City to be proactive in groundwater recharging because the City is overdrafting the groundwater in our immediate area by approximately 1200 acre-feet per year. In light of the study, staff has been proactive in groundwater recharging when surface water is available.

The "Act" also empowers the GSA a range of powers for carrying out projects to augment water supply availability. The powers include authority to acquire properties, water rights, and water supplies, and to construct, operate, and maintain works or improvements within or outside of the GSA boundaries. The GSA may also reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use in achieving basin or subbasin sustainability.

The preceding power might be used to carry out an "in lieu recharge" project where a GSA acquires a new source of supply (e.g., recycled municipal wastewater) and builds a distribution system serving farmers, golf courses, cemeteries, or other large irrigated landscapes to reduce their groundwater irrigation pumping. Alternatively, a GSA might capture storm water for use in artificially recharging the local groundwater basin or subbasin. GSAs in compliance with the "Act" may retain state grants or loans for projects that meet the intent of the GSP.

If local landowners and other stakeholders fail to timely reach consensus on who will serve as their regional groundwater regulator, what the local regulator plan requires, and how the plan will be carried out, the state will intervene by imposing its own plan. The "Act" empowers the state to mandate pumping reductions, impose fees, and require other measures to achieve groundwater sustainability if local jurisdictions fail to act.

Possible funding sources for the formation of a GSA, preparation of a GSP, and a program to ensure compliance with the GSP could be the Water Operating Fund, Storm Water Fund, or the Wastewater Operating Fund or a combination of all.

The Tule Subbasin group is now asking all agencies to execute the Memorandum of Understanding (MOU) and move towards the creation of a Cooperative Agreement. The City Attorney reviewed the MOU and has recommended that *if the City Council wishes to approve the MOU, that it do so contingent upon all parties agreeing that the costs to each party for the preparation of the*

Coordination Agreement will not exceed \$10,000 each without further approval.
Representatives from the Tule Subbasin group believes that this dollar amount is likely sufficient.

RECOMMENDATION: That the City Council:

1. Reaffirm confirmation of compliance with the "Act" by authorizing the participation with the other stakeholders in the Tule Subbasin by formation of a GSA as described herein;
2. Authorize the Mayor and City Attorney to execute the attached Memorandum of Understanding upon *a separate written agreement* that the City of Porterville's equal share of preparing the Cooperative Agreement does not exceed \$10,000 *without a further agreement*; and
3. Reaffirm authorization for staff to cooperatively work with the other stakeholders to create a Cooperative Agreement that will define how all of the GSAs will work towards a "Sustainable Groundwater Yield" for the entire subbasin.

ATTACHMENTS: 1. Tule Subbasin MOU

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

**Agreement to Develop and Implement a
Groundwater Sustainability Plan Coordination Agreement**

Tule Subbasin

This Agreement to Develop and Implement a Groundwater Sustainability Plan Coordination Agreement ("Agreement") effective September 1, 2015 is between the entities listed in Exhibit B and other public agencies within the Tule Subbasin that have agreed to participate. The signatories to this Agreement are hereinafter referred to collectively as "Parties" or individually as "Party" and is made in light of the following:

RECITALS:

WHEREAS, the Parties are all located within the Tulare Lake Hydrologic Region San Joaquin Valley Groundwater Basin, Tule Subbasin, a groundwater subbasin recognized by the California Department of Water Resources ("DWR") Bulletin 118 (2003) as Groundwater Basin Number 5-22.13, a map of the the Tule Subbasin is attached to this Agreement as Exhibit "A";

WHEREAS, the Sustainable Groundwater Management Act ("SGMA") requires the development and establishment of groundwater sustainability plans ("GSP") designed to ensure the sustainability of groundwater basin/subbasin listed in Bulletin 118, particularly areas such as the Tule Subbasin that are in critical overdraft based on DWR analysis;

WHEREAS, SGMA allows local agencies or a combination of local agencies overlying a groundwater basin to serve as a groundwater sustainability agency ("GSA") to develop and implement a GSP over an entire basin, subbasin, or a portion of a basin;

WHEREAS, SGMA under Water Code § 10727 allows for the preparation of a GSP by three methods; (1) A single GSP covering the entire basin/subbasin developed and implemented by one GSA, (2) A single GSP covering the entire basin/subbasin developed and implemented by multiple GSAs, (3) Multiple GSPs implemented by multiple GSAs that are subject to a single Coordination Agreement that covers the entire basin/subbasin;

WHEREAS, Water Code § 10727.6 requires that if multiple GSPs will be implemented within a basin or subbasin then a Coordination Agreement must be prepared to ensure that the GSPs utilize the same data and methodologies within the basin for the following items: (a) Groundwater elevation data; (b) Groundwater extraction data; (c) Surface water supply; (d) Total water use; (e) Change in groundwater storage; (f) Water budget; and (g) Sustainable yield;

WHEREAS, Parties have agreed that multiple GSAs will be formed within the Tule Subbasin and multiple GSPs will be developed by these GSAs and implemented;

WHEREAS, Parties acknowledge that the data required for a Coordination Agreement in the Tule Subbasin has not been completely collected and Parties agree that under this Agreement they will cooperate with the data gathering necessary for preparation of a Coordination Agreement;

WHEREAS, Parties agree to work towards the formation of multiple GSAs within the Tule Subbasin;

WHEREAS, the purpose of this Agreement is to provide for a cooperative means of gathering the data required for the preparation of a Coordination Agreement that will apply to the GSPs implemented by the multiple GSAs, and to provide a framework among the parties forming GSAs to enable the eventual preparation of a Coordination Agreement for the Tule Subbasin;

NOW, THEREFORE, it is mutually understood and agreed as follows:

Section 1: Definitions

1.1 "Tule Subbasin" or "Tule Basin" refers to that subbasin identified and described in California Department of Water Resources California's Groundwater Bulletin 118 as part of the Tulare Lake Hydrologic Region, San Joaquin Valley Groundwater Basin, Tule Subbasin, also identified as Groundwater Basin Number 5-22.13. A map of the Tule Subbasin is attached hereto as Exhibit "A" to this Agreement.

1.2 "Groundwater sustainability agency" or "GSA" means one or more local agencies that implement the provisions of SGMA as defined by Water Code § 10721(j).

1.3. "Groundwater sustainability plan" or "GSP" means a plan of a GSA proposed or adopted under SGMA as defined in Water Code § 10721(k).

1.4 "Coordination Agreement" shall be the agreement to ensure coordination of the data and methodologies used in all GSPs within the Tule Basin for the following assumptions: (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;

Section 2: Purposes and Goals

2.1 The Parties are entering into this Agreement to do the following:

2.1.1 Set forth their mutual agreement to prepare and enter into a Coordination Agreement that shall apply to the GSPs prepared for the Tule Basin.

2.1.2 Provide for the research of the data required for the Coordination Agreement to be drafted. Parties agree to utilize their best efforts in fully cooperating with the advisors gathering the information and preparing the Coordination Agreement.

2.1.3 Parties agree that after the data is gathered, the Coordination Agreement will be prepared setting forth the assumptions based on the information gathered by this Agreement.

2.1.4 Parties agree that separately from the efforts under this MOU relating to preparation of the Coordination Agreement, each Party shall take one of the following actions to form or be included in a GSA: become a GSA as an individual local agency; work collectively with other entities to form a GSA under Water Code § 10723.6; or cooperate with another local agency or combination of local agencies that form a GSA and agree to be included within that GSA's jurisdictional boundaries.

Section 3: Cost Sharing and Governance

3.1. Parties anticipate the costs of preparation of the Coordination Agreement will be shared equally between the GSAs that will be formed and act under the Coordination Agreement. The parties listed in Exhibit "B" to this Agreement agree to be equally responsible for the costs of preparing the Coordination Agreement as they anticipate becoming a GSA as an individual local agency or forming a GSA collectively with other entities as permitted by the Water Code. However, the list on Exhibit "B" is only for the purpose of listing the Parties to this Agreement that are agreeing to pay for the costs to gather the data and prepare the Coordination Agreement and is not intended to be determinative of the list of agencies that may or may not act individually or collectively with other entities as a GSA.

3.2 Parties agree that if grant funds are available for the preparation of the Coordination Agreement, then the parties listed on Exhibit "B" have the authority to act jointly in applying for and seeking to obtain such grant funds.

3.3 Parties listed in Exhibit "B" may by a two-thirds majority decision determine whether to hire experts or consultants required to prepare and draft the documents necessary for the Coordination Agreement or may by two-thirds majority vote agree to take any action necessary to apply for or seek to obtain grant funds.

3.4 The terms of the final Coordination Agreement will be approved by the GSAs that will be formed within the Tule Subbasin and that will separately enact the various GMPs that will be subject to the Coordination Agreement.

Section 4. General Provisions

4.1. Term. This Agreement MOU shall become effective on the date first above written and shall remain in effect until the Coordination Agreement is finalized.

4.1.2. Replacement with Coordination Agreement. Parties agree that with the preparation of the Coordination Agreement by the GSAs, this Agreement shall be terminated. The Coordination Agreement shall contain separate provisions concerning modifications and updates to the Coordination Agreement; reporting information between GSAs; cost sharing; and governance of the Coordination Agreement.

4.2 Additional Parties. Upon written approval of two-thirds of the Parties, other local agencies, meaning any local public agency that has water supply, water management, or land use responsibilities within the groundwater basin may agree to become a Party to this Agreement. Costs paid by entities listed on Exhibit "B" will be tracked and readjusted as necessary. New parties agreeing to be listed on Exhibit "B" will be responsible for paying their adjusted share of all expenses incurred.

4.2.1 GSAs May Implement Separate Cost Sharing. Nothing in this Agreement prevents other alternative forms of cost sharing or cost reimbursement from being required within the GSAs that will be formed.

4.3 Construction of Terms. This Agreement is for the sole benefit of the Parties and shall not be construed as granting rights to or imposing obligations on any person other than the Parties.

4.4 Good Faith. Each Party shall use its best efforts and work in good faith for the expeditious completion of the purposes and goals of this Agreement and the satisfactory performance of its terms.

4.5 Rights of the Parties and Constituencies. This Agreement does not contemplate the Parties taking any action that would:

4.5.1 Adversely affect the rights of any of the Parties; or

4.5.2 Adversely affect the constituencies of any of the Parties.

4.6 Execution. This Agreement may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this Agreement represent that they have the authority to sign this Agreement and to bind the Party for whom they are signing.

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

Angiola Water District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Angiola Water District

City of Porterville

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for City of Porterville

County of Tulare

By: _____

Date: _____

Title: _____

Approved as to Form

Tulare County Counsel

Deer Creek Storm Water District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for
Deer Creek Storm Water District

Delano-Earlimart Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for
Delano-Earlimart Irrigation District

Lower Tule River Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for
Lower Tule River Irrigation District

Pixley Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Pixely Irrigation District

Porterville Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Porterville Irrigation District

Saucelito Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Saucelito Irrigation District

Tea Pot Dome Water District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Tea Pot Dome Water District

Terra Bella Irrigation District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Terra Bella Irrigation District

Vandalia Water District

By: _____

Date: _____

Title: _____

Approved as to Form

Attorney for Vandalia Water District

Siganture Page for Additional Parties to the Agreement

Name of Agency:_____

By:_____

Date:_____

Title:_____

Approved as to Form

Attorney for

Exhibit A
Map of Tule Basin as Described in Bulletin 118

Exhibit B
Local Agencies Agreeing to Pay for Costs of Preparing Coordination Agreement

Angiola Water District

City of Porterville

County of Tulare

Deer Creek Storm Water District

Delano-Earlimart Irrigation District

Lower Tule River Irrigation District

Pixley Irrigation District

Porterville Irrigation District

Saucelito Irrigation District

Tea Pot Dome Water District

Terra Bella Irrigation District

Vandalia Water District



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Request for Proclamation - Constitution Week - September 17-23, 2015

SOURCE: Administrative Services

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

Pat Holly, on behalf of the Daughters of the American Revolution Alta Mira Chapter, has requested that the Council consider approval of a proclamation to proclaim September 17-23, 2015, as "Constitution Week." Council Member Ward is sponsoring this proclamation request. If approved, the applicant will pick up the proclamation.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 17-23, 2015, as "Constitution Week."

ATTACHMENTS: 1. Proclamation Request

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Maria Bemis, Finance Director



City of Porterville
REQUEST FOR PROCLAMATION



RECEIVED

AUG 25 2015

CITY OF PORTERVILLE
CITY CLERK OFFICE

Date of Request: 8/25/2015

Name of Event/Individual: Constitution Week / Pat Holly
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: DAR Alta Mira Chapter

Name of Contact Person: Pat Holly

Address: 33459 Globe Dr.

Phone: 783-3265 FAX: _____

E-mail: paholly@ocsnet.net

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☒ call for pick-up

Date(s) of Event: 9/13/2015 - 9/23/2015

Date of Council Meeting to be presented, if applicable: _____
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Pat Holly

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

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

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

City Clerk's Section

Request Received: 8/25/15 Sponsored by: WARD Date: 8/27/15

Approved by Council: yes ☐ no ☐ Date: _____

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

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

SAMPLE PROCLAMATIONS FOR CONSTITUTION WEEK

The following proclamations can be used as suggested or in combination with one another. Proclamations you have used in the past years can also be used as samples. Be sure to remember to change the date and also the year of the anniversary.

SAMPLE #1

WHEREAS: September 17, 2013, marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, _____ by virtue of the authority vested in me as (Governor or Mayor) of the State or City) of _____ (in the City of) _____ do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the (State or City) to be affixed this _____ day of _____ of the year of our Lord two thousand _____.

Signed _____ SEAL Attest _____

SAMPLE #2

WHEREAS: It is the privilege and duty of the American people to commemorate the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, _____ by virtue of the authority vested in me as (Governor or Mayor) of the State or City) of _____ (in the City of) _____ do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the (State or City) to be affixed this _____ day of _____ of the year of our Lord two thousand _____.

Signed _____ SEAL Attest _____

SAMPLE #3

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2013, marks the two hundred twenty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, _____ by virtue of the authority vested in me as (Governor or Mayor) of the State or City) of _____ (in the City of) _____ do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the (State or City) to be affixed this _____ day of _____ of the year of our Lord two thousand _____.

Signed _____ SEAL Attest _____



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Approval for Community Civic Event - Central California Family Crisis Center - Annual Candlelight Vigil for Domestic Violence - October 15, 2015

SOURCE: Finance

COMMENT: The Central California Family Crisis Center is requesting approval to hold their annual candlelight vigil at Centennial Park on Thursday, October 15, 2015, from 5:30 p.m. to 7:30 p.m. This vigil is held as a remembrance for those who have lost their lives to domestic violence. The event consists of speakers and information booths. There is no request for street closures.

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

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Central California Family Crisis Center, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application, Agreement, Exhibit A, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: Patrice Hildreth, Administrative Services Dir

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 7-28-15 Event date: 10-15-15

Event time: 5:30 pm
Name of Event: 17th Annual Candlelight Vigil

Sponsoring organization: Family Crisis Center Phone # 559-781-7462
Address: 211 N Main St

Authorized representative: Krystle Contreras Phone # 559-781-7462
Address: 211 N Main

Event chairperson: 11 Phone # 1

Location of event Centennial Park 2910 N Main St
(Location map must be attached)

Type of event: Candlelight Vigil to remember victims
of Domestic Violence

Non-profit organization status: 501(c)(3) BL# 4815

(IRS Determination)
City services requested (fees associated with these services will be billed separately):
Barricades (quantity): 0 Street sweeping Yes No
Police protection Yes No ✓ Refuse pickup Yes No
Other:

Parks facility application required: Yes ✓ No Attached
Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr.	Deny	
<u> </u>	<u> </u>	Bus. Lic. Spvr. <u> </u>
<u> </u>	<u> </u>	Pub. Works Dir <u> </u>
<u> </u>	<u> </u>	Comm. Dev. Dir. <u> </u>
<u> </u>	<u> </u>	Field Svcs. Mgr. <u> </u>
<u> </u>	<u> </u>	Fire Chief <u> </u>
<u> </u>	<u> </u>	Parks Dir. <u> </u>
<u> </u>	<u> </u>	Police Chief <u> </u>
<u> </u>	<u> </u>	Admin. Svcs. Dir. <u> </u>

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)

RC 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.**

RC 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.

RC 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.

RC 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.

Family Crisis Center	<i>R. C. [Signature]</i>	7/28/15
(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

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]

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

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

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: 17th Annual Candlelight Vigil

Sponsoring organization: Family Crisis Center

Event date: 10-15-15 Hours: 5:30 - 7:30

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed *No closures needed*

<u>Street Name</u>		<u>From</u>		<u>To</u>		<u>Activity</u>
<u>Sidewalks</u>		<u>From</u>		<u>To</u>		<u>Activity</u>
<u>Parking lots and spaces</u>		<u>Location</u>				<u>Activity</u>

Requirements for Community Civic Event
Central California Family Crisis Center
Annual Candlelight Vigil for Domestic Violence
October 15, 2015

Finance Director:
M. Bemis

Public Works Director, Acting: No comment.
M. Reed

Community Development Manager: No comments.
J. Phillips

Field Services Manager: No comments.
B. Styles

Fire Chief: No comments.
G. Irish

Parks and Leisure Services Director:
D. Moore

Police Captain: No special conditions for this event.
J. Hall

Administrative Services Director: See Exhibit A, Page 2.
P. Hildreth

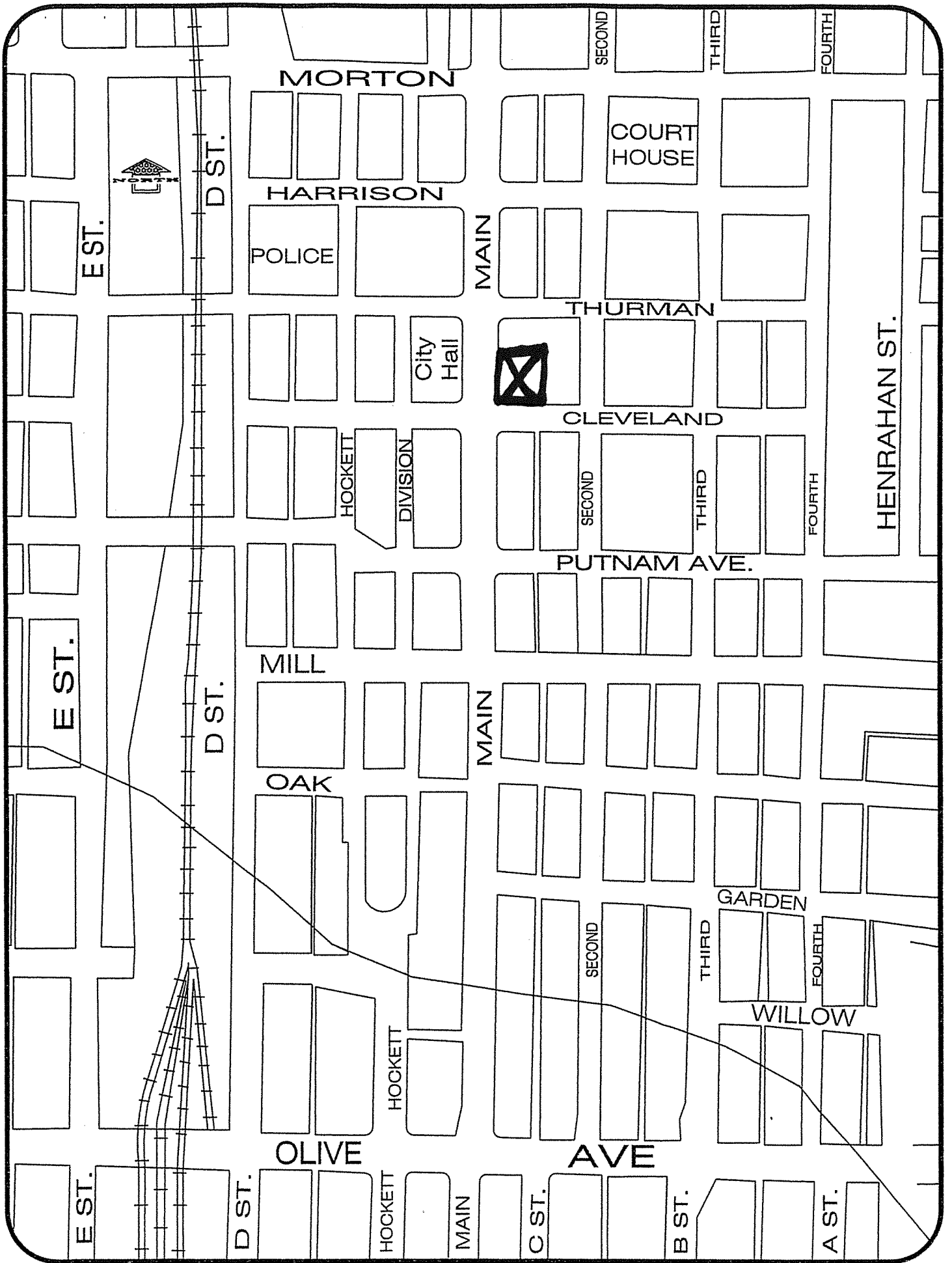
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Central California Family Crisis Center
Event: Candlelight Vigil for Domestic Violence
Event Chairman: Krystle Contreras
Location: Centennial Park
Date of Event: October 15, 2015

RISK MANAGEMENT: Conditions of Approval

That the Central California Family Crisis Center 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 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 Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

- 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.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.



E ST.

D ST.

MORTON

HARRISON

POLICE

MAIN

COURT
HOUSE

SECOND

THIRD

FOURTH

City
Hall

THURMAN

CLEVELAND

HOCKETT

DIVISION

SECOND

THIRD

FOURTH

HENRAHAN ST.

PUTNAM AVE.

E ST.

D ST.

MILL

MAIN

OAK

SECOND

THIRD

FOURTH

GARDEN

WILLOW

OLIVE

AVE

E ST.

D ST.

HOCKETT

MAIN

C ST.

B ST.

A ST.

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: Joseph Zenith "Zenith Sounds"
2442 E Rush Ave Fresno CA 93730
- 2 Address where amplification equipment is to be used: 2916 N Main St
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Same as above
- 4 Type of event for which amplification equipment will be used: Candlelight Vigil
- 5 Dates and hours of operation of amplification equipment: 5:30 pm - 7:30 pm
- 6 A general description of the sound amplifying equipment to be used: Microphone system and speakers for light music.

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 § 8311)

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 § 8312)

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.

K Little
Signature of Applicant

7-28-15
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

9/9/15
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/21/15

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 DLL Insurance Agency II 5088 N. Fruit Ave. #101 Fresno, CA 93711 Greg Anderson		559-451-3411 559-451-3415	CONTACT NAME: Rebecca A. Bejarano PHONE (A/C, No. Ext): 559-451-3411 E-MAIL ADDRESS: rbejarano@dllinsurance.com FAX (A/C, No): 559-451-3415
INSURED Central California Family Crisis Center 770 Main Street Porterville, CA 93257		INSURER(S) AFFORDING COVERAGE INSURER A: Nonprofits' Insurance Alliance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

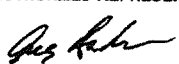
LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.											
INSR LTR	TYPE OF INSURANCE		ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS			
A	GENERAL LIABILITY		X		201500631NPO	01/01/15	01/01/16	EACH OCCURRENCE	\$ 1,000,000		
	X	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000		
		CLAIMS-MADE						X	OCCUR	MED EXP (Any one person)	\$ 20,000
								PERSONAL & ADV INJURY	\$ 1,000,000		
								GENERAL AGGREGATE	\$ 2,000,000		
	GEN'L AGGREGATE LIMIT APPLIES PER:							PRODUCTS - COMP/OP AGG	\$ 2,000,000		
		POLICY							PRO-JECT		LOC
AUTOMOBILE LIABILITY								COMBINED SINGLE LIMIT (Ea accident)	\$		
	ANY AUTO							BODILY INJURY (Per person)	\$		
	ALL OWNED AUTOS			SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$		
	HIRED AUTOS			NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	\$		
									\$		
	UMBRELLA LIAB							EACH OCCURRENCE	\$		
	EXCESS LIAB							AGGREGATE	\$		
	DED								\$		
	RETENTION \$								\$		
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY								WC STATUTORY LIMITS			
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		Y / N						OTHER			
If yes, describe under DESCRIPTION OF OPERATIONS below				N / A				E.L. EACH ACCIDENT	\$		
								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)

Notice of Cancellation is 30 days except in the event of cancellation for non-payment or premium which is 10 days. RE: Candlelight Vigil on 10/15/15, at Centennial Park, 296 N Main St, Porterville CA 93257, The City of Porterville, Successor Agency to the Porterville Redevelopment Agency is named as additional insured.

CERTIFICATE HOLDER

CANCELLATION

CITYPOR The City of Porterville Successor Agency to the Porterville Redevelopment Agency 291 N. Main Street Porterville, CA 93257	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 
---	---

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Approval for Community Civic Event - Tulare County District Attorney's Office and Central California Family Crisis Center - Justice Run - October 24, 2015

SOURCE: Finance

COMMENT: The Tulare County District Attorney's Office and the Central California Family Crisis Center are requesting approval to hold their annual Justice Run to help victims of domestic violence. The 5K Run / 1 Mile Walk will be held on Saturday, October 24, 2015, from 6:00 a.m. to 11 a.m., starting and finishing at Granite Hills High School. No street closures are requested. They are requesting the use of the following streets and sidewalks:

E. Olive Avenue, between Holcomb and Tulsa Street
Tulsa Street between E. Olive Avenue and E. Putnam Avenue
E. Putnam Avenue between Tulsa Street and N. Conner Street
N. Conner Street between E. Putnam Avenue to E. Morton Avenue
E. Morton Avenue between N. Conner Street to N. Hillcrest Street
N. Hillcrest Street, north of E. Morton Avenue

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

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County District Attorney's Office and the Central California Family Crisis Center, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application, Agreement, Exhibit A, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: Patrice Hildreth, Administrative Services Dir

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? Yes E-mail address? 304Runners@gmail.com Website? da-tularecojusticeRun

Application date: 8-27-15 Event date: 10-24-15

Event time: 6am - 11am

Name of Event: Justice Run - Benefiting Central CA Family Crisis Ctr - Porterville

Sponsoring organization: Visalia DA Office Phone # 624-7222
Address: Victim Witness Program 221 S. Mooney

* Authorized representative: Tonia Gagnon Phone # (702) 845-5310
Race Director Address: 2440 N. Silverdale Ct. Visalia, CA 93291

Event chairperson: Jennifer Lightfoot Phone # 624-7222

Anna Green 781-7462
Location of event Granite Hills High School

(Location map must be attached)

Type of event: 5K Walk / Run

Non-profit organization status: 94-2632969 503(c) 3L#4815
(IRS Determination) Central CA Family Crisis Ctr - Porterville

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): N/A Street sweeping Yes No ✓

Police protection Yes No ✓ Refuse pickup Yes No ✓

Other:

Parks facility application required: Yes No ✓ Attached

Assembly permit required: Yes No ✓ Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

_____	_____	Bus. Lic. Spvr:	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

9/1/15 message

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

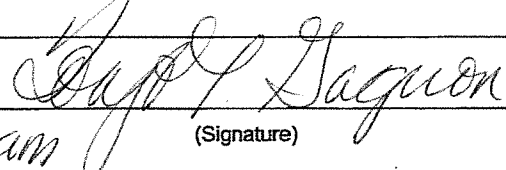
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health 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.

Visalia DA Office - Victim Witness Program		8-27-15
(Name of Organization)	(Signature)	(Date)

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: Justice Run - Benefiting Central
CA Family Crisis Ctr of Porterville
 Sponsoring organization: Visalia DA - Victims Witness Program

Event date: 10-24-15 Hours: 6a-11a

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
E. Olive Ave	Holcomb	Grizzly Drive	Walk/
E. Putnam Ave		N. Conner St	Run
N. Conner St	E. Olive Ave	E. Morton Ave	
E. Morton Ave		N. Hillcrest St.	
Sidewalks	From	To	Activity
E. Olive Ave	Holcomb	Grizzly Drive	
E. Putnam Ave		N. Conner St.	
N. Conner St.	E. Olive Ave	E. Morton Ave	
E. Morton Ave		N. Hillcrest St.	
Parking lots and spaces	Location		Activity
Granite Hills High School			

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

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.

Requirements for Community Civic Event

Central California Family Crisis Center
Visalia District Attorney Office

Justice Run

October 24, 2015

Finance Director:

M. Bemis

Public Works Director, Acting:

M. Reed

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

Parks and Leisure Services Director:

D. Moore

Police Lieutenant:

C. Contreras

No comments.

Administrative Services Director:

P. Hildreth

See Exhibit A, Page 2.

Requirements for Community Civic Event

Sponsor: Central California Family Crisis Center
Event: Justice Run
Event Chairman: Tonja Gagnon-Visalia District Attorney Office
Location: Granite High School
Date of Event: October 24, 2015

RISK MANAGEMENT: Conditions of Approval

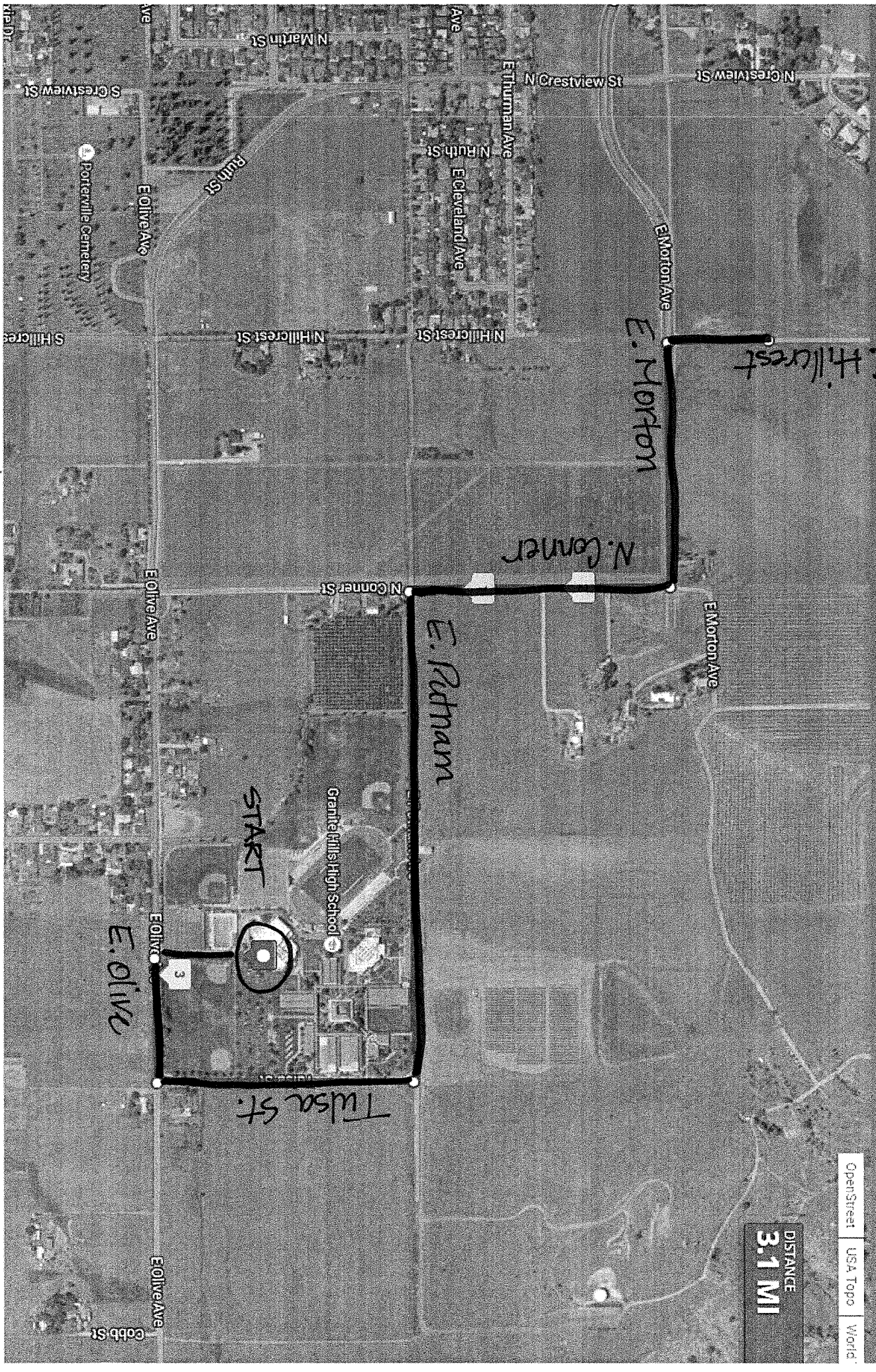
That the Central California Family Crisis Center provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permitted operation and sponsorship of the aforementioned Community Civic Event. If the event is located in the City of Porterville's Redevelopment Agency area, the same conditions apply.

- 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.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

HOME DISCOVER IMPROVE

OpenStreet USA Topo World

DISTANCE
3.1 MI



N. Hillcrest

E. Morton

N. Conner

E. Putnam

START

E. Olive

Tulsa St.

Granite Hills High School

Porterville Cemetery

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: Justice Run - Benefiting
Central CA Family Crisis Ctr - Porterville / Tonja Gagnon
- 2 Address where amplification equipment is to be used: Granite Hills High School
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Tonja Gagnon
2490 N. Silverdale Ct. Visalia, CA 93291
- 4 Type of event for which amplification equipment will be used: 5K Walk / Run
- 5 Dates and hours of operation of amplification equipment: 10-24-15 6a-11a
- 6 A general description of the sound amplifying equipment to be used: 1 mic. and large
amplifier

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 § 8311)

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 § 8312)

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

Tonja Gagnon
Signature of Applicant

8-27-15
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.

Ch. Carter
City of Porterville, Chief of Police/Designee

9-4-15
Date



CERTIFICATE OF LIABILITY INSURANCE

CENTR-1

OP ID: AM

DATE (MM/DD/YYYY)

09/01/15

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.

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PRODUCER DLL Insurance Agency II 5088 N. Fruit Ave. #101 Fresno, CA 93711 Greg Anderson		559-451-3411 559-451-3415	CONTACT NAME: Rebecca A. Bejarano PHONE (A/C, No, Ext): 559-451-3411 FAX (A/C, No): 559-451-3415 E-MAIL ADDRESS: rbejarano@dllinsurance.com
INSURED Central California Family Crisis Center 770 Main Street Porterville, CA 93257		INSURER(S) AFFORDING COVERAGE INSURER A: Nonprofits' Insurance Alliance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

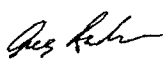
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INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	X	201500631NPO	01/01/15	01/01/16	EACH OCCURRENCE \$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000				
		MED EXP (Any one person) \$ 20,000				
		PERSONAL & ADV INJURY \$ 1,000,000				
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$
						BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB EXCESS LIAB ☐ DED ☐ RETENTIONS					EACH OCCURRENCE \$
						AGGREGATE \$
						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N				WC STATUTORY LIMITS \$
						E.L. EACH ACCIDENT \$
						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)

Notice of Cancellation is 30 days except in the event of cancellation for non-payment or premium which is 10 days. RE: Justice Run on 10/24/15 at Granite Hills High School, 1701 E. Putnam Ave., Porterville CA 93257, The City of Porterville, Successor Agency to the Porterville Redevelopment Agency is named as additional insured.

CERTIFICATE HOLDER**CANCELLATION**

CITYPOR The City of Porterville Successor Agency to the Porterville Redevelopment Agency 291 N. Main Street Porterville, CA 93257	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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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
--

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.
--

RE: The Justice Run on 10/24/15, at Granite Hills High School, 1701 E. Putnam Ave., Porterville CA 93257, The City of Porterville Successor Agency to the Porterville Redevelopment Agency is named as additional insured.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Approval for Community Civic Event - Family Healthcare Network and COCOLA Broadcasting Company - Fiesta de la Familia & Health Fair - October 11, 2015

SOURCE: Finance

COMMENT: Family Healthcare Network and COCOLA Broadcasting Company are requesting approval to hold their Fiesta de la Familia and Health Fair at Veteran's Park, on Sunday, October 11, 2015, from 11:00 a.m. to 6:00 p.m. This free family event will include health screenings by the Family Healthcare Network, information booths, bounce houses, food, refreshments, and music.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Family Healthcare Network and COCOLA Broadcasting Company, subject to the stated requirements contained in Exhibit A and Exhibit B of the Community Civic Event Application

ATTACHMENTS:

1. Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Map, Certificate of Liability Insurance and Event Flyer

Appropriated/Funded:

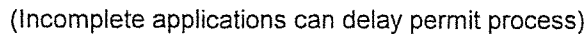
Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

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



DO YOU HAVE?

<i>Event Flyer?</i>	<i>E-mail address?</i>	<i>Website?</i>
Application date: <u>9/4/15</u>	Event date: <u>SUNDAY - 10/11/15</u>	
	Event time: <u>11AM - 6PM</u>	

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)*

MS 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.**

MS 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.

MS 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.

MS 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.

COCOLA BROADCASTING CO.	Melly Saldana	9/4/15
(Name of Organization)	(Signature)	(Date)

CITY OF PORTERVILLE

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

Name of event: 15TH ANNUAL HEALTH FAIR AND FIESTA DE LA FAMILIA 2015

Sponsoring organization: FAMILY HEALTH CARE NETWORK

Location: VETERANT'S PARK Event date: 10/11/15 Event time: 11AM - 7PM

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]

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

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

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

Event date: SUNDAY, 10/11/15 Hours: 11A-7PM

Closed

Requirements for Community Civic Event

Family Healthcare Network and COCOLA Broadcasting Company

Fiesta de la Familia and Health Fair

October 11, 2015

Finance Director:

M. Bemis

Public Works Director, Acting:

M. Reed

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

No comment.

Parks and Leisure Services Director:

D. Moore

Vehicles to remain off grass. Loading and unloading vehicles to remain on path.

Police Captain:

J. Hall

Please see Exhibit B, Proposed Conditions and Requirements.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, Page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Family Healthcare Network
Event: Fiesta de la Familia and Health Fair
Event Chairman: Melly Saldana, COCOLA Broadcasting Company
Location: Veteran's Park
Date of Event: October 11, 2015

RISK MANAGEMENT: Conditions of Approval

That the COCOLA Broadcasting Company provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the 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.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE
Community Civic Event Application

Fiesta De La Familia & Health Fair

Proposed Conditions/Requirements for Fiesta De La Familia & Health Fair, October 11, 2015

- The possession or consumption of alcoholic beverages by event organizers or participants is strictly prohibited.
- Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.
- An Outside Amplifier Permit has been approved; however, event organizers shall refrain from amplifying music or other sound so loudly as to disturb the peace and good order of surrounding businesses or nearby residential neighborhoods. The sound amplification shall not continue beyond 7:00 pm.

John Hall, Captain
Porterville Police Department

EXHIBIT B

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: COCOLA BROADCASTING CO. (FIESTA DE LA FAMILIA & HEALTH FAIR 2015) 706 W. HERNDON AVE. FRESNO, CA 93650
- 2 Address where amplification equipment is to be used: 1501 W. HENDERSON AVE, PORTERVILLE, CA
- 3 Names and addresses of all persons who will use or operate the amplification equipment: COCOLA BROADCASTING 706 W. HERNDON AVE. FRESNO, CA 93650
- 4 Type of event for which amplification equipment will be used: FAMILY HEALTH FAIR FIESTA DE LA FAMILIA AND HEALTH FAIR 2015
- 5 Dates and hours of operation of amplification equipment: SUNDAY, OCTOBER 11TH (11AM - 7PM)
- 6 A general description of the sound amplifying equipment to be used: LIVE MUSIC FOR LOCAL BANDS, GROUPS, MICROPHONES, TWO SPEAKERS, BACK LINE.

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.

Melly Saldana MARKETING DIRECTOR
Signature of Applicant

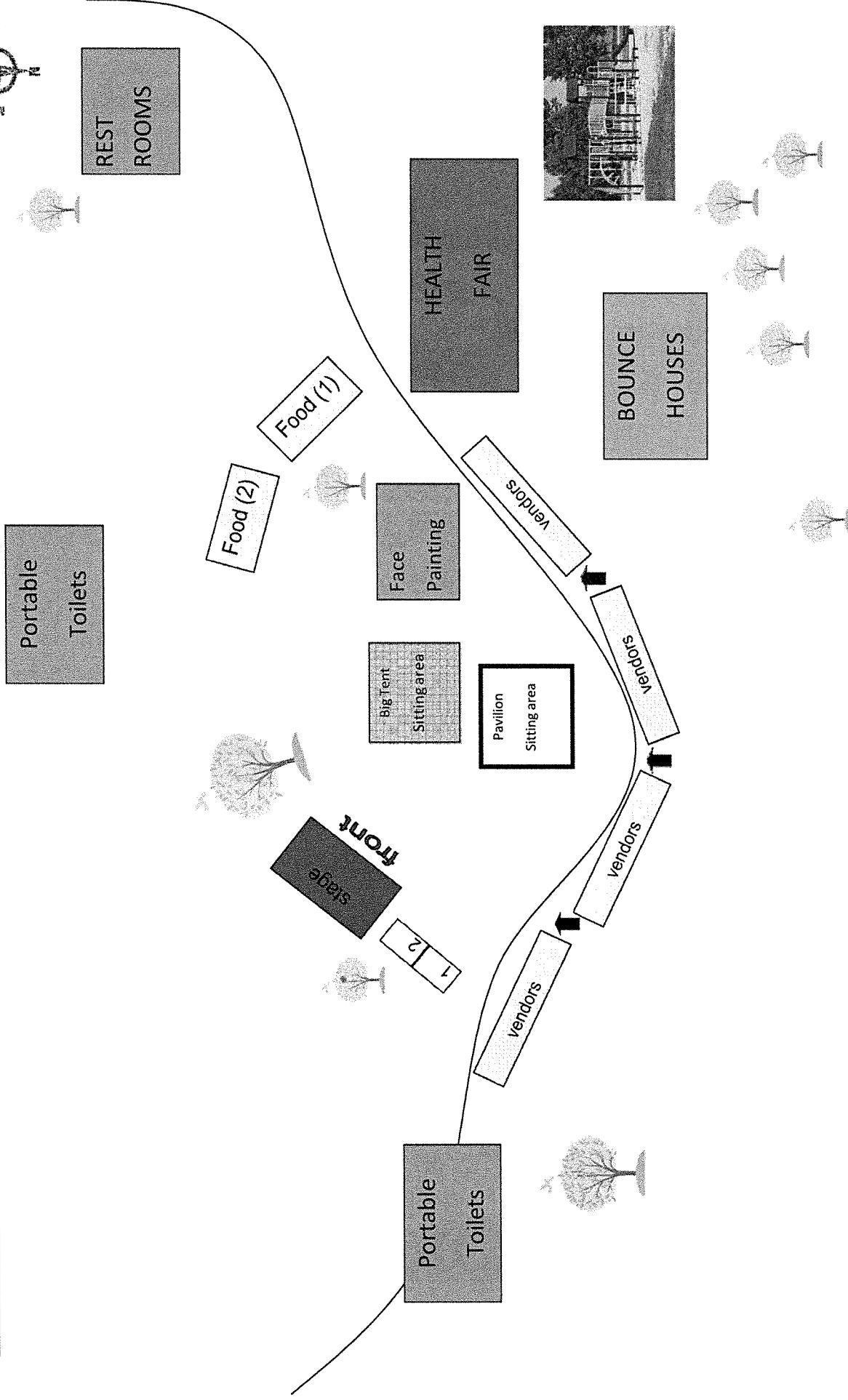
9/4/15
Date

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

9/8/15
Date

Health Fair and Fiesta de la Familia Event 2015 Sunday, October 11th



Veteran's Park, 1501 W. Henderson Ave, Porterville, CA



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/21/2015

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	Preston-Patterson Co., Inc PO Box 244 Conshohocken PA 19428	CONTACT NAME:		
		PHONE (A/C, No, Ext): (610) 834-0090	FAX (A/C, No): (610) 832-0241	
INSURED	Cocola Broadcasting Companies, LLC Gary M. Cocola Family Trust 706 West Herndon Avenue Fresno CA 93650-1033	INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Hartford Casualty Ins. Co.		29424
		INSURER B: Hartford Fire Ins. Co.		19682
		INSURER C: Sentinel Insurance Company		11000
		INSURER D:		
		INSURER E:		
		INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	Y		39UUNZE1930	05/15/2015	05/15/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
C	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	Y		39UECZE4786	05/15/2015	05/15/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DEF ☐ RETENTION \$	Y		39RHUZE1163	05/15/2015	05/15/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: Fiesta De La Familia & Health Fair Event in Porterville, CA on October 11, 2015.

The Certificate Holder is included as Additional Insured per policy form attached (HG 00 01 06 05).

CERTIFICATE HOLDER

CANCELLATION

AI 2425

City of Porterville Successor Agency to the Porterville 291 N Main Street Porterville CA 93257	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 Stephen W. Patterson/MARIO

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have all your rights and duties under this Coverage Part.

e. Unnamed Subsidiary

Any subsidiary, and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of the Coverage Part.

The insurance afforded herein for any subsidiary not named in this Coverage Part as a named insured does not apply to injury or damage with respect to which an insured under this Coverage Part is also an insured under another policy or would be an insured under such policy but for its termination or the exhaustion of its limits of insurance.

3. Newly Acquired or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

- a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier;
- b. Coverage **A** does not apply to "bodily injury" or "property damage" that occurred before you acquired or formed the organization; and
- c. Coverage **B** does not apply to "personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

4. Mobile Equipment

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person driving the equipment; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The following person(s) or organization(s) are an additional insured when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement.

A person or organization is an additional insured under this provision only for that period of time required by the contract or agreement.

However, no such person or organization is an insured under this provision if such person or organization is included as an insured by an endorsement issued by us and made a part of this Coverage Part.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

- (1) The insurance afforded the vendor is subject to the following additional exclusions:

This insurance does not apply to:

- (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;



Presents

15th Annual Health Fair Fiesta de La Familia 2015

FREE
event

Sunday, October 11, 2015
Veterans Park
1501 W Henderson Porterville, Ca.
2:00pm- 5:00pm

FREE
event



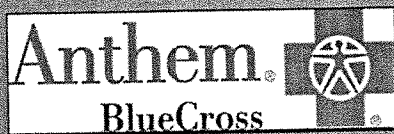
Live Music
12pm -5pm
Bring your lawn chairs

FREE Services:

- Health Screenings
- Digital Retinal Screening Vouchers
- Dental Screenings for Adults and Children
- Fluoride Application for children 0-5 and Pregnant Women
- Information on Medi-Cal & Covered CA. enrollment
- Dance Exercise Demonstration
- Healthy Recipes

Kids Zone — face painting, bounce house and prizes!
Informational booths — Delicious Food!

Sponsored By:



For more information please contact Isabel Olmos: 559-280-1956 or Lupe Chapa: 559-909-1178



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding

SOURCE: Police

COMMENT: For the past several years, the City of Porterville has annually received funding from the State of California through the Citizens' Option for Public Safety (COPS) Grant Program. The City of Porterville is again slated to receive \$100,000 for Fiscal Year 2015/2016, and a public hearing on the intent of the expenditures is required.

In the past, the Police Department has used these funds in support of personnel assigned to the Department's Patrol Division, including all necessary training, equipment, and overtime costs, and it is our intent to do so again. The expenditure of these funds in this manner is in proper adherence to the requirements as specified in the Assembly Bill.

RECOMMENDATION: That the City Council:

- 1) Conduct the public hearing to receive public comment;
- 2) Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
- 3) Approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000.

ATTACHMENTS: 1. Citizen's Option for Public Safety (COPS) Resolution

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: Maria Bemis, Finance Director

RESOLUTION NO. _____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING CITIZENS' OPTION FOR
PUBLIC SAFETY (COPS) GRANT FUNDS AND APPROVING A BUDGET
ADJUSTMENT TO THE PORTERVILLE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville accepts the 2015/2016 Citizens' Option for Public Safety (COPS) Grant Funds; and
2. Police Department's Special Safety Grants - Citizens' Option for Public Safety (COPS) budget is increased by \$100,000 to allow for expenditure of these Grant Funds in support of personnel assigned to the Patrol Division and their operational costs.

PASSED, APPROVED, AND ADOPTED this 15th day of September 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Consideration of Revocation of Business License

SOURCE: Finance

COMMENT: Businesses in the City of Porterville are required to obtain a license in order to assure the orderly conduct of business in the community. Chapter 15 of the Porterville Municipal Code provides the manner and parameters through which business licenses are issued and, though very rarely, revoked. Section 15-12 of the Municipal Code states, "The City Council reserves the right to revoke the license granted any person, when, after notice to the licensee and upon hearing had, it shall appear the business licensed is unlawful, immoral or a menace to the public health, safety, moral, peace or general welfare, or is, or had been carried on in an illegal or immoral manner, or in such manner as to constitute a menace to the health, safety, morals, peace or general welfare of the people of the city".

On multiple occasions within the last year, the Police Department has been advised of illicit activities associated with Best Massage, located at 52 East Mill Avenue. Twice in the past six months, investigations have led to arrests related to prostitution at this location. Attempts by the Police Department to work with the non-local business owner to correct its business operations were unsuccessful, and due to the business being carried on in a manner that constitutes a menace to the public welfare, staff recommends revocation of the business license in order to further the public interest.

The Police Department reports that of seven licensed massage establishments in the City, five have been subjects of investigation of illicit activity, namely, prostitution. The two arrests associated with Best Massage are part of five total arrests associated with massage businesses in this calendar year. At the meeting of November 4, 2014, the City Council was advised of recent legislation related to massage therapy businesses. That report was informational only, but advised that if issues arose that might result in the need to develop a local ordinance, staff would request direction from the City Council. Accordingly, staff is now requesting direction from the Council as to whether or not an ordinance should be prepared and adopted to provide greater oversight to massage oriented businesses. A local example that could be considered for a model ordinance is the City of Bakersfield's Ordinance 4809. Adopted earlier this year, it was updated in light of the recent changes in State law, and the provisions of the ordinance are familiar to Porterville Police detectives, who have worked with that jurisdiction, assisting in raids.

If the City Council so chooses, staff could work to prepare an ordinance that

provides specific regulations for massage oriented businesses, with a focus on assisting the legitimate businesses by reducing the number of illicit businesses operating in Porterville.

RECOMMENDATION: That the City Council:

1. Hold a public hearing to consider the revocation of the business license for Best Massage, located at 52 East Mill Avenue;
2. Revoke the business license for Best Massage; and
3. Provide direction to staff regarding the development of an ordinance related to massage oriented businesses.

ATTACHMENTS:

1. November 4, 2014 Staff Report
2. City of Bakersfield's Ordinance 4809

Appropriated/Funded: MB

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY COUNCIL AGENDA: NOVEMBER 4, 2014

STAFF INFORMATIONAL REPORT

SUBJECT: ASSEMBLY BILL 1147 LEGISLATION SUMMARY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On September 18, 2014, Governor Brown signed Assembly Bill 1147 ("AB 1147") into law. AB 1147 changes numerous provisions of the Massage Therapy Act, effective January 1, 2015. Current law restricts local control over massage therapy businesses that employ therapists and practitioners that have been certified by the California Massage Therapy Council ("CAMTC"). AB 1147 restores local regulatory authority over these businesses.

In 2009, Senate Bill 731 ("SB 731") reduced the ability of cities and counties to regulate massage businesses and therapists. It also created the CAMTC to oversee the voluntary certification of massage therapists. Under current law, local governments are prohibited from requiring certified massage therapists to obtain further permits, licenses, or authorization to practice or open an establishment. Moreover, local governments cannot regulate massage businesses differently from other professional services businesses unless the regulation relates to health and safety requirements, requiring proof of state certification, or charging a business license fee. Since SB 731's enactment, some local jurisdictions have seen a significant increase in massage establishments and illicit activity in conjunction with those establishments. According to the Police Department, Porterville has not necessarily seen a significant increase in massage establishments, nor is illicit activity associated with massage establishments a major issue for the city.

Assembly Bill 1147 reinstates local government regulatory control over certain aspects of massage businesses, most importantly, its land use authority. This bill also expands the authority of counties and cities to regulate massage businesses through operating standards, and permit, licensing, and certification requirements. Further, the bill specifies the membership of the CAMTC Board. It should be noted, however, that AB 1147 includes a sunset date of January 1, 2017, and the bill invites future legislation to be written and adopted prior to that date. The League of California Cities presented a webinar on October 9, which offered an interpretation of this sunset clause. The parties involved, particularly CAMTC, want to have a mechanism to monitor new ordinances relative to the massage industry, and avoid excessive or unreasonable regulation. It is expected that after the sunset date, some consistent conditions and expectations can be set that fairly and evenly regulate the massage industry while protecting the public safety.

Statewide, many jurisdictions are preparing new ordinances in anticipation of the effective date of AB 1147. Staff is staying informed of new ordinances and other jurisdiction's efforts to manage massage establishments, and will keep the Council

DD JB Appropriated/Funded N/A CM J

Report No. 6

informed as new information becomes available. Similarly, if issues arrive locally that might result in urgency to develop a local ordinance, staff will request direction from the Council at that time.

RECOMMENDATION: Informational only

ATTACHMENTS: 1. Assembly Bill No. 1147, Massage therapy
2. League of California Cities webinar presentation

Assembly Bill No. 1147

CHAPTER 406

An act to amend Section 460 of, and to add and repeal Chapter 10.5 (commencing with Section 4600) of Division 2 of, the Business and Professions Code, and to amend Section 51034 of the Government Code, relating to healing arts.

[Approved by Governor September 18, 2014. Filed with
Secretary of State September 18, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, Bonilla. Massage therapy.

Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner or massage therapist. Existing law authorizes a city, county, or city and county to impose certain requirements on massage establishments or businesses that are the sole proprietorship of an individual certified pursuant to existing state law or that employ or use only persons who are so certified. Existing law authorizes a city, county, or city and county to, among other things, adopt reasonable health and safety requirements, as specified, pertaining to those massage establishments or businesses, and to require an applicant for a business license to operate a massage business or establishment to fill out an application that requests relevant information, as specified.

This bill would reenact, revise, and recast these provisions to, among other things, establish an interim board of directors to govern the council until September 15, 2015, and provide for the appointment of a new board of directors consisting of 13 members, as specified, whose 4-year terms would begin on that date. The bill would authorize the board to establish fees reasonably related to the costs of providing services and performing its duties, not to exceed \$300. The bill would require the board to provide at least 90 days' advance notice prior to holding a meeting to vote upon a proposal to increase the certification fees, as specified, except as provided. The bill would also require the board to notify certificate holders of a board action that increases those fees.

The bill would discontinue the issuance of new massage practitioner certificates after January 1, 2015, except as provided, but would authorize the renewal of massage practitioner certificates issued prior to January 1, 2015. The bill would require that all certificates issued pursuant to these provisions be subject to renewal every 2 years, except as provided. The bill would require the council to develop policies, procedures, rules, or bylaws

governing the approval and unapproval of schools that provide education required for certification, as specified.

The bill would authorize the council to deny an application for a certificate, or to discipline a certificate holder for a violation of these provisions, as specified. The bill would require the board to exercise its denial or discipline authority by means of fair and reasonable procedures that, among other things, provide the applicant or certificate holder with notice and an opportunity to be heard, as specified. The bill would provide that unprofessional conduct in violation of these provisions includes, among other things, engaging in sexually suggestive advertising related to massage services and engaging in sexual activity while providing massage services for compensation.

The bill would, notwithstanding any other law, prohibit a city, county, or city and county from enacting or enforcing an ordinance that conflicts with these provisions or other corresponding specified provisions. However, the bill would authorize a city, county, or city and county to adopt or enforce local ordinances that govern zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a licensed or certified healing arts professional, including a certified massage therapist. The bill would also make clarifying and conforming changes regarding local regulation of massage establishments or businesses.

The bill would authorize a court to issue an injunction or to provide any other relief it deems appropriate for violations of these provisions, as specified. The bill would provide that the powers and duties of the council are subject to review by the appropriate committees of the Legislature and would require the council to provide a specified report to these committees on or before June 1, 2016.

The bill would provide that these provisions are issues of statewide concern, and therefore applicable statewide. The bill would also provide that its provisions are severable.

The bill would repeal these provisions on January 1, 2017.

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

SECTION 1. Section 460 of the Business and Professions Code is amended to read:

460. (a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b) (1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to

this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(2) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a).

(d) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

SEC. 2. Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10.5. MASSAGE THERAPY ACT

4600. This chapter shall be known and may be cited as the Massage Therapy Act. Whenever a reference is made to the Massage Therapy Act by any statute, it shall be construed to refer to this chapter.

4600.5. (a) It is the intent of the Legislature that this act enable consumers and local governments to more easily identify certified massage professionals, provide for consistent statewide certification and oversight of massage professionals, ensure that schools approved by the council that are teaching massage provide a high level of training, assist local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders, provide for a self-funded nonprofit oversight body to certify massage professionals, and ensure full compliance with, and execution of, the requirements of this act.

(b) It is the intent of the Legislature that broad control over land use in regulating massage establishments be vested in local governments so that they may manage those establishments in the best interests of the individual community, and that the requirements and practice of the profession of massage therapy remain a matter of statewide concern, regulation, and oversight.

(c) It is the intent of the Legislature that local governments impose and enforce only reasonable and necessary fees and regulations, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole

providers, during the transition period after this act becomes law and thereafter for the sake of developing a healthy and vibrant local economy.

(d) It is the intent of the Legislature that local governments, law enforcement, nonprofit stakeholders, the massage industry, and massage professionals work together going forward to improve communication and share information to further increase the value of statewide certification, to collaborate in the implementation of this act, and to develop a model ordinance reflecting best practices in massage regulation for cities and counties to adopt that will respect local control, patient privacy, and the dignity of the profession of massage therapy.

4601. As used in this chapter, the following terms shall have the following meanings:

(a) “Approved school” or “approved massage school” means a school approved by the council that meets minimum standards for training and curriculum in massage and related subjects, that meets any of the following requirements, and that has not been otherwise unapproved by the council:

(1) Is approved by the Bureau for Private Postsecondary Education.

(2) Is approved by the Department of Consumer Affairs.

(3) Is an institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(A) A public institution.

(B) An institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.

(4) Is a college or university of the state higher education system, as defined in Section 100850 of the Education Code.

(5) Is a school requiring equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

(b) “Certificate” means a valid certificate issued by the council pursuant to this chapter.

(c) “Compensation” means a payment, loan, advance, donation, contribution, deposit, or gift of money, or anything of value.

(d) “Council” means the California Massage Therapy Council created pursuant to this chapter, which shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code.

(e) “Massage” means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms “massage” and “bodywork” shall have the same meaning.

(f) “Massage establishment” or “establishment” means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.

(g) “Massage practitioner” means a person who is certified by the council pursuant to Section 4604.2 and who administers massage for compensation.

(h) “Massage therapist” means a person who is certified by the council under Section 4604 and who administers massage for compensation.

(i) “Sole provider” means a massage business where the owner owns 100 percent of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active certificate issued in accordance with this chapter, and has no other employees or independent contractors.

4602. (a) The California Massage Therapy Council, as defined in subdivision (d) of Section 4601, is hereby established and shall carry out the responsibilities and duties set forth in this chapter.

(b) The council may take any reasonable actions necessary to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement this chapter.

(c) The council may require background checks for all employees, contractors, volunteers, and board members as a condition of their employment, formation of a contractual relationship, or participation in council activities.

(d) The council shall issue a certificate to an individual applicant who satisfies the requirements of this chapter for that certificate.

(e) The council is authorized to determine whether the information provided to the council in relation to the certification of an applicant is true and correct and meets the requirements of this chapter. If the council has any reason to question whether the information provided is true or correct or meets the requirements of this chapter, the council is authorized to make any investigation it deems necessary to establish that the information received is accurate and satisfies any criteria established by this chapter. The applicant has the burden to prove that he or she is entitled to certification.

(f) Until September 15, 2015, the council shall be governed by a board of directors comprised of two representatives selected by each professional society, association, or other entity, which membership is comprised of massage therapists and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years and shall have bylaws that require its members to comply with a code of ethics. The board of directors shall also include each of the following persons:

(1) One member selected by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, which member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs that meet the approval standards set forth in subdivision (a) of Section 4601, unless a qualifying association chooses not to exercise this right of selection.

(2) One member selected by the League of California Cities, unless that entity chooses not to exercise this right of selection.

(3) One member selected by the California State Association of Counties, unless that entity chooses not to exercise this right of selection.

(4) One member selected by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of selection.

(5) One member appointed by the Office of the Chancellor of the California Community Colleges, unless that entity chooses not to exercise this right of selection. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.

(6) The council's bylaws shall establish a process for appointing other professional directors to the council who have knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

(g) At 12 p.m. Pacific standard time on September 15, 2015, the term of each member of the board of directors established pursuant to subdivision (f) shall terminate, and the terms of 13 new members of the board of directors who shall be chosen in the following manner, shall begin:

(1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.

(2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.

(3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.

(4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.

(5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.

(6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.

(7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.

(8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has

been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.

(9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.

(10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is comprised of massage therapist professionals, and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.

(B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the board in accordance with paragraphs (1) to (10), inclusive, shall appoint three additional members, at a duly held board meeting in accordance with the board's bylaws. One of those appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment represents a city in the state. One of those appointees shall represent a massage business entity that has been operating in the state for at least three years. The council shall establish in its bylaws a process for appointing an additional member, provided that the member has knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

(h) Board member terms shall be for four years.

(i) The board of directors shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees for certificates shall be in an amount sufficient to support the functions of the council in the administration of this chapter, but in no event shall exceed three hundred dollars (\$300). The renewal fee shall be reassessed biennially by the board.

(j) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide

greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act.

(k) Prior to holding a meeting to vote upon a proposal to increase the certification fees, the board shall provide at least 90 days' notice of the meeting, including posting a notice on the council's Internet Web site unless at least two-thirds of the board members concur that there is an active threat to public safety and that voting at a meeting without prior notice is necessary. However, the board shall not waive the requirements of subdivision (j).

(l) If the board approves an increase in the certification fees, the council shall update all relevant areas of its Internet Web site and notify all certificate holders and affected applicants by email within 14 days of the board's action.

4603. Protection of the public shall be the highest priority for the council in exercising its certification and disciplinary authority, and any other functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

4604. (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from schools approved by the council.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

(6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if he or she holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

4604.1. (a) The council shall not accept applications to issue any new certificates to practice as a certified massage practitioner on or after January 1, 2015.

(b) Certificates to practice as a certified massage practitioner for applications accepted prior to January 1, 2015, may be renewed without any additional educational requirements.

(c) A massage practitioner certificate and any identification card issued by the council, shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

4604.2. (a) A person who was issued a conditional certificate to practice as a massage practitioner shall, within five years of being issued the conditional certificate by the council, complete and report to the council the completion of, at least 30 hours of additional education per year from approved schools or from continuing education providers approved by the council, until he or she has completed a total of at least 250 hours of education.

(b) A conditional certificate issued to any person pursuant to this section shall immediately be nullified, without need for further action by the council, if proof of completion of the requirements specified in subdivision (a) is not filed with the council within the time period specified in subdivision (a).

(c) Notwithstanding subdivision (a) of Section 4604.1, the council shall issue a new certificate to practice as a massage practitioner to a person that successfully completes the requirements described in subdivision (a).

4605. Except as otherwise provided, a certification issued pursuant to this chapter shall be subject to renewal every two years in the manner prescribed by the council. A certificate issued by the council shall expire after two years unless renewed as prescribed. The council may provide for the late renewal of a certificate.

4606. (a) Prior to issuing a certificate to an applicant, or designating a custodian of records, the council shall require the applicant or the custodian of records candidate to submit fingerprint images as directed by the council and in a form consistent with the requirements of this section.

(b) The council shall submit the fingerprint images and related information to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state and federal level convictions and of state and federal level arrests for which the Department of Justice establishes that the applicant or candidate was released on bail or on his or her own recognizance pending trial.

(c) Requests for federal level criminal offender record information received by the Department of Justice pursuant to this section shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and shall compile and disseminate a fitness determination regarding the applicant or candidate to the council. The Department of Justice shall provide information to the council pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) The Department of Justice and the council shall charge a fee sufficient to cover the cost of processing the request for state and federal level criminal offender record information.

(e) The council shall request subsequent arrest notification service from the Department of Justice, as provided under Section 11105.2 of the Penal Code, for all applicants for certification or custodian of records candidates for whom fingerprint images and related information are submitted to conduct a search for state and federal level criminal offender record information.

(f) The council is authorized to receive arrest notifications and other background materials about applicants and certificate holders from a city, county, or city and county.

4607. The council may discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises.

4608. In addition to the other requirements of this chapter, a certificate holder shall:

(a) Display his or her original certificate wherever he or she provides massage for compensation. A certificate holder shall have his or her identification card in his or her possession while providing massage services for compensation.

(b) Provide his or her full name and certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.

(c) Include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation.

(d) Notify the council within 30 days of any changes in the certificate holder's home address or the address of any massage establishment or other location where he or she provides massage for compensation, excluding those locations where massage is only provided on an out-call basis. A certificate holder also shall notify the council of his or her primary email address, if any, and notify the council within 30 days of a change of the primary email address.

4609. (a) It is a violation of this chapter for an applicant or a certificate holder to commit any of the following acts, the commission of which is grounds for the council to deny an application for a certificate or to impose discipline on a certificate holder:

(1) Unprofessional conduct, including, but not limited to, any of the following:

(A) Engaging in sexually suggestive advertising related to massage services.

(B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence.

(C) Engaging in sexual activity while providing massage services for compensation.

(D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.

(E) Providing massage of the genitals or anal region.

(F) Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

(2) Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.

(3) Failing to fully disclose all information requested on the application.

(4) Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in this chapter for the issuance of a certificate.

(5) Impersonating a certificate holder, or permitting or allowing a noncertified person to use a certificate.

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any rule or bylaw adopted by the council.

(7) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

(8) Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.

(9) Being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.

(10) Dressing while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:

(A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.

(B) Swim attire, if not providing a water-based massage modality approved by the council.

(C) A manner that exposes the certificate holder's breasts, buttocks, or genitals.

(D) A manner that constitutes a violation of Section 314 of the Penal Code.

(E) A manner that is otherwise deemed by the council to constitute unprofessional attire based on the custom and practice of the profession in California.

(11) Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter

5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

(b) The council may deny an application for a certificate for the commission of any of the acts described in subdivision (a). The council may also discipline a certificate holder, in any manner permitted by this chapter, for the commission of any of those acts by a certificate holder.

(c) The council shall deny an application for a certificate, or revoke the certificate of a certificate holder, if the applicant or certificate holder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.

4610. (a) An applicant for a certificate shall not be denied a certificate, and a certificate holder shall not be disciplined pursuant to this chapter except according to procedures that satisfy the requirements of this section. Denial or discipline that is not in accord with this section shall be void and without effect.

(b) The council may discipline a certificate holder by any, or a combination, of the following methods:

(1) Placing the certificate holder on probation, which may include limitations or conditions on practice.

(2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.

(3) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(4) Revoking the certificate.

(5) Taking other action as the council deems proper, as authorized by this chapter or policies, procedures, rules, or bylaws adopted by the board.

(c) The council may issue an initial certificate on probation, with specific terms and conditions, to any applicant.

(d) Any denial or discipline shall be decided upon and imposed in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (f) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the denial or discipline are considered.

(e) A procedure is fair and reasonable if the procedures specified in subdivision (f) or (g) are followed or if all of the following apply:

(1) Denial or discipline shall be based on a preponderance of the evidence. In determining the basis for the denial or discipline, the council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.

(2) The provisions of the procedure are publicly available on the council's Internet Web site.

(3) The council provides 15 calendar days prior notice of the denial or discipline and the reasons for the denial or discipline.

(4) The council provides an opportunity for the applicant or certificate holder, to be heard, orally or in writing, not less than five days before the

effective date of the denial or discipline, by a person or body authorized to decide whether the proposed denial or discipline should go into effect.

(f) (1) Notwithstanding any other law, if the council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of Section 647 of the Penal Code or any other offense described in paragraph (11) of subdivision (a) of Section 4609, the council shall immediately suspend, on an interim basis, the certificate of that certificate holder, and take all of the following additional actions:

(A) Notify the certificate holder at the address last filed with the council that the certificate has been suspended and the reason for the suspension within 10 business days.

(B) Provide notification of the suspension by email to the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the council's records, within 10 business days.

(C) Provide notification of the suspension by email to any establishment or employer, whether public or private, that the council has in its records as employing the certificate holder, within 10 business days.

(2) Upon notice to the council that the charges described in paragraph (1) have resulted in a conviction, the council shall permanently revoke the suspended certificate. The council shall provide notice to the certificate holder, at the address last filed with the council by a method providing delivery confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the council's mailing of the notice that the conviction is either invalid or that the information is otherwise erroneous.

(3) Upon notice that the charges described in paragraph (1) have resulted in an acquittal or have been otherwise dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate holder and any establishment or employer that received notice pursuant to this section shall be notified of the reinstatement within 10 business days.

(g) (1) Notwithstanding any other law, if the council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based upon a preponderance of the evidence and the council shall also consider any available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the council suspends a certificate in accordance with this subdivision, the council shall take all of the following additional actions:

(A) Notify the certificate holder within 10 business days, at the address last filed with the council, by a method providing delivery confirmation,

that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph (2).

(B) Notify by email or any other means consistent with the notice requirements of this chapter, any business or employer, whether public or private, that the council has in its records as employing or contracting with the certificate holder for massage services, and the California city, county, or city and county that has jurisdiction over that establishment or employer, that the certificate has been suspended within 10 business days.

(2) A certificate holder whose certificate is suspended pursuant to this subdivision shall have the right to request, in writing, a hearing to challenge the factual basis for the suspension. If the holder of the suspended certificate requests a hearing on the suspension, the hearing shall be held within 30 calendar days after receipt of the request. A holder whose certificate is suspended based on paragraph (1) shall be subject to revocation or other discipline in accordance with subdivision (a).

(3) If the council determines, after a hearing conducted pursuant to this subdivision, to lift the suspension, the certificate shall be immediately reinstated and the certificate holder, any establishment or employer, and the city, county, or city and county that has jurisdiction over that establishment or employer, that received notice pursuant to this section shall be notified of the reinstatement within 10 business days.

(h) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail shall be given by first-class or certified mail sent to the last address of the applicant or certificate holder shown on the council's records.

(i) An applicant or certificate holder may challenge a denial or discipline decision issued pursuant to this section in a court of competent jurisdiction. Any action challenging a denial or discipline, including any claim alleging defective notice, shall be commenced within one year after the effective date of the denial or discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

(j) This section governs only the procedures for denial or discipline decision and not the substantive grounds for the denial or discipline. Denial or discipline based upon substantive grounds that violates contractual or other rights of the applicant or certificate holder, or is otherwise unlawful, is not made valid by compliance with this section.

4611. (a) It is an unfair business practice for a person to do any of the following:

(1) To hold himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid certificate issued by the council pursuant to this chapter.

(2) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

(b) In addition to any other available remedies, engaging in any of the prohibited behaviors described in subdivision (a) constitutes unfair competition under Section 17200.

4612. (a) Notwithstanding any other law, a city, county, or city and county shall not enact or enforce an ordinance that conflicts with this chapter or Section 51034 of the Government Code.

(b) Nothing in this chapter shall prevent a city, county, or city and county from licensing, regulating, prohibiting, or permitting an individual who provides massage for compensation without a valid certificate.

4614. (a) Upon the request of any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments, the council shall provide information concerning an applicant or a certificate holder, including, but not limited to, any of the following:

(1) The current status of an application or certificate.

(2) Any history of disciplinary actions.

(3) The home and work addresses of the applicant or certificate holder.

(4) The name and home and work addresses of any person whose certificate has been suspended and the length of the suspension, if the work address is located within the jurisdiction of agency making the request.

(5) Any other information in the council's possession that is necessary to verify facts relevant to administering the local ordinance.

(b) Upon the request of the council, any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments is authorized to provide information to the council concerning an applicant or certificate holder, including, but not limited to, any of the following:

(1) The current status of any local application or permit.

(2) Any history of legal or administrative action taken against the applicant or certificate holder.

(3) Any information related to criminal activity or unprofessional conduct allegedly engaged in by a certificate applicant or certificate holder, including, but not limited to, police reports and declarations of conduct.

(4) The home and work addresses of the applicant or certificate holder.

(5) Any other information in the possession of the law enforcement agency or other local government agency that is necessary to verify information or otherwise implement this chapter.

(c) The council shall accept information provided by any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage and review that information in a timely manner. The council shall have the responsibility to review any information received pursuant to this

subdivision and to take any actions authorized by this chapter that are warranted by that information.

4615. (a) The council shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

(b) The council shall develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools consistent with Section 4601, including any corrective action required to return a school to approved status. These policies, procedures, rules, or bylaws shall address topics including, but not limited to, what constitutes an acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance. The council shall exercise its authority to approve and unapprove schools and specify corrective action in keeping with the purposes set forth in Section 4603.

(c) The council may charge a reasonable fee for the inspection or approval of schools, provided the fees do not exceed the reasonable cost of the inspection or approval process.

4616. The council shall be sued only in the county of its principal office, which shall be in Sacramento, unless otherwise designated by the council.

4617. The superior court of a county of competent jurisdiction may, upon a petition by any person, issue an injunction or any other relief the court deems appropriate for a violation of this chapter by any person or establishment operating in that county subject to the provisions of this chapter. An injunction proceeding under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4618. The Legislature finds and declares that due to important health, safety, and welfare concerns that affect the entire state, establishing a uniform standard of certification for massage practitioners and massage therapists upon which consumers may rely to identify individuals who have achieved specified levels of education, training, and skill is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter shall apply to all

cities, counties, and cities and counties, including charter cities and charter counties.

4619. (a) This chapter shall be liberally construed to effectuate its purposes.

(b) The provisions of this chapter are severable. If any provision of this chapter 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.

(c) If any provision of this chapter or the application of these provisions to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

4620. (a) On or before June 1, 2016, for the time period beginning on January 1, 2015, the council shall provide a report to the appropriate policy committees of the Legislature that includes all of the following:

(1) A feasibility study of licensure for the massage profession, including a proposed scope of practice, legitimate techniques of massage, and related statutory recommendations.

(2) The council's compensation guidelines and current salary levels.

(3) The status of the council's progress towards revising the school approval process.

(4) Performance metrics, including, but not limited to:

(A) The annual number of denied certificate applications, and a brief description of the grounds for each decision.

(B) The annual number of suspended, revoked, or otherwise disciplined certificates, and a brief description of the grounds for each decision.

(C) The number of certificates taken off suspension, and a brief description of the grounds for each decision.

(D) The number of schools inspected and unapproved and a brief description of the grounds for each decision to unapprove.

(E) The total number of complaints about certificate holders received annually, including a subtotal of complaints received from local law enforcement and the action taken by the council as a result of those complaints.

(b) The council shall testify in person if requested by the appropriate policy committees of the Legislature.

4621. (a) This chapter shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 51034 of the Government Code is amended to read:

51034. (a) The Legislature in enacting this chapter recognizes the existing power of a city or county to regulate a lawful massage business pursuant to Section 37101, or pursuant to Section 16000 or 16100 of the

Business and Professions Code, or under Section 7 of Article XI of the California Constitution.

(b) Nothing contained in this chapter shall be a limitation on that existing power or on the existing authority of a city to license for revenue purposes. A city, county, or city and county shall not enact or enforce an ordinance that conflicts with the provisions of this section or Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

(c) Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

(1) Prohibit a person of one sex from engaging in the massage of a person of the other sex.

(2) Define a massage establishment as an adult entertainment business, or otherwise regulate a massage establishment as adult entertainment.

(3) Require a massage establishment to have windows or walls that do not extend from the floor to ceiling, or have other internal physical structures, including windows, that interfere with a client's reasonable expectation of privacy.

(4) Impose client draping requirements that extend beyond the covering of genitalia and female breasts, or otherwise mandate that the client wear special clothing.

(5) Prohibit a massage establishment from locking its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors.

(6) Require a massage establishment to post any notice in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices.

(7) Impose a requirement that a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code take any test, medical examination, or background check or comply with education requirements beyond what is required by Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

(8) Impose a requirement that an individual holding a certificate issued in accordance with Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, obtain any other license, permit, certificate, or other authorization to provide massage for compensation. However, this paragraph shall not be construed to prohibit a city, county, or city and county from requiring by ordinance that a massage business or establishment obtain a license, permit, certificate, or other authorization in order to operate lawfully within the jurisdiction.

(9) Impose a dress code requirement on a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code in excess of those already imposed pursuant to paragraph (10) of subdivision (a) of Section 4609 of the Business and Professions Code.

(10) Prohibit a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code from performing massage for compensation on the gluteal muscles, prohibit specific massage techniques recognized by the California Massage Therapy Council as legitimate, or impose any other specific restriction on professional practice beyond those set forth in subparagraph (E) of paragraph (1) of subdivision (a) of Section 4609 of the Business and Professions Code, except as authorized by Section 460 of the Business and Professions Code.

AB 1147 Webinar

League of California Cities



Division of Responsibility

- CAMTC: Regulates the practice of massage and certifies massage therapists and massage practitioners.
- Cities and Counties: Regulate the business of providing massage through land use and business licensing requirements.



Division of Responsibility

- Cities and Counties can adopt and enforce local zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses with CAMTC-certified practitioners. (B&P 460(b) limited by Government Code 51034)
- Cities and Counties can't prohibit a CAMTC-certified practitioner from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice. (B&P 460(a))
- No restrictions on city and county authority over an individual or a business with personnel without CAMTC certification.

Local Government Authority

Government Code 51034 recognizes the following grants of authority to cities and counties:

- Land use and business regulations adopted pursuant to “police power” (Article XI, section 7 of Constitution)
- Local business regulations (Govt. Code 37100)
- Local business regulations (B&P Code 16000, 16100)
- Land use and business regulations (B&P Code 460(b))



Local Government Restriction on Authority

Government Code 51034 imposes following restrictions on cities' and counties' authority:

- A city, county or city and county shall not enact or enforce an ordinance that conflicts with the provisions of Section 51034 or with Chapter 10.5 (commencing with 4600) of Division 2 of the B&P Code.
- But...restrictions do not apply to individual who provides massage for compensation *without* a valid CAMTC certificate. (B&P 4612)

Section 51034 Restrictions

- Prohibiting a person of one sex from engaging in the massage of a person of the other sex.
- Defining a massage establishment as adult entertainment.
- Requiring a massage establishment to have windows or walls that do not extend from the floor or ceiling or that interfere with a client's reasonable expectation of privacy.
- Imposing client draping requirements that extend beyond the covering of genitalia and female breasts.
- Prohibiting a massage establishment from locking its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors.
- Requiring a massage establishment to post any notice in an areas that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraceptive devices.



Section 51034 Restrictions

- Imposing a requirement that a certified massage professional take any test, medical examination, or background check or comply with education requirements beyond what is required in statute.
- Imposing a requirement that a CAMTC certified individual obtain a local license, permit, certificate, or other authorization to provide massage for compensation but may require a massage business obtain a license, permit, certificate or other authorization in order to lawfully operate within the jurisdiction.
- Imposing a dress code requirement on a certified massage professional more restrictive than imposed in B&P Section 4609.
- Prohibiting a certified massage professional from performing massage for compensation on the gluteal muscles, prohibiting specific massage techniques recognized by CAMTC as legitimate, or imposing any other specific restriction on professional practice beyond those set forth in B&P Section 4609.



What next?

Land Use or Business Regulation?

- Regulation and licensing of massage business pursuant to "police power" (Article XI, section 7 of Constitution); Gov't Code 37101; B& P Code 16000 or 16100; *Owens v. City of Signal Hill* (1984) 154 Cal.App.3d 123
- Reasonable licensing and health & safety regulations under B&P 460(c)
- Note that AB 1147 does not repeal or modify Gov't Code 51031 or 51032: some parts preempted as to CAMTC-certified therapist
- AB 1147 lifts cap on business license tax (voter approval?)
- Applying new standards for business operation

What next?

Business or Land Use Regulation?

- Regulation of massage business as “land use” pursuant to “police power” (Article XI, section 7 of Constitution); B&P 46o(c)- zoning of businesses of healing arts professionals
- Existing massage businesses with CAMTC-certificated personnel
- New zoning and conditional use permit requirements
- Nonconforming property uses – termination provisions of city ordinances; reasonable amortization

CAMTC's Purpose

- Protection of the public shall be the highest priority for the council in exercising its certification and disciplinary authority, and any other functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

CAMTC Board

After September 15, 2015 the council goes from as many as 20 members to 13 specified members:

- Three chosen by 3 local government organizations
- Two chosen by massage professionals
- One chosen by the Office of the Chancellor of the California Community Colleges
- One chosen by Department of Consumer Affairs
- One chosen by the California Association of Private Postsecondary Schools
- Five chosen by CAMTC including an attorney representing a city, a local government or state public health official, and a member of an anti-human trafficking group



Massage Therapist Requirements

- 18 years of age.
- A minimum of 500 hours of instruction in massage and related subjects.
- 100 hours of instruction must address anatomy and physiology, contraindications, health and hygiene, and business and ethics.
- All 500 hours must be from approved schools.
- Applicant must pass a massage and bodywork competency examination.



Massage Practitioner Requirements

- No new applications for a certificate as a massage practitioner after January 1, 2015.
- Certificates to practice as a certified massage practitioner accepted prior to January 1, 2015 can be renewed.



CAMTC's Authority & Responsibilities

- The council *may* discipline a certificated massage business owner or operator for the conduct of all individuals providing massage for compensation on the business premises.
- The council *may* deny an application for a certificate or impose discipline on a certificate holder for: unprofessional conduct, engaging in sexually suggestive advertising, engaging in any form of sexual activity on the premises of a massage establishment, engaging in sexual activity while providing massage, or dressing inappropriately while engaged in the practice of massage.



CAMTC's Authority & Responsibilities

- The council *must* deny an application for a certificate, or revoke the certificate of a massage professional if the applicant or certificate holder is required to register under the Sex Offender Registration Act or is required to register as a sex offender in another state.
- The Council *must* provide information upon request of local government concerning an applicant or a certificate holder with work address within the jurisdiction including: current status of application or certificate; history of disciplinary actions; the home and work addresses of the applicant or certificate holder; the name and home and work addresses of any person whose certificate has been suspended and the length of the suspension, and any other information in the council's possession that is necessary to verify facts relevant to administering the local ordinance.



CAMTC's Authority & Responsibilities

On or before June 1, 2016 the council shall provide a report to the appropriate policy committees of the Legislature that includes:

- A feasibility study of licensure for the massage profession.
- The council's compensation guidelines and current salary levels.
- The status of the council's progress towards revising the school approval process.
- Performance metrics such as: the annual number of denied certificates, the annual number of suspended, revoked, or otherwise disciplined certificates, the number of certificates taken off suspension, the number of schools inspected and unapproved, the total number of complaints about certificate holders, including a subtotal of complaints received from local law enforcement and the action taken by the council as a result of those complaints.



General Comments

- AB 1147 recognizes the broad Constitutional authority of local governments to regulate businesses, including businesses providing massage, through land use and local licensing, and health & safety requirements. Unless the statute specifies that a local government is prohibited from regulating in a specific way (e.g. defining a massage establishment as adult entertainment), local governments can regulate a massage business (e.g. requiring conditional use permit).
- AB 1147 does not allow local governments to regulate the practice of massage similar to the way state law prohibits local governments from regulating the practice of medicine or other professions. This is the responsibility of CAMTC.



Expectations

- CAMTC has adopted strategic priorities that include "improving relationships with all stakeholders." **Expect** CAMTC to reach out to cities through their city attorneys, police chiefs and city council to work with cities to update their ordinances so that they are "reasonable and comply with the new law"
- AB 1147 sunsets as of January 1, 2017. **Expect** to defend the ability to regulate massage businesses. Collect information including: the number of establishments your city was able to discipline or close, the number of declarations filed with CAMTC, etc.



Expectations

- The massage community is wary of jurisdictions enacting unreasonable ordinances. **Expect** that if jurisdictions adopt moratoriums, unreasonable caps and huge business licenses the massage community will seek to take the authority away for all cities. Cities need to be good stewards of the law and be thoughtful in their ordinances to ensure that legitimate massage businesses can operate.
- AB 1147 asks stakeholders for a model ordinance. **Expect** the League to be a resource. We will post ordinances on our web site that have been updated in accordance to AB 1147. Please share any and all information.



**ORDINANCE AMENDING SECTIONS 5.32.160 AND
5.32.170 OF THE BAKERSFIELD MUNICIPAL CODE
RELATING TO MASSAGE/BODYWORK ESTABLISHMENTS.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Section 5.32.160 of the Bakersfield Municipal Code is hereby amended to read as follows:

5.32.160 Regulations.

A. A recognizable and readable sign shall be posted at the main entrance identifying the massage/bodywork establishment; provided, however, that all signs shall comply with the sign requirements of the city.

B. Lighting shall be provided as required by the Building Code, adopted in Chapter 15.05; in addition, at least one artificial light of not less than a constant forty watts (with no dimmer switches) shall be provided in each enclosed room where massage/bodywork services are being performed.

C. Ventilation shall be provided as required by the Building Code, adopted in Chapter 15.05.

D. The massage/bodywork establishment premises and facilities shall meet and be maintained in a condition to comply with all applicable code requirements of the city, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, heating, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

E. Massage/bodywork establishments and massage/bodywork practitioners shall at all times have an adequate supply of clean sanitary towels, coverings and linens. Towels, non-disposable coverings, and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles.

F. In the massage/bodywork establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, showers and bathrooms, tanning

booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a disinfectant. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors and other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.

G. All equipment used in the massage/bodywork establishment shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage or bodywork techniques shall not be used on more than one client unless they have been sterilized, using standard sterilization methods.

H. Clients of the massage/bodywork establishment shall be furnished with a dressing room. Dressing rooms will be used only by clients of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed.

I. Toilet facilities shall be provided in convenient locations within the massage/bodywork establishment and shall consist of at least one unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

J. A minimum of one washbasin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage/bodywork services. Soap and sanitary towels shall also be provided at each basin.

K. All massage/bodywork establishments shall be operated in compliance with state and local health laws and regulations.

L. All employees of the massage/bodywork establishment, and all persons performing massage/bodywork shall be eighteen years of age or older.

M. No massage/bodywork establishment shall operate at any time unless there is displayed in a location clearly visible to the public a valid permit to so operate issued pursuant to the provisions of this chapter.

N. It shall be the responsibility of the holder of the permit for the massage/bodywork establishment to insure that each massage/bodywork practitioner operating at the establishment shall have first obtained a valid permit pursuant to this chapter.

O. The permit holder for the massage/bodywork establishment shall maintain a current file of all persons operating at the establishment. The file shall contain true names and aliases used by such employees, age, birth date, color of hair and eyes, home address, phone numbers, social security number and the date of employment and termination.



P. Every person holding a permit pursuant to this chapter shall keep a record of the date and hour of each treatment, the name and address of the patron and the name of the massage/bodywork practitioner administering such treatment. The record shall be open to inspection by the chief of police or designee during business hours. Such records shall be maintained for a period of two years.

Q. No person holding a permit pursuant to this chapter shall permit communication devices to be installed or used in any manner on the premises of the massage/bodywork establishment so as to interfere with or hinder inspection by a law enforcement officer.

R. No person shall conduct or operate, or permit to be conducted or operated, a massage/bodywork establishment between the hours of ten p.m. and seven a.m. of the following day.

S. Either a manager or person holding a permit for a massage/bodywork establishment shall, during business hours, be present, be responsible for, and provide, that the premises be readily accessible and open for inspection by law enforcement officers or other government employees who are charged with enforcement of health and safety or other laws of the city or state.

T. The departments of planning, building, fire and health shall, from time to time, make an inspection of each massage/bodywork establishment in the city for the purpose of determining that the provisions of this chapter are met.

U. No person permitted as a massage/bodywork establishment, as provided in this chapter shall operate under any name or conduct the massage/bodywork establishment under any designation not specified in the permit.

V. Except as otherwise provided in this chapter, massage/bodywork shall be performed only at a massage/bodywork establishment for which a permit has been issued and is valid.

W. Massage/bodywork practitioners shall be fully clothed at all times. Clothing shall be of a fully opaque, non-transparent material and provide the complete covering from mid-thigh to three inches below the collarbone. Massage/bodywork practitioners shall have visible in the work station at all times a photo-identification name tag issued by the chief of police which readily displays a photograph of the practitioner measuring no smaller than two inches by two inches, the name of the practitioner, the name of the massage/bodywork establishment in which the practitioner is employed, and the date of expiration of the practitioner's permit.

X. No person shall enter, be, or remain in any part of a massage/bodywork establishment while in the possession of, consuming, or using any alcohol or drug except a prescription drug. The responsible owner, operator, managing employee, manager or permit holder shall not permit any such person to enter or remain upon such premises.

Y. All exterior doors shall remain unlocked from the inside during business hours unless otherwise allowed by law. A person operating a massage/bodywork establishment shall be responsible for and provide that said premises shall, during business hours, be readily accessible and open for inspection by law enforcement officers for the purpose of locating evidence that would substantiate a violation of the provisions of this chapter.

SECTION 2.

Section 5.32.170 of the Bakersfield Municipal Code is hereby amended to read as follows:

5.32.170 Prohibited conduct.

A. No owner, manager, operator, responsible managing employee or permit holder shall permit, and no

massage/bodywork practitioner shall offer or perform, any service other than those permitted under this chapter.

B. No permit holder or employee of a massage/bodywork establishment, while on the premises of a massage/bodywork establishment and/or during the course of performing massage/bodywork, shall:

1. Expose the sexual or genital part of the permit holder or employee;
or

2. Expose the sexual or genital part of any other person;

3. Intentionally touch or make physical contact with the genitals, anus and/or perineum of another person. Sexual and genital part shall include the genitals, anus and/or perineum of any person and the breasts of any female.

C. No permit holder or employee of a massage/bodywork establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available which is prohibited under this chapter nor shall any massage/bodywork establishment employ language in any advertising text or

business name that would reasonably suggest to a prospective client that any service is available that is prohibited under this chapter.

D. A massage/bodywork practitioner shall not violate the provisions of Sections 647(a) and (b) of the California Penal Code, or any other state law involving a crime of moral turpitude, and such practices shall not be allowed or permitted by the massage/bodywork establishment permit holder.

E. A massage/bodywork practitioner shall not massage a client of one sex within the view of a client of the opposite sex, and such practices shall not be allowed or permitted by the massage/bodywork establishment permit holder. Parents, spouse, guardians, translators or caregivers are excluded from this requirement.

F. No owner, manager, operator, responsible managing employee, or permit holder shall permit, and no massage/bodywork practitioner shall violate any of the regulations contained in this chapter.

G. No permit holder, manager, or owner/operator of a massage/bodywork establishment shall allow or permit a person to administer massage/bodywork for such establishment unless the practitioner possesses a valid massage/bodywork practitioner permit issued under the provisions of this chapter. It shall be the responsibility of massage/bodywork establishment permit holder to ensure that each person operating as a practitioner shall first have obtained a valid license under this chapter.

H. Proof of knowledge of any violation of this section shall not be required to be shown where a massage/bodywork establishment permit is suspended or revoked.

SECTION 3.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

-----oOo-----



I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted,
by the Council of the City of Bakersfield at a regular meeting thereof held on
JUN 24 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCILMEMBER: RIVERA, MAXWELL, WEIR, SMITH, SULLIVAN, PARLIER
COUNCILMEMBER: NONE
COUNCILMEMBER: NONE
COUNCILMEMBER: HANSON

Roberta Gafford
ROBERTA GAFFORD, CMO
CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED: JUN 24 2015

By: [Signature]
HARVEY L. HALL
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: [Signature]
RICHARD IGER
Associate City Attorney

Rl:vlg

AFFIDAVIT OF POSTING DOCUMENTS

STATE OF CALIFORNIA)

) ss.

County of Kern)

ROBERTA GAFFORD, being duly sworn, deposes and says:

That she is the duly appointed, acting and qualified City Clerk of the City of Bakersfield;
and that on the 26th day of June, 2015 she posted on the Bulletin Board at City Hall, a
full, true and correct copy of the following: Ordinance No. 4809, passed by the
Bakersfield City Council at a meeting held on the 24th day of June, 2015 and entitled:

ORDINANCE AMENDING SECTIONS 5.32.160 AND 5.32.170 OF THE
BAKERSFIELD MUNICIPAL CODE RELATING TO
MASSAGE/BODYWORK ESTABLISHMENTS.

ROBERTA GAFFORD

City Clerk and Ex Officio of the
Council of the City of Bakersfield

By: 

DEPUTY City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Second Reading - Ordinance 1826 - Amending the Porterville Development Ordinance

SOURCE: Administrative Services

COMMENT: Ordinance No. 1826, An Ordinance of the City Council of the City of Porterville Amending the Porterville Development Ordinance to Establish a Minimum Density of 20.0 Units Per Net Acre Within the RM-3 (High Density Residential) Zone District, was given first reading on September 1, 2015, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1826, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordiannce No. 1826

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Debbie Salter, City Manager's Secretary

ORDINANCE NO. 1826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO ESTABLISH A
MINIMUM DENSITY OF 20.0 UNITS PER NET ACRE WITHIN THE RM-3 (HIGH
DENSITY RESIDENTIAL) ZONE DISTRICT

WHEREAS: In 2009, the California Department of Housing and Community Development directed the City of Porterville to amend the draft 4th Cycle Housing Element to increase the volume of high density zoned lands in Porterville, and to establish a minimum density, as opposed to a default density, to increase opportunity for development of low income housing; and

WHEREAS: The rezoning of land was completed in accordance with the direction, but the distinction between minimum density and default density was unclear and as such the required text amendment was not made at that time; and

WHEREAS: Completion of this task within the 4th Cycle of the Housing Element is integral to insuring that no additional commitments are required of the City and carried on into the 5th Cycle of the Housing Element; and

WHEREAS: The establishment of a minimum density of 20.0 units per net acre in the RM-3 (High Density Residential) zone district will increase opportunity for development of low income housing.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt an ordinance amending the Porterville Development Ordinance to establish a minimum density of 20.0 units per net acre within the RM-3 (High Density Residential) zone district, by amending Table 201.03: DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS, as follows:

TABLE 201.03: DEVELOPMENT STANDARDS—RESIDENTIAL DISTRICTS						
<i>Standard</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RM-3</i>	<i>Additional Regulations</i>
Lot and Density Standards						
Maximum Density (units/net acre)	3.1	7.5	11.3	15.0	30.0	
<u>Minimum Density (units/net acre)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>20.0</u>	

This ordinance shall be in full force and effect thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2015.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Approval of Carollo Alternative Energy Analysis Final Report - Authorization to Negotiate a Solar Photovoltaic System Power Purchase Agreement - Authorization to Secure Consultant Service for Preparing Grant Applications and Design Services for Additional Energy Savings Projects for the Waste Water Treatment Facility

SOURCE: Public Works

COMMENT: On May 5, 2015, City Council awarded a construction project to Cushman Contracting Corporation for the installation of a sludge de-watering system and electric air blower engines to replace the 20+ year old methane gas driven air blower engines.

Most notably, this project will replace the existing digester gas-fueled engine-driven blower with new, more efficient electric blowers. While the equipment will undoubtedly improve the operation of the Waste Water Treatment Facility's (WWTF's) biological treatment process, the project will significantly increase the amount of electricity imported by the City. The project will also make a valuable resource (i.e digester gas) available for electricity production.

HISTORY

To counter this large increase in power consumption and to properly utilize the excess digester gas, City Council agreed to secure Carollo Engineers, Inc. (Carollo) to prepare a comprehensive analysis on different energy-producing technologies that will offset the anticipated increase in electrical costs and how best to deal with digester gas.

The final analytical report is complete and after several conversations held between staff and Carollo, it was decided to evaluate the feasibility of the City's imported electricity demand through a variety of alternatives including:

1. Base Case: Digester gas would be used for heating the anaerobic digesters and the excess gas flared.
2. Cogeneration: Digester gas is used to generate electricity and to provide heating for the anaerobic digesters.
 - a. Convert one existing blower engine to cogeneration
 - b. New engine generator cogeneration system
 - c. New power purchase agreement (PPA) project
3. Converting Digester Gas to Compressed Natural Gas (CNG): Digester gas is cleaned and compressed for use as a vehicle fuel with unused digester gas and/or

natural gas being used to provide heating for the anaerobic digesters. Commonly referred to as a BioCNG.

4. Large-scale solar photovoltaic (PV) power: This alternative can be used in conjunction with the first three alternatives as it does not use any digester gas.
 - a. Own – the PV system is owned, operated, and maintained by the City for the lifespan of the system.
 - b. PPA – the City enters a PPA with a third party PV supplier (PPA provider).

LIFE CYCLE COST EVALUATION

To evaluate the benefits and costs of these alternatives, both the projected capital costs of the installation and the O&M costs were calculated. The evaluation takes into account the value of, or purchase of, electrical power. The method selected for this analysis was to determine the total present worth of the project. Each alternative was then compared to the base case alternative, no cogeneration.

Attached to this report is Table 13 of Carollo's report, which ranks the cogeneration alternatives utilizing weighted economic and non-economic criteria.

Also attached to this report is Table 14 of Carollo's report, which presents the cost estimates, along with the estimated 20-year net benefit and simple payback periods for the alternatives described herein.

SUMMARY AND RECOMMENDATIONS

The key findings and recommendations for the energy analysis includes the following:

* Digester Gas Utilization. Implement a new BioCNG facility to convert the WWTF's digester gas to compressed natural gas for use in the City's adjacent CNG fueling system. Remove and salvage the existing engine-driven blowers, if desired, to clear the room for other uses and to make room for a new boiler, which would also be required to provide heat to the WWTF. The boiler should be dual fueled to utilize digester gas when available or not needed by the CNG fueling system and to use natural gas when digester gas is otherwise being converted to vehicle fuel. Also, if the anaerobic digesters have excess capacity, consider the option of adding Fat, Oil, and Grease (FOG) to the digesters to increase the amount of digester gas available for conversion. As noted above, the base case analysis assumes a one percent growth rate in flow/loads to the treatment plant. If the growth rate does not materialize, BioCNG is still a viable alternative. The simple payback period varies from four and one-half years to eight years for the numerous alternative scenarios considered. The alternatives of adding a new cogeneration engine or a cogeneration engine with a cogeneration system PPA are both break-even propositions under all scenarios reviewed.

* Solar Power. Proceed with Scenario 1 identified in attached Technical Memorandum No. 1. Specifically, Scenario 1 is based on a 1,065 kW, fixed-tilt, ground-mounted solar PV system, implemented through a 20-year PPA with a

fixed rate of \$0.095/kWh and no annual escalation. If the Council agrees to implement a digester gas cogeneration system, the solar PV system should be limited to a nameplate rating of 999 kW to allow the City to take advantage of an Net Energy Metering (NEM) tariff.

There is an immediate and time-sensitive need to implement a large-scale solar PV power system to offset the increase in electrical cost associated with the blower replacement and sludge de-water project. Staff has found that the recommended PPA for a solar field is the best approach and recommends fast tracking the project by taking advantage of Energy Code 4217.12, which allows public agencies to enter into an energy service contract and necessary ground leases on terms that the governing body determines it is in the best interest of the public agency and if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance. Current tariffs and rebates that create an attractive PPA with a solar provider are locked in until December 31, 2016, and in order to take advantage of the current programs, staff feels a PPA contract should be locked in place by the November 17, 2015, or December 1, 2015, City Council meeting. Energy Code 4217.12 is attached for Council's reference.

Some simple advantages in implementing a PPA for a large-scale solar PV power system are:

- * No out of pocket cost for solar infrastructure.
- * City may be responsible for upfront capital expenditures for electrical equipment not provided by the solar provider, such as electrical panel upgrades, conduits and wire between the solar PV equipment and the WWTF's point of connection. The Carollo report assumes \$300,000 upfront capital expenditures.
- * 20-year net present value ranges between \$112,000 to \$187,000, with a payback period between 14.5 years and 15.9 years.
- * All City-owned solar PV system equipment options reflect a negative 20-year net present value and payback periods over 20 years.
- * Savings will increase as SCE raises rates.
- * Performance is guaranteed by the solar provider.
- * End of useful life – solar provider will remove the system at no cost to the City, renew contract, or the City can purchase the equipment.

The Waste Water Treatment Reserve Funds will finance the solar PV system and consultant services related to securing grants and design for implementation of the remaining herein stated alternative energy programs within the WWTF. The funding source and associated alternative energy program was approved as a component of the 2015/2016 Fiscal Year Annual Budget.

RECOMMENDATION: That the City Council:

1. Authorize the Acting Public Works Director to negotiate a PPA contract with a solar provider or providers in accordance with Energy Code 4217.12;

2. Direct the Acting Public Works Director to bring back a solar provider PPA contract or contracts to the City Council for consideration;
3. Direct the City Clerk to set a public hearing upon staff's satisfactory review of the solar provider PPA contract or contracts;
4. Authorize the Acting Public Works Director to negotiate a Service Agreement and Scope of Services with Carollo Engineers, Inc. for the preparation of grant applications and design services for the remaining herein stated recommended alternative energy approaches that best suites the WWTF over the next 20 years; and
5. Direct the Acting Public Works Director to provide the results of the Carollo Engineering, Inc. negotiations to the City Council for consideration.

ATTACHMENTS:

1. Alternatives Analysis Summary
2. Cost Comparison Summary
3. Technical Memorandum No. 1
4. Government Code 4217.10 - 4217.18

Appropriated/Funded: MB

Review By:

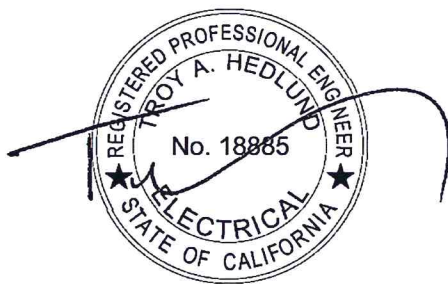
Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Table 13 Cogeneration Study Alternatives - Rating Matrix Alternative Energy Evaluation City of Porterville											
Ranking Criteria		Present Worth of Life Cycle Cost ⁽³⁾	Energy/ Greenhouse Gas Regulations	Protection Against Energy Price Volatility	O&M Complexity	Length of Permit Application Process	Proven Biogas Cogeneration Technology	Efficient Use of Resource	Total Weighted Score ⁽¹⁾		
Weighting Factor ⁽²⁾		5	2	4	4	3	3	5	-		
Project Alt.	Description										
0	Base Case, No Cogeneration	1	1	1	4	4	5	1	74		
1a	Convert Existing Blower Engine to 280 kW Reciprocating Engine System	1	3	3	2	3	4	3	76		
1b	New 633 kW Reciprocating Engine System	1	3	4	2	2	4	3	82		
1c	PPA Cogeneration System	2	2	5	5	4	4	4	107		
2	BioCNG System	5	5	4	4	4	3	4	120		
Notes:											
(1) Total Weighted Score equals the sum of each criteria's weighted factor multiplied by its individual ranking for each respective alternative; highest value is most desirable/beneficial, lowest value is least desirable/beneficial.											
(2) Weighting Factors: 5 - More Important, 1 - Less Important.											
(3) Present worth of life cycle costs are based on the worst case digester gas projection as shown in Table 5.											

Table 14 Preliminary Summary of Cogeneration Alternatives Evaluation Alternative Energy Evaluation City of Porterville					
Alternative	No Cogeneration; Boiler Only Facility with New Boiler	Existing Engine Converted to 280 kW Generator with New Boiler	New 633 kW Engine Generator Unit with New Boiler	Power Purchase Agreement with New Boiler	No Cogeneration; BioCNG Facility with New Boiler
Average Net Power Generated (kW)	0	252	570	315	0
Estimated Project Cost ⁽¹⁾	\$775,250	\$4,660,750	\$7,041,700	\$775,250	\$3,091,550
Estimated Grant Funding	\$0	\$0	\$1,202,700	\$0	\$1,250,000
Estimated Net Project Cost	\$775,250	\$4,660,750	\$5,839,000	\$775,250	\$1,841,550
20-year Average Digester Gas Consumed (scfd)	45,800	119,835	169,016	114,677	110,976
20-year Average Natural Gas Consumed (scfd)	0	0	7,933	0	10,030
20-year Average Annual NOx Emissions (lb/yr)	1,970	963	369	907	1,114
20-year Average Energy CO Emissions (lb/yr)	6,500	3,104	1,054	2,932	3,645
20-year Average Energy CO _{2e} Value ⁽²⁾ (metric tons/yr)	3,594	2,932	2,536	2,763	4,131
20-Year Average Annual Costs/(Revenues)					
Natural gas costs	\$0	\$0	\$62,703	\$0	\$83,864
Electricity cost savings	\$0	(\$275,477)	(\$659,760)	(\$15,275)	(\$205,588)
Revenue for green power/RIN credit	\$0	(\$14,159)	(\$33,788)	\$0	(\$368,198)
O&M costs for Cogeneration & fuel treatment facilities	\$3,574	\$94,394	187,711	\$0	\$34,380
20-Year Present Worth of Costs/(Revenues)					
Natural gas costs	\$0	\$0	\$714,245	\$0	\$857,495
Base cost for electricity	\$7,129,671	\$7,129,671	\$7,129,671	\$7,129,671	\$7,134,547
Revenue for displaced electricity/natural gas	\$0	(\$2,826,939)	(\$6,745,953)	(\$156,188)	(\$2,054,105)
Revenue for green power/BioCNG credits	\$0	(\$144,775)	(\$345,477)	\$0	(\$3,678,797)
O&M costs for fuel treatment/CNG facilities	\$0	\$160,861	\$383,864	\$0	\$307,795
O&M costs for cogeneration/boiler facilities	\$36,545	\$804,304	\$1,535,455	\$0	\$36,545
Estimated Project Cost less Grant ⁽¹⁾	\$775,250	\$4,660,750	\$5,839,000	\$775,250	\$1,841,550
Total 20-Year Present Worth of Energy Cost⁽³⁾	\$7,941,466	\$9,783,872	\$8,510,805	\$7,748,733	\$4,445,029
Present Worth of Net Benefit Compared to No Cogeneration System	\$0	(\$1,842,406)	(569,339)	\$192,733	\$3,496,437
Payback Period of Cogeneration System, years		20+	20+	N/A	7.5
Notes and Assumptions:					
(1) This includes estimated construction cost plus cost for engineering, administration, contingencies and construction management.					
(2) CO ₂ equivalent (CO _{2e}) emissions represent metric tons of Carbon Dioxide associated with purchased energy usage at the facility for Natural Gas and Electricity; based on EPA standards for overall emissions from regional power generation facilities, including CO ₂ , N ₂ O and CH ₄ emissions.					
(3) Total 20-year present worth of energy costs is the sum of the Present Worth values listed above.					
(4) Project Assumptions:					
Inflation (capital costs)	3.0%	Inflation (fuel and electricity costs)	3.0%	Inflation (O&M costs)	3.0%
Gross discount rate	6.0%	Digester Gas LHV, Btu/scf	600	Existing Engine availability percentage	90%
New Engine availability percentage	95%	BioCNG availability percentage	98%	O&M rate for existing engine alternatives \$/kWh	\$0.025
O&M rate for new engine alternatives \$/kWh	\$0.020	O&M rate for boiler alternatives \$/MMBtu	\$0.250	O&M rate for fuel treatment system \$/kWh	\$0.005
Green Power Credit \$/kWh	\$0.005	RIN Credit \$/GGE	\$1.000	LCFS Credit \$/MT CO _{2e}	\$25.000
(5) Project Data:					
Gas prod., scfh	149,760	Gas prod., scfm	104	Ave. heat, million Btu/hr	0.916
Peak heat, million Btu/hr	1.564	Elect usage, kWh/d	13,728	Ave plant elect demand (including cogen parasitic loads), kW	572
Peak elect demand, kW	858	Ave. elect cost, \$/kWhr	0.096	NG cost, \$/therm, HHV	0.578
Ave. elect ppa price, \$/kWhr	0.099				



August 14, 2015



CITY OF PORTERVILLE

ALTERNATIVE ENERGY EVALUATION

**TECHNICAL MEMORANDUM NO. 1
SOLAR POWER GENERATION
ALTERNATIVES ANALYSIS**

FINAL
August 2015

CITY OF PORTERVILLE
ALTERNATIVE ENERGY EVALUATION
TECHNICAL MEMORANDUM
NO. 1
SOLAR POWER GENERATION ALTERNATIVES ANALYSIS

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APPENDIX B – Detailed Analysis Calculations

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SOLAR POWER GENERATION ALTERNATIVES ANALYSIS

1.0 INTRODUCTION

With the upcoming aeration blower replacement and conversion from engine-driven blowers to electric motor-driven blowers, the overall electrical demand of the City of Porterville's wastewater treatment plant (WWTP) will significantly increase. Based on historical electric utility billing data for the period from May 2013 to April 2014, the annual energy consumption associated with the WWTP is 2,338,920 kWh with an annual maximum power demand of 490 kW. After replacement of the existing engine-driven blowers with new electric motor-driven blowers, the WWTP annual energy consumption is estimated to increase by almost 120 percent to 5,115,840 kWh.

1.1 Purpose

This technical memorandum (TM) was developed to evaluate the feasibility of implementing large-scale solar photovoltaic (PV) power generation technology at the WWTP as a means to offset the WWTP's increased energy consumption after installation of the new electric motor-driven blowers. A lifecycle cost analysis was used to evaluate the economic feasibility associated with the construction and operation of the solar PV system. Two PV system ownership scenarios were considered, as follows:

1. Own – the PV system is owned, operated, and maintained by the City for the lifespan of the system.
2. Power Purchase Agreement (PPA) – the City enters a PPA with a third party PV system supplier (PPA provider).

2.0 BACKGROUND

A solar PPA is a financial arrangement between a PPA provider and a host customer. The PPA provider designs, constructs, owns, operates, and maintains the PV system for the duration of the agreement. The host customer agrees to provide the site on its property for the PPA provider to install and operate the system and agrees to purchase all energy produced by the system for the duration of the agreement. The PPA also includes a pre-negotiated energy rate structure that specifies the price per unit of energy (kWh) purchases, and in some cases an annual energy price escalator is built-in to the rate structure that increases the energy price on an annual basis for the duration of the agreement.

PPA's allow the host customer to avoid many of the traditional barriers to implementation of solar PV technology, such as;

- high up-front capital costs;

- system performance risk; AND
- complex design and permitting processes.

In addition, PPA's allow the host customer to lock in electricity rates for the term of the agreement, which acts as a hedge against increasing future commercial energy prices. From a financial perspective, PPA's have an advantage over direct ownership alternatives for municipal organizations that are tax-exempt. Due to their tax-exempt status, municipal organizations cannot benefit from the federal tax incentives associated with installation and operation of onsite solar PV technology. However, in a PPA, the PPA provider is typically a private organization subject to federal taxation and can realize the federal tax incentives for solar PV systems installed and operated on host customer property. The federal tax incentives realized by the PPA provider can be passed on to the host customer in the form of a more attractive energy rate structure, thus allowing the tax-exempt host customer to realize the solar PV federal tax incentives indirectly. Figure 1 shows the typical roles of PPA participants, provided by the US EPA.

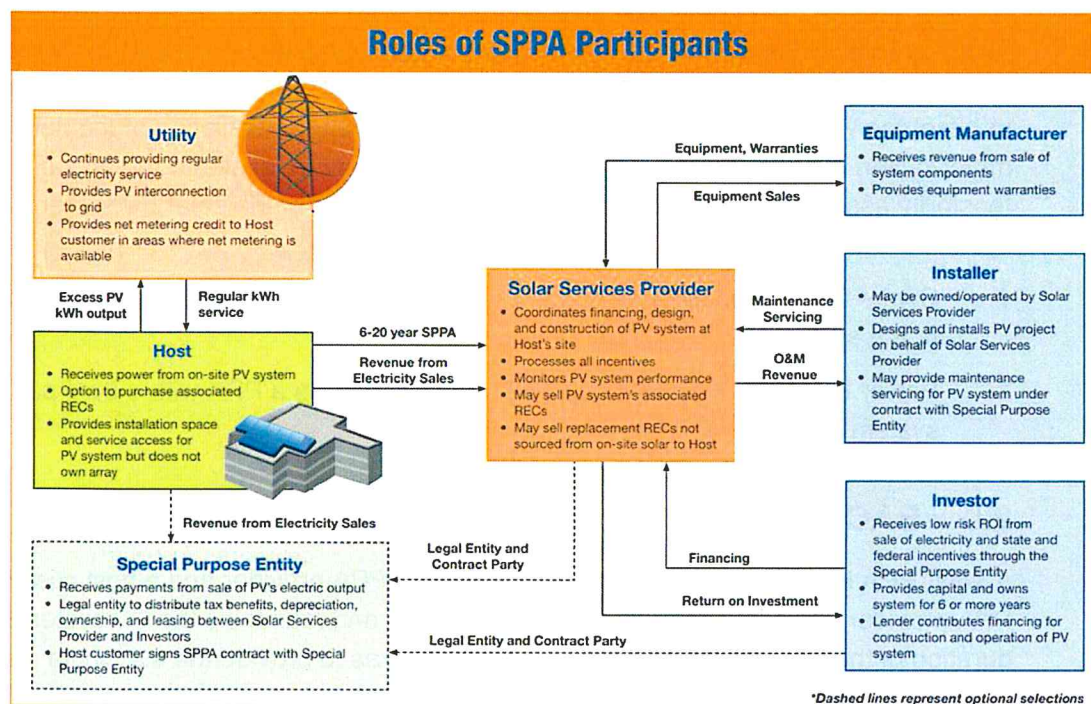


Figure 1 Roles of Various Participants of a Solar PPA (US EPA)

Under most PPA's, the typical period of the agreement is 20 years. At the end of the term, several options are available to the host customer:

1. Purchase the system at Fair Market Value.
2. Renew the contract in up to two 5-year increments.

3. PPA provider will remove the system at no cost to host customer.

3.0 DATA GATHERING

To begin the analysis, various solar PV system suppliers were contacted to obtain information on the current state of PPA agreements and costs of system ownership. The following three suppliers were selected for this feasibility study:

1. REC Solar
2. Solar City
3. SPG Solar

The suppliers were asked to design a solar system, given the 5-acre area that is available on the WWTP site. A typical site layout showing the location of a solar PV system is shown in Figure 2. The suppliers were solicited to specify preliminary terms, design criteria, and energy production projections for the both scenarios (City Own/Operate and PPA). Information requested from suppliers is listed below.

- | | |
|--|---------------------------------|
| 1. System type (Fixed or 1-Axis Track) | 5. Cost to Purchase System (\$) |
| 2. System Size (kW DC) | 6. PPA Rate (\$/kWh) |
| 3. Year 1 Energy Production (kWh) | 7. PPA Escalator (%) |
| 4. System Degradation Rate (%) | 8. PPA Terms and Conditions |

Pertinent information provided by the PV system suppliers is presented in Appendix A. From the data, various system sizes, types, and ownership vs. various PPA terms were generated. In addition, several of the PPA providers were able to utilize complex modeling software to understand variations in solar energy output, based on daily and seasonal fluctuations. One solar manufacturer utilized specific cost software to determine potential cost savings that could result from Rate Switching given the WWTP's energy demand profile as extrapolated from historical electrical billing data. Rate Switching is discussed in Section 4.4.



SITE LEGEND

	FENCE LINE		INVERTER TO PANELBOARD
	PROPERTY LINE		PANELBOARD TO SWITCHGEAR
	PV MODULE		SWITCHGEAR TO POI

**TYPICAL SOLAR PV
SITE LAYOUT AT WWTP**

FIGURE 2

20-Porterville-14F2-0597A00.A1

4.0 RESULTS AND DISCUSSION

Although some PV system suppliers presented lifecycle cost analyses of solar systems, the purpose of this study was to conduct a single feasibility study analyzing all options, based on the same assumptions and parameters. This allows selection of the most efficient and cost-effective solution. Enough data were compiled to present fourteen different scenarios varying many system and agreement parameters. The PPA scenarios consisted of varying the system type (fixed or single axis tracking), system size, PPA rate, and annual PPA rate escalation. The ownership scenarios consisted of varying the system type and size. The following subsections present our approach to the analysis and corresponding results.

4.1 Assumptions

Several assumptions were made in order to conduct the lifecycle cost analysis. Assumptions were common to all fourteen scenarios and are presented below:

1. All energy produced by the solar PV system is consumed within the WWTP. (The PV system could provide almost all of current demand and approximately 40-50 percent of projected demands following installation of the electric blowers.)
2. For all PPA scenarios, a \$300,000 upfront capital expenditure has been included to account for equipment not provided by the PPA provider, such as conduit and wire between the solar PV system and the point of connection with the plant electrical system, and modifications required at the main plant switchgear. For all ownership scenarios, the \$300,000 upfront capital expenditure has been added to the capital cost of the solar PV system because both capital expenditures would be incurred in the same year.
3. For all scenarios, the Year 1 energy rate is estimated to be \$0.0962/kWh, which was calculated from SCE billing data for the plant from May 2013 to April 2014. This aggregate rate was determined by taking a geometric (weighted) average of the data from the 12-month time period indicated above.
4. Project duration is 20 years based on PPA terms.
5. Average annual PV system energy output degradation is 0.5 percent per year to account for decreased efficiency of the PV system over time.
6. Southern California Energy (SCE) energy cost escalation rate is 3.0 percent per year.
7. Average inflation rate is 3.0 percent per year.
8. Project discount rate is 6.0 percent.

4.2 Net Present Value Analysis

Using the data provided from the three solar PV PPA providers in combination with the aforementioned assumptions, a net present value analysis was performed for 20 years on the fourteen scenarios considered. Table 1 summarizes all findings in the net present value analysis. Detailed calculations used to perform the analysis are located in Appendix B.

From the analysis, various results are indicated, summarized below:

1. All scenarios involving purchasing, operating, and owning the solar PV system have a negative net present value at 20 years of operation. PPA's with rates higher than \$0.10 per kilowatt-hour also have negative net present values.
2. Scenarios involving the PPA agreement tend to be more economically attractive than ownership scenarios.
3. Based on the available area, it appears that a 1.00 MW system can be installed.
4. There does not appear to be a significant cost difference between utilizing the fixed mounted versus single axis tracking system. However, a smaller system size using a tracking system is able to produce more energy. Thus, utilizing a single axis tracker can allow for a system that can be placed at the site producing a greater amount of energy than considered in this study.
5. Scenarios 1 through 3 are PPA's and offer the greatest feasibility based on the net present value analysis. The 20-Year Net Present Value for these scenarios is \$187,500, \$112,800, and \$135,300 respectively. The Pay Back time for these scenarios is around 15 years for Scenarios 1 and 2, and 16 years for Scenario 3.

The results of the system are highly dependent on the SCE Energy Cost Escalation Rate and the Project Discount Rate. These results are also conservative compared to numbers provided by PPA providers, as they do not include rate-switching benefits that may be possible to redeem.

Table 1 Net Present Value Analysis Summary Alternative Energy Evaluations City of Porterville												
Scenario	PPA or Own	System Type	Size (kW DC)	Year 1 Energy Production (kWh)	Upfront Capital Expenditure ¹	PPA Rate (\$/kWh)	PPA Annual Escalation Rate	SCE Energy Cost Escalation Rate ²	Inflation Rate	Project Discount Rate	20-Year Net Present Value	Pay Back (yrs)
1	PPA	Fixed Tilt	1,065	1,649,330	\$300,000.00	0.09500	0.00%	3.00%	3.00%	6.00%	\$187,491.85	14.5
2	PPA	Fixed Tilt	1,065	1,649,330	\$300,000.00	0.08500	2.00%	3.00%	3.00%	6.00%	\$112,815.45	14.7
3	PPA	1-Axis Tracking	875	1,658,364	\$300,000.00	0.09800	0.00%	3.00%	3.00%	6.00%	\$135,268.01	15.9
4	PPA	1-Axis Tracking	875	1,658,364	\$300,000.00	0.08800	2.00%	3.00%	3.00%	6.00%	\$51,074.39	17.3
5	Own	Fixed Tilt	1,065	1,649,330	\$2,536,500.00	N/A	N/A	3.00%	3.00%	6.00%	\$(611,397.81)	>20
6	Own	1-Axis Tracking	875	1,658,364	\$2,400,240.00	N/A	N/A	3.00%	3.00%	6.00%	\$(535,805.79)	>20
7	PPA	1-Axis Tracking	1,000	1,895,000	\$300,000.00	0.10000	3.00%	3.00%	3.00%	6.00%	\$(394,978.57)	>20
8	PPA	1-Axis Tracking	1,000	1,895,000	\$300,000.00	0.10500	2.00%	3.00%	3.00%	6.00%	\$(313,260.71)	>20
9	Own	Fixed Tilt	1,000	1,563,375	\$2,380,000.00	N/A	N/A	3.00%	3.00%	6.00%	\$(570,402.22)	>20
10	Own	1-Axis Tracking	1,000	1,895,000	\$2,530,000.00	N/A	N/A	3.00%	3.00%	6.00%	\$(347,579.61)	>20
11	PPA	Fixed Tilt	1,130	1,905,445	\$300,000.00	0.11340	0.00%	3.00%	3.00%	6.00%	\$(123,654.32)	>20
12	PPA	Fixed Tilt	1,130	1,905,445	\$300,000.00	0.0994	2.00%	3.00%	3.00%	6.00%	\$6,474.10	19.7
13	PPA	Fixed Tilt	1,130	1,905,445	\$300,000.00	0.0928	3.00%	3.00%	3.00%	6.00%	\$69,822.46	15.8
14	Own	Fixed Tilt	1,130	1,905,445	\$2,560,000.00	N/A	N/A	3.00%	3.00%	6.00%	\$(290,735.79)	>20
Notes: (1) All energy produced by PV system is used within the facility. (2) For all PPA scenarios, a \$300,000 upfront capital expenditure has been included to account for equipment not provided by the PPA-provider, such as conduit and wire between the solar PV system and the point of connection with the plant electrical system, and modifications required at the main plant switchgear. For all ownership scenarios, the \$300,000 upfront capital expenditure has been added to the capital cost of the solar PV system. (3) For all scenarios, the Year 1 energy rate is estimated to be \$0.0962/kWh, which was calculated from SCE billing data for the plant from May 2013 to April 2014. (4) Net present value analysis does not include rate switching, discussed in Section 4.4.												

4.3 Sensitivity Analysis

As noted above, results from the analysis are highly dependent on two rates, which are not known and can only be predicted – the SCE Energy Cost Escalation Rate and the Project Discount Rate. To determine the implications of varying these parameters, a sensitivity analysis was performed. Results of the SCE Energy Cost Escalation Rate and Project Discount Rate sensitivity analyses are presented graphically for Scenarios 1, 2, 8, and 10 in Figures 3 and 4, respectively. Tabular results for all scenarios are presented with the other calculations in Appendix B.

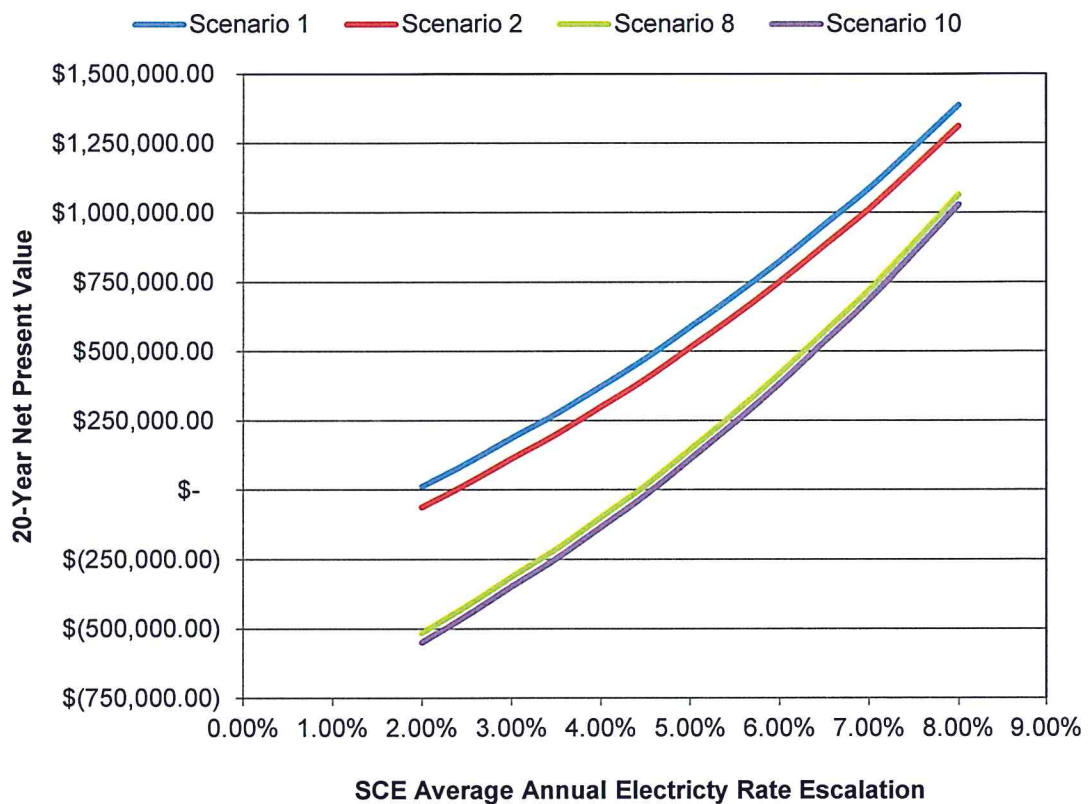


Figure 3 SCE Energy Cost Escalation Rate Sensitivity Analysis

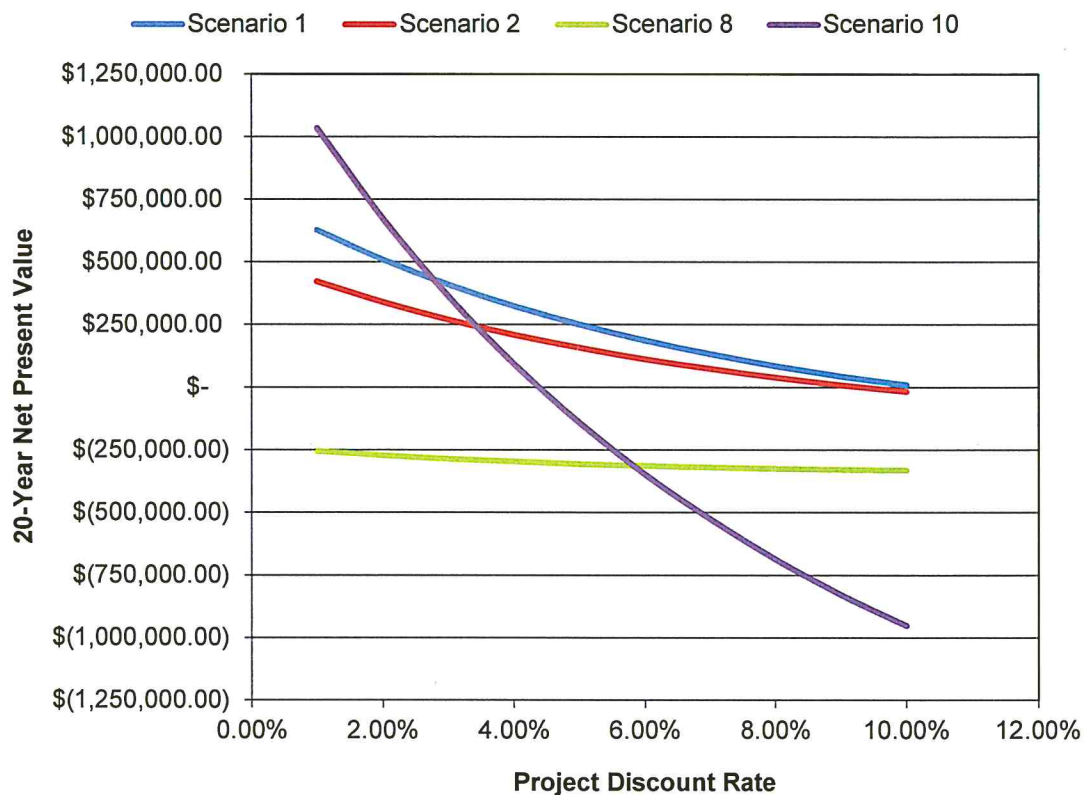


Figure 4 Project Discount Rate Sensitivity Analysis

From Figure 3, it is apparent that all scenarios are highly dependent on the SCE Energy Cost Escalation rate. As expected, increasing the rate at which energy cost increases results in a much higher net present value of the solar system, for both PPA and ownership scenarios. This would be as expected since the solar PV system allows the owner or host to have a fixed energy rate.

Based on Figure 4, the variance in sensitivity of the project discount rate can be clearly seen. However, as expected, in all scenarios, increasing the project discount rate lowers the net present value of the solar PV system. Scenarios 1, 2, and 8 show similar trends in sensitivity to the project discount rate, and are all PPA agreement scenarios. Scenario 10 is an ownership scenario, and shows a significantly higher sensitivity to the project discount rate. This would be expected as the discount rate indicates the economic value of putting upfront capital in other investments, rather than spending it.

Since the sensitivity to the project discount rate is so great, it is recommended that the City consider their investment strategies before making the decision on which solar scenario to choose. With extremely low project discount rates (highly conservative investments), the ownership solar scenarios might be more economically attractive than PPA scenarios.

4.4 Rate Switching

A significant financial benefit associated with installing a solar PV system at the plant is derived from rate switching. Power generated by the solar PV system will be utilized by plant loads, which will decrease the magnitude of the power demand imposed on SCE's electric service to the plant. This reduction in the plant power demand, from SCE's perspective, may result in the plant being eligible for a rate adjustment with SCE.

The current billing rate used by the City is a TOU-PA3B demand-metered rate, meaning it has three main charge components: 1). fees associated with the service; 2). Demand Charges (kW representing peak demand, broken out into separate charges for Monthly Peak Demand, Peak Period Demand, Part Peak Period Demand); 3). Energy Charges (kWh). Solar can reliably reduce energy charges over time via net metering, however because solar is an intermittent resource, it is unlikely to expect a guaranteed reduction in Demand Charges.

Solar PV system providers recommend an after solar rate schedule adjustment from the current TOU-PA3B to TOU-PA3A. This rate structure change effectively reduces the price of the annual demand charges, shifting that cost to the price of the energy charges solar can reasonably address, and increases the value per unit of solar electricity generated. This should present an overall reduction in cost to the City.

Utilizing advanced solar industry specific software, PPA providers ran lifecycle analyses assuming that rate switching was utilized. Results indicated 20-year savings of 3 to 3.5 million dollars using various PPA rate agreement terms. Furthermore, using a similar analysis, the ownership scenarios represented a payback of only 8 to 9 years. Clearly, the numbers provided by the PPA providers utilizing the rate switching structure are optimistic; actual cost savings will vary depending on many variables. Results of the net present value analysis presented in Section 4.2 do not include rate switching, but results of the analysis would improve if the City can work with SCE to perform rate switching.

4.5 Southern California Edison

In preparation of this TM, a meeting with Southern California Edison (SCE) was held to discuss the potential impacts to the plant's electricity tariff associated with installation of solar PV power generation technology and SCE's application and approval process. The following information was provided by SCE in the meeting:

- A solar PV system could be installed using SCE's Net Energy Metering (NEM) tariff. This tariff allows generation from the solar plant to be "stored" on the grid by "turning the meter backwards" if at any point in time the power generated by the solar PV system exceeds what is being consumed by the plant.
- Under the NEM tariff, annual energy generated by the solar PV system in excess of what is consumed by the plant is not compensated.

- Only solar PV systems less than or equal to 1000 kW are eligible for the NEM tariff.
- For solar PV systems greater than 1000 kW, SCE will require continuous remote monitoring via of the generation by connecting a generation meter at the plant to a remote telemetry unit (RTU) by broadband Internet link, such as DSL or satellite.

In order to simplify the application & approval process and avoid the complexity & cost associated with advanced power generation monitoring, SCE recommends that if the City elects to install a solar PV system at the plant, the system should be designed with a nameplate rating less than 1000 kW.

The process for implementing NEM with SCE is as follows:

1. Submit initial SCE NEM Application Packet. This will consist of the application, Single Line Diagram and Plot Plan, and should be submitted as early as possible, before the system is installed and the final inspection by the local building and safety department is scheduled.
2. After the solar PV system is constructed, submit a copy of the Final Electrical Inspection and Approval from the local jurisdictional authority, typically the Building & Safety department, as soon as it is issued.
3. Once steps 1 and 2 are complete, SCE will issue a Permission to Operate (PTO) letter with an NEM tag to be installed on the NEM meter to notify SCE field personnel about the presence of the solar PV generating system and as proof of the City's permission to operate the solar PV system.

If the City elects to install both solar PV and renewable gas cogeneration technologies, and the combined nameplate generation exceeds 1000 kW, SCE will not allow NEM to be implemented. Under this scenario, SCE has indicated that the most practical tariff to operate under will be Renewable Energy Self-Generation - Bill Credit Transfer (RES-BCT), which credits the excess energy generated at the plant each day to other SCE accounts for City facilities, such as water wells.

5.0 CONCLUSIONS

Data were gathered from three solar PV system providers considering various PPA terms in addition to ownership options to use a solar PV system to offset the electrical demand at the WWTP. This study was driven by the fact that a conversion from engine driven to electric blowers will significantly affect electrical demand. A net present value analysis was performed on fourteen PPA/ownership scenarios to evaluate the associated economic feasibility. A sensitivity analysis was performed on two parameters, and rate switching was evaluated to provided greater cost savings to the system. The following conclusions were developed from the study:

1. Using the assumptions listed in Section 4.1, Scenarios 1 through 3 are the most economically feasible options based on the 20-Year net present value analysis. These options are PPA alternatives with fixed or annual increase rate structures and exhibit Pay Back periods of between 14.5 and 16 years.
2. All ownership scenarios exhibited negative 20-year net present values. This is mostly attributed to the analysis ending at 20-years, and the higher project discount rate of 6 percent.
3. There is no significant economic advantage between using a fixed tilt or single axis tracker system.
4. Sensitivity analysis indicated varying the SCE energy cost escalation rate and the project discount rate had significant effects on the net present value analysis. Increasing the SCE rate increased the net present value of all scenarios while increasing the project discount rate lowered the net present value of all scenarios.
5. The greatest sensitivity was shown for ownership scenarios by changing the project discount rate. This is expected as ownership scenarios involve large upfront capital expenditures.
6. It is recommended that the City consider their investment strategies before making the decision on which solar scenario to choose. With extremely low project discount rates (highly conservative investments), the ownership solar scenarios might be more economically attractive than PPA scenarios.
7. It is possible that using rate-switching methods described in Section 4.4 could present significant economic advantages when using a solar PV system at the WWTP. Advanced calculations considering rate switching were performed by solar PPA providers and indicated significantly shorter payback periods of 8 – 9 years, compared to 15 – 20+ years shown in net present value calculations.

APPENDIX A – SOLAR PPA PROVIDER DATA

Round Mount REV A.2 (Alternative) City of Porterville WWTP, 1333 W Grand Ave, Porterville, CA 93257

Production

Production	1,905 GWh
Performance Ratio	82.6%
kWh/kWp	1,690.3
Weather Source	PORTERVILLE (AWOS) (tmy3, III)
Transposition Model	Perez Model
Simulator Version	81 (b28f7d0fca-e644a65b5a-4ba8b82d8f-f997103299)

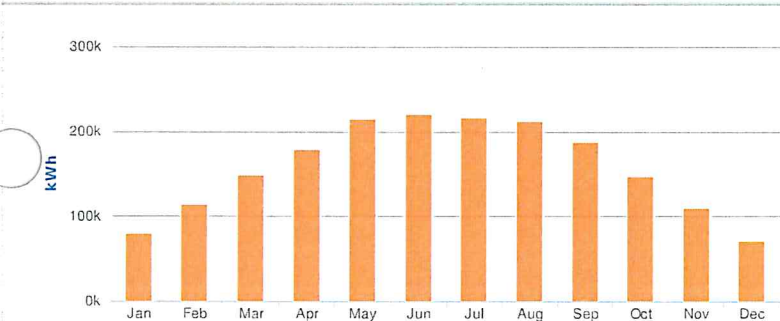
Design

Project Name	City of Porterville WWTP
Project Description	Ground Mount System
Project Address	1333 W Grand Ave, Porterville, CA 93257
Design	Ground Mount REV A.2 (Alternative)
DC Nameplate	1.13 MW
AC Nameplate (Load Ratio)	880.0 kW (128.1%)

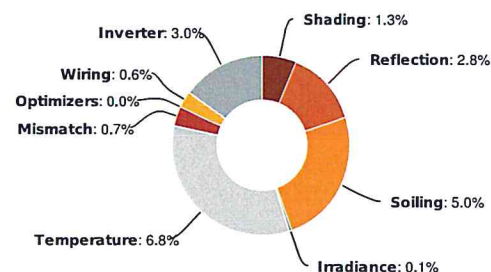
Field Segments



Monthly Production



Sources of System Loss



Annual Production

	Description	Output	% Delta
Irradiance (kWh/m ²)	Annual Global Horizontal Irradiance	1,878.8	
	POA Irradiance	2,046.5	8.9%
	Shaded Irradiance	2,020.9	-1.3%
	Irradiance after Reflection	1,964.3	-2.8%
	Irradiance after Soiling	1,866.1	-5.0%
	Total Collector Irradiance	1,866.1	0.0%
Energy (kWh)	Nameplate	2,138,197.3	
	Output at Irradiance Levels	2,135,831.7	-0.1%
	Output at Cell Temperature Derate	1,991,435.3	-6.8%
	Output After Mismatch	1,977,315.1	-0.7%
	Optimizer Output	0.0	0.0%
	System DC Output	1,965,374.0	-0.6%
	System AC Output	1,905,445.3	-3.0%
Temperature Metrics			
	Avg. Operating Ambient Temp	21.0 °C	
	Avg. Operating Cell Temp	32.2 °C	
Simulation Metrics			
	Operating Hours	4345	
	Solved Hours	4345	

Condition Set

Description	Ground Mount Condition Set												
Weather Source	PORTERVILLE (AWOS) (tmy3, III)												
Solar Angle Location	Meteo Lat/Lng												
Transposition Model	Perez Model												
Temperature Model	Diffusion Model												
Temperature Model Parameters	Rack Type				U _{const}				U _{wind}				
	Fixed Tilt				29				0				
	Flush Mount				15				0				
Soiling (%)	J	F	M	A	M	J	J	A	S	O	N	D	
	5	5	5	5	5	5	5	5	5	5	5	5	
Irradiation Variance	0%												
Cell Temperature Spread	0° C												
Module Binning Range	0% to 3%												
Module Characterizations	Module							Characterization					
	JKM 305P-72 (Jinko Solar)							Jinko_JKM_305P_72.PAN, PAN					
Component Characterizations	Device							Characterization					
	Sunny Tripower 20000TL-US (SMA)							Default Characterization					

Components

Component	Name	Count
Inverter	Sunny Tripower 20000TL-US (SMA)	44 (880.0 kW)
Combiners	None	88
Strings	10 AWG (Copper)	308 (72,400.0 ft)
Module	JKM 305P-72 (Jinko Solar)	3,696

Wiring Zones

Description	Combiner Poles	String Size	Stringing Strategy
Default Wiring Zone	7	12	Along Racking

Field Segments

Description	Racking	Orientation	Tilt	Azimuth	Intrarow Spacing	Frame Size	Frames	Modules
Field Segment 1	Fixed Tilt	Vertical (Portrait)	15°	180°	8.5 ft	2x1	1,848	3,696

Detailed Layout



Grid-Connected System: Simulation parameters

Project : City of Porterville WWTP**Geographical Site** Porterville (awos) Country **United States**

Situation Latitude 36.0°N Longitude 119.1°W
 Time defined as Legal Time Time zone UT-8 Altitude 135 m
 Albedo 0.20

Meteo data: Porterville (awos) TMY - NREL US TMY3**Simulation variant :** SA TRACKER - NOT FOR CONTRACT

Simulation date 15/09/14 15h44

Simulation parameters

Tracking plane, tilted Axis Axis Tilt 0° Axis Azimuth 0°
 Rotation Limitations Minimum Phi -45° Maximum Phi 45°

Backtracking strategy Tracker Spacing 7.00 m Collector width 2.95 m
 Inactive band Left 0.00 m Right 0.00 m

Models used Transposition Perez Diffuse Imported**Horizon** Free Horizon**Near Shadings** Linear shadings**PV Arrays Characteristics (2 kinds of array defined)**

PV module Si-poly Model **CS6X - 305P**
 Manufacturer Canadian Solar Inc.

Sub-array "Sub-array #1" In series 20 modules In parallel 162 strings
 Total number of PV modules Nb. modules 3240 Unit Nom. Power 305 Wp
 Array global power Nominal (STC) **988 kWp** At operating cond. 882 kWp (50°C)
 Array operating characteristics (50°C) U mpp 641 V I mpp 1376 A

Sub-array "Sub-array #2" In series 20 modules In parallel 8 strings
 Total number of PV modules Nb. modules 160 Unit Nom. Power 305 Wp
 Array global power Nominal (STC) **48.8 kWp** At operating cond. 43.6 kWp (50°C)
 Array operating characteristics (50°C) U mpp 641 V I mpp 68 A

Total Arrays global power Nominal (STC) **1037 kWp** Total 3400 modules
 Module area **6524 m²** Cell area 5958 m²

Sub-array "Sub-array #1" : Inverter Model **CPS SCA28KTL-DO/US-480**

Characteristics Manufacturer ChintPower
 Inverter pack Operating Voltage 450-800 V Unit Nom. Power 28 kW AC
 Nb. of inverters 27.0 units Total Power 756 kW AC

Sub-array "Sub-array #2" : Inverter Model **CPS SCA23KTL-DO/US-480**

Characteristics Manufacturer ChintPower
 Inverter pack Operating Voltage 450-800 V Unit Nom. Power 23 kW AC
 Nb. of inverters 2 units Total Power 46 kW AC

PV Array loss factors

Array Soiling Losses

Thermal Loss factor

Uc (corr)

25.0 W/m²K

Loss F Jan Feb Mar Apr May June July Aug Sep Oct Nov Dec
 1.0% 1.0% 1.0% 1.0% 2.0% 3.0% 4.0% 5.0% 6.0% 4.0% 1.0% 1.0%
 Uv (wind) 1.2 W/m²K / m/s

Grid-Connected System: Simulation parameters (continued)

Wiring Ohmic Loss	Array#1	7.9 mOhm	Loss Fraction	1.5 % at STC
	Array#2	160 mOhm	Loss Fraction	1.5 % at STC
	Global		Loss Fraction	1.5 % at STC
LID - Light Induced Degradation			Loss Fraction	2.0 %
Module Quality Loss			Loss Fraction	0.3 %
Module Mismatch Losses			Loss Fraction	1.0 % at MPP
Incidence effect, ASHRAE parametrization	IAM =	$1 - b_o (1/\cos i - 1)$	b_o Param.	0.05

System loss factors

	Wires	121 m 3x1000 mm ²	Loss Fraction	1.0 % at STC
Unavailability of the system	2.0 days, 3 periods		Time fraction	0.5 %

User's needs : Unlimited load (grid)

Grid-Connected System: Near shading definition

Project : City of Porterville WWTP
Simulation variant : SA TRACKER - NOT FOR CONTRACT

Main system parameters

System type **Grid-Connected**

Near Shadings

PV Field Orientation

Linear shadings

PV modules

tracking, tilted axis, Axis Tilt

PV Array

Model

Inverter

Nb. of modules

Inverter

Model

Inverter pack

Nb. of units

User's needs

Unlimited load (grid)

0°

Axis Azimuth 0°

Pnom 305 Wp

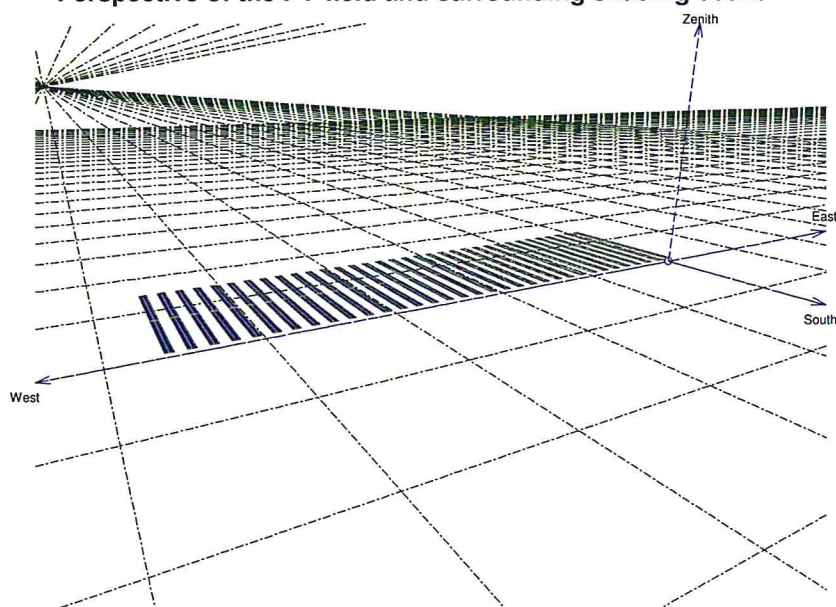
Pnom total 1037 kWp

Pnom 28.00 kW ac

Pnom 23.00 kW ac

Pnom total 802 kW ac

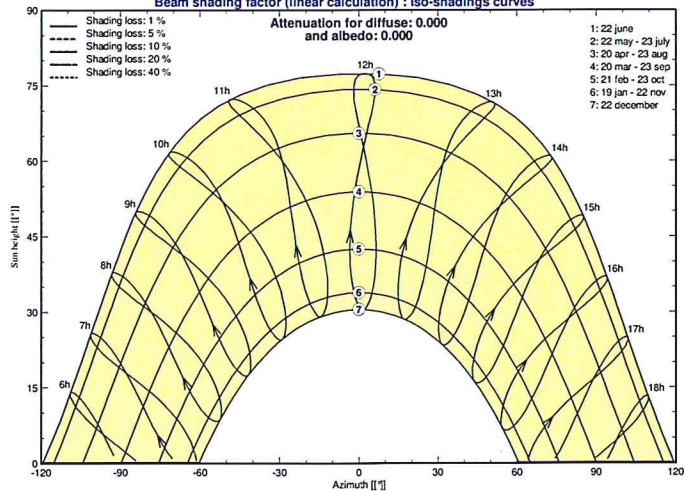
Perspective of the PV-field and surrounding shading scene



Iso-shadings diagram

City of Porterville WWTP

Beam shading factor (linear calculation) : iso-shadings curves



Grid-Connected System: Main results

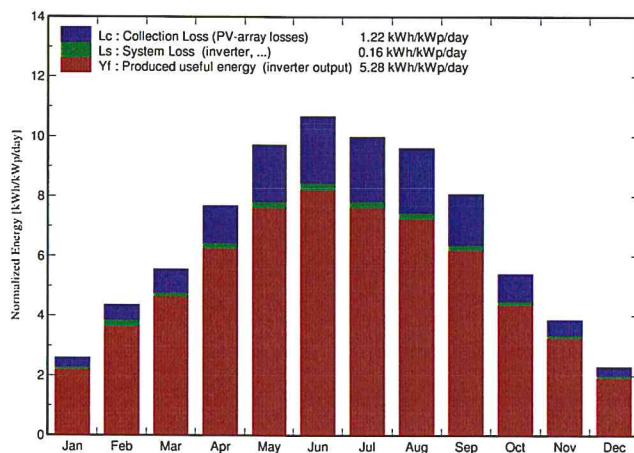
Project : City of Porterville WWTP
Simulation variant : SA TRACKER - NOT FOR CONTRACT

Main system parameters	System type	Grid-Connected	
Near Shadings	Linear shadings		
PV Field Orientation	tracking, tilted axis, Axis Tilt	0°	Axis Azimuth 0°
PV modules	Model	CS6X - 305P	Pnom 305 Wp
PV Array	Nb. of modules	3400	Pnom total 1037 kWp
Inverter	Model	CPS SCA28KTL-DO/US-480	Pnom 28.00 kW ac
Inverter	Model	CPS SCA23KTL-DO/US-480	Pnom 23.00 kW ac
Inverter pack	Nb. of units	29.0	Pnom total 802 kW ac
User's needs	Unlimited load (grid)		

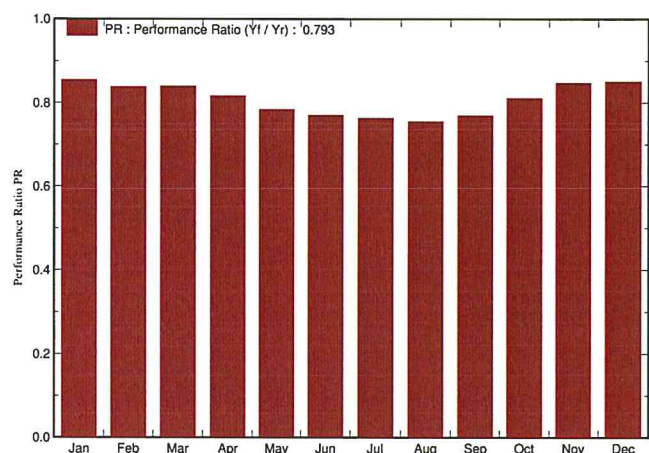
Main simulation results

System Production **Produced Energy 1999 MWh/year** Specific prod. 1928 kWh/kWp/year
Performance Ratio PR 79.3 %

Normalized productions (per installed kWp): Nominal power 1037 kWp



Performance Ratio PR



SA TRACKER - NOT FOR CONTRACT

Balances and main results

	GlobHor kWh/m²	T Amb °C	GlobInc kWh/m²	GlobEff kWh/m²	EArray MWh	E_Grid MWh	EffArrR %	EffSysR %
January	65.6	9.06	80.4	74.3	73.5	71.3	14.01	13.58
February	96.2	8.86	122.2	114.2	112.4	106.1	14.10	13.31
March	137.1	12.77	172.1	162.1	153.8	149.7	13.70	13.34
April	179.3	13.20	230.4	219.3	200.3	194.8	13.33	12.96
May	233.4	20.80	301.2	285.3	251.7	244.8	12.81	12.46
June	246.1	24.88	320.3	301.6	262.9	255.7	12.58	12.24
July	239.4	25.83	309.8	288.3	252.1	245.3	12.47	12.14
August	224.9	26.64	298.0	274.1	239.5	233.0	12.32	11.99
September	181.3	22.12	242.2	219.9	198.4	193.2	12.56	12.22
October	128.3	16.42	167.5	153.3	144.5	140.8	13.23	12.89
November	89.1	12.75	116.0	108.0	104.5	101.9	13.81	13.47
December	58.1	9.47	71.1	65.6	64.8	62.7	13.97	13.52
Year	1878.8	16.95	2431.1	2266.0	2058.5	1999.3	12.98	12.61

Legends: GlobHor Horizontal global irradiation
T Amb Ambient Temperature
GlobInc Global incident in coll. plane
GlobEff Effective Global, corr. for IAM and shadings
EArray Effective energy at the output of the array
E_Grid Energy injected into grid
EffArrR Effic. Eout array / rough area
EffSysR Effic. Eout system / rough area

Grid-Connected System: Loss diagram

Project : City of Porterville WWTP
Simulation variant : SA TRACKER - NOT FOR CONTRACT

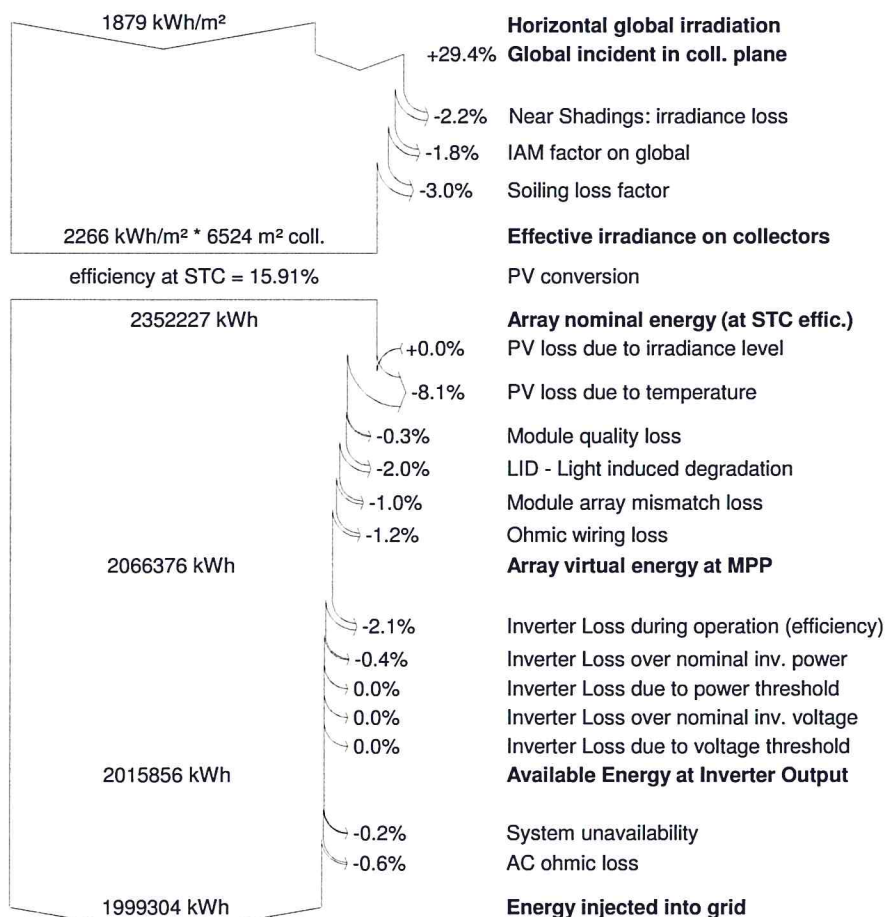
Main system parameters

System type **Grid-Connected**

Near Shadings

PV Field Orientation	Linear shadings	tracking, tilted axis, Axis Tilt	0°	Axis Azimuth	0°
PV modules	Model	CS6X - 305P		Pnom	305 Wp
PV Array	Nb. of modules	3400		Pnom total	1037 kWp
Inverter	Model	CPS SCA28KTL-DO/US-480		Pnom	28.00 kW ac
Inverter	Model	CPS SCA23KTL-DO/US-480		Pnom	23.00 kW ac
Inverter pack	Nb. of units	29.0		Pnom total	802 kW ac
User's needs	Unlimited load (grid)				

Loss diagram over the whole year



Solar Power Analysis for City of Porterville

Provided by SolarCity

Michael Carpol, Project Development Manager

mcarpol@solarcity.com | 650.350.0106

Project Summary:

The City of Porterville is evaluating solar power on a 5 acre site adjacent to the wastewater treatment plant. In this analysis, we provide mounting options: A fixed tilt ground mount at 20 degrees due south and a single axis tracker. We analyze the economics as a purchase and power purchase agreement (PPA). The PPA analysis has either a 0% or 2% escalator. Given the annual kWh load at the wastewater plant, the systems do not need to be maxed out at the 1 MW AC cap.

Project Summary			
	System Size (kW)	Yield (kWh/kW/Year)	Year 1 Production
Fixed Tilt	1,065.0	1,549	1,649,330
Tracker	875.1	1,895	1,658,364

Power Purchase Agreement				
	Escalator	PPA Rate (\$/kWh)	Year 1 Savings	20 year savings
Fixed Tilt	0%	0.095	\$ 68,134	\$ 3,679,261
	2%	0.085	\$ 84,627	\$ 3,429,921
Tracker	0%	0.098	\$ 63,243	\$ 3,599,191
	2%	0.088	\$ 79,827	\$ 3,328,470

Purchase					
	Cost	\$/Watt	Year 1 savings	30 year savings	Payback
Fixed Tilt	\$ 2,236,500	2.10	\$ 224,820	\$ 9,762,050	8.6
	\$ 2,100,240	2.40	\$ 225,763	\$ 10,055,481	8.2

Assumptions:

- Utility Escalation – 4.0% / year

- Module degradation - 0.5% / year
- Discount rate – 6.0%
- PPA term – 20 years
- No CSI incentive
- Prevailing wages
- Includes fencing
- Excludes electrical or structural upgrades
- Utility data based on 2013 Utility data set
- Meter number V349R-000486

Rate Switching

TOU-PA-3-B to TOU-PA-3-A

The City of Porterville can likely take advantage of rate-switching in order to lower energy costs. Solar power allows the City to effectively switch from a “B” tariff to an “A” tariff. There are limits to the amount of customers that can switch to rates, so we recommend the City of Porterville consider solar power in the near term rather than the medium or long term.

There are a couple reasons why rate switching is beneficial to the City.

First, rate switching lowers your demand charges. Although solar power may lower your overall demand, because solar is intermittent we cannot promise demand reduction to the city. However, savings can be realized by rate switching because there is a reduction in the cost per kW.

Second, switching rate tariffs increases energy savings because solar power takes advantage of time-of-use charges. When switching rates, your energy costs per unit actually increases in the peak and part-peak windows. Fortunately, the peak and part-peak windows are the highest generation periods for solar power. This means excess energy during the day will actually be credited through net-metering at a more valuable retail rate. The final results are higher energy savings for the City.



CITY OF PORTERVILLE WWTP

SINGLE AXIS TRACKER GROUND MOUNT SYSTEM
WITH (2) DRIVES AND MOTORS - 7m BEAM SPACING
LAT: 36° | ORIENTATION: 180° | TILT: ±45°
WIND: 100MPH | SNOW: OPSF

TOTAL SYSTEM:
1037.000 kW DC STC PHOTOVOLTAIC ARRAY
933.960 kW AC CEC PHOTOVOLTAIC ARRAY

MAJOR EQUIPMENT:
(3400) CANADIAN SOLAR CS6X-305P, 305W PV MODULES (PTC RATING: 280.3W)
(170) STRINGS OF (20) MODULES
(27) SOLECTRIA PVI28 28KW (480V) INVERTERS (98.0% EFF.)
(2) SOLECTRIA PVI23 23KW (480V) INVERTERS (98.0% EFF.)
(1) 200AMP, 480VAC PANELBOARDS, MLO
(4) 400AMP, 480VAC PANELBOARDS, MLO
(1) 1600AMP, 480VAC SWITCHGEAR
(1) 1600AMP, 480VAC FUSIBLE UTILITY DISCONNECT WITH VIEWING WINDOW

CONSTRUCTION
(68) DRIVELINE PILES
(8) MOTOR PILES
(340) ARRAY PILES
2160' SECURITY FENCE

AC WIRE LENGTH INVERTER TO PANELBOARD
APPROXIMATELY 400'±
(3) #6 THWN-2 (CU)
(1) #10 THWN-2 (CU) EGC
(1) #10 THWN-2 (CU) NEUTRAL
(1) 2" EMT

AC WIRE LENGTH PANELBOARD TO SWITCHGEAR
APPROXIMATELY 1300'± (~900' TRENCHING)
(3) 500 MCM XHHW-2 (AL)
(1) #3 THWN-2 (CU) EGC
(1) #3 THWN-2 (CU) NEUTRAL
(1) 3" PVC SCH40

AC WIRE LENGTH PANELBOARD TO PANELBOARD
APPROXIMATELY 340'± (~340' TRENCHING)
(12) 500 MCM XHHW-2 (AL)
(4) #4/0 THWN-2 (CU) EGC
(4) #4/0 THWN-2 (CU) NEUTRAL
(4) 3" PVC SCH40

POINT OF INTERCONNECTION:
AMPERAGE TO BE DETERMINED
ASSUMED 480V 3 PHASE

GENERAL NOTES

INVERTERS TO BE RACK MOUNTED.
FINAL SYSTEM SIZING IS CONTINGENT UPON VERIFICATION OF SHADING OBSTRUCTIONS.
FINAL APPROVAL WILL BE CONTINGENT UPON THE AUTHORITY HAVING JURISDICTION.

SINGLE AXIS GROUND MOUNT PV SYSTEM

SITE LEGEND

- x - x -	FENCE LINE	- - - - -	INVERTER TO PANELBOARD
- - - - -	PROPERTY LINE	- - - - -	PANELBOARD TO SWITCHGEAR
(E) TREE		- - - - -	SWITCHGEAR TO POI
(E) PARKING SPACE		[]	PV MODULE
		[]	STRING INVERTERS

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RECORD LOW: -2°C
AVERAGE HIGH: 38°C
MODULE ORIENTATION: LANDSCAPE
COL. BANDWIDTH: 2.95
PITCH: 7

STAMP:

ENGINEER: []
MANAGER: GEORGE LAUDENBACH (707) 781-1000
DESIGNER: ALEX NIX (707) 781-1040
REVISED BY: []

PROJECT PHASE: PROPOSAL SUBMITTAL
DOC No.: []
DATE: 9/15/2014
TITLE SHEET: []

SHEET No.: T1

SPG SOLAR

1039 N. MCDOWELL BLVD., SUITE B
PORTERVILLE, CA 93257
LIC. #75268
(707) 781-1000 (707) 781-1000 FAX

CITY OF PORTERVILLE WWTP
1333 W GRAND AVE,
PORTERVILLE, CA 93257

**APPENDIX B – DETAILED NET PRESENT VALUE
ANALYSIS CALCULATIONS**

SCENARIO 1

Power Purchase Agreement			
PV System Size (kW DC)	1,065	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1649330	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 187,492

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	11,949.71
2.50%	\$	96,220.03
3.00%	\$	187,491.85
3.50%	\$	275,042.40
4.00%	\$	373,509.12
4.50%	\$	474,310.38
5.00%	\$	586,960.35
5.50%	\$	701,428.38
6.00%	\$	823,940.10
6.50%	\$	954,995.49
7.00%	\$	1,086,292.50
7.50%	\$	1,233,592.95
8.00%	\$	1,385,437.29
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,649,330	\$ 0.0950	\$ 0.0962	\$ 1,979.20	\$ 1,979.20	\$ 1,867.17	\$ (298,132.83)
2	\$ -	\$ -	1,641,083	\$ 0.0950	\$ 0.0991	\$ 6,728.44	\$ 6,728.44	\$ 5,988.29	\$ (292,144.54)
3	\$ -	\$ -	1,632,837	\$ 0.0950	\$ 0.1021	\$ 11,593.14	\$ 11,593.14	\$ 9,733.82	\$ (282,410.72)
4	\$ -	\$ -	1,624,590	\$ 0.0950	\$ 0.1052	\$ 16,570.82	\$ 16,570.82	\$ 13,125.64	\$ (269,285.08)
5	\$ -	\$ -	1,616,343	\$ 0.0950	\$ 0.1084	\$ 21,659.00	\$ 21,659.00	\$ 16,184.87	\$ (253,100.21)
6	\$ -	\$ -	1,608,097	\$ 0.0950	\$ 0.1117	\$ 26,855.22	\$ 26,855.22	\$ 18,931.87	\$ (234,168.35)
7	\$ -	\$ -	1,599,850	\$ 0.0950	\$ 0.1151	\$ 32,156.99	\$ 32,156.99	\$ 21,386.23	\$ (212,782.11)
8	\$ -	\$ -	1,591,603	\$ 0.0950	\$ 0.1186	\$ 37,561.84	\$ 37,561.84	\$ 23,566.76	\$ (189,215.35)
9	\$ -	\$ -	1,583,357	\$ 0.0950	\$ 0.1222	\$ 43,067.30	\$ 43,067.30	\$ 25,491.47	\$ (163,723.88)
10	\$ -	\$ -	1,575,110	\$ 0.0950	\$ 0.1259	\$ 48,670.90	\$ 48,670.90	\$ 27,177.58	\$ (136,546.30)
11	\$ -	\$ -	1,566,864	\$ 0.0950	\$ 0.1297	\$ 54,370.16	\$ 54,370.16	\$ 28,641.52	\$ (107,904.78)
12	\$ -	\$ -	1,558,617	\$ 0.0950	\$ 0.1336	\$ 60,162.61	\$ 60,162.61	\$ 29,898.97	\$ (78,005.80)
13	\$ -	\$ -	1,550,370	\$ 0.0950	\$ 0.1376	\$ 66,045.77	\$ 66,045.77	\$ 30,964.83	\$ (47,040.97)
14	\$ -	\$ -	1,542,124	\$ 0.0950	\$ 0.1417	\$ 72,017.17	\$ 72,017.17	\$ 31,853.26	\$ (15,187.70)
15	\$ -	\$ -	1,533,877	\$ 0.0950	\$ 0.1460	\$ 78,227.72	\$ 78,227.72	\$ 32,641.70	\$ 17,453.99
16	\$ -	\$ -	1,525,630	\$ 0.0950	\$ 0.1504	\$ 84,519.92	\$ 84,519.92	\$ 33,270.95	\$ 50,724.94
17	\$ -	\$ -	1,517,384	\$ 0.0950	\$ 0.1549	\$ 90,891.28	\$ 90,891.28	\$ 33,753.79	\$ 84,478.73
18	\$ -	\$ -	1,509,137	\$ 0.0950	\$ 0.1595	\$ 97,339.33	\$ 97,339.33	\$ 34,102.23	\$ 118,580.96
19	\$ -	\$ -	1,500,890	\$ 0.0950	\$ 0.1643	\$ 104,011.70	\$ 104,011.70	\$ 34,377.22	\$ 152,958.18
20	\$ -	\$ -	1,492,644	\$ 0.0950	\$ 0.1692	\$ 110,754.16	\$ 110,754.16	\$ 34,533.67	\$ 187,491.85

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	627,015.97
2.00%	\$	509,611.13
3.00%	\$	409,539.44
4.00%	\$	323,980.08
5.00%	\$	250,605.91
6.00%	\$	187,491.85
7.00%	\$	133,041.07
8.00%	\$	85,925.50
9.00%	\$	45,037.69
10.00%	\$	9,451.71
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 2

Power Purchase Agreement			
PV System Size (kWac-CEC)	1,065	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1649330	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.085		
Power Purchase Agreement Annual Rate Escalation	2.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 112,815

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,649,330	\$ 0.0850	\$ 0.0962	\$ 18,472.50	\$ 18,472.50	\$ 17,426.88	\$ (282,573.12)
2	\$ -	\$ -	1,641,083	\$ 0.0867	\$ 0.0991	\$ 20,349.43	\$ 20,349.43	\$ 18,110.92	\$ (264,462.19)
3	\$ -	\$ -	1,632,837	\$ 0.0884	\$ 0.1021	\$ 22,314.35	\$ 22,314.35	\$ 18,735.56	\$ (245,726.64)
4	\$ -	\$ -	1,624,590	\$ 0.0902	\$ 0.1052	\$ 24,364.50	\$ 24,364.50	\$ 19,298.96	\$ (226,427.67)
5	\$ -	\$ -	1,616,343	\$ 0.0920	\$ 0.1084	\$ 26,497.15	\$ 26,497.15	\$ 19,800.21	\$ (206,627.46)
6	\$ -	\$ -	1,608,097	\$ 0.0938	\$ 0.1117	\$ 28,709.56	\$ 28,709.56	\$ 20,239.11	\$ (186,388.36)
7	\$ -	\$ -	1,599,850	\$ 0.0957	\$ 0.1151	\$ 30,999.01	\$ 30,999.01	\$ 20,616.11	\$ (165,772.25)
8	\$ -	\$ -	1,591,603	\$ 0.0976	\$ 0.1186	\$ 33,362.74	\$ 33,362.74	\$ 20,932.20	\$ (144,840.05)
9	\$ -	\$ -	1,583,357	\$ 0.0996	\$ 0.1222	\$ 35,798.04	\$ 35,798.04	\$ 21,188.80	\$ (123,651.24)
10	\$ -	\$ -	1,575,110	\$ 0.1016	\$ 0.1259	\$ 38,302.16	\$ 38,302.16	\$ 21,387.73	\$ (102,263.52)
11	\$ -	\$ -	1,566,864	\$ 0.1036	\$ 0.1297	\$ 40,872.38	\$ 40,872.38	\$ 21,531.06	\$ (80,732.46)
12	\$ -	\$ -	1,558,617	\$ 0.1057	\$ 0.1336	\$ 43,505.96	\$ 43,505.96	\$ 21,621.13	\$ (59,111.33)
13	\$ -	\$ -	1,550,370	\$ 0.1078	\$ 0.1376	\$ 46,200.18	\$ 46,200.18	\$ 21,660.45	\$ (37,450.88)
14	\$ -	\$ -	1,542,124	\$ 0.1100	\$ 0.1417	\$ 48,952.30	\$ 48,952.30	\$ 21,651.65	\$ (15,799.23)
15	\$ -	\$ -	1,533,877	\$ 0.1122	\$ 0.1460	\$ 51,913.00	\$ 51,913.00	\$ 21,661.48	\$ 5,862.25
16	\$ -	\$ -	1,525,630	\$ 0.1144	\$ 0.1504	\$ 54,924.51	\$ 54,924.51	\$ 21,620.83	\$ 27,483.07
17	\$ -	\$ -	1,517,384	\$ 0.1167	\$ 0.1549	\$ 57,984.11	\$ 57,984.11	\$ 21,533.23	\$ 49,016.31
18	\$ -	\$ -	1,509,137	\$ 0.1190	\$ 0.1595	\$ 61,089.08	\$ 61,089.08	\$ 21,402.18	\$ 70,418.49
19	\$ -	\$ -	1,500,890	\$ 0.1214	\$ 0.1643	\$ 64,386.80	\$ 64,386.80	\$ 21,280.67	\$ 91,699.16
20	\$ -	\$ -	1,492,644	\$ 0.1238	\$ 0.1692	\$ 67,722.81	\$ 67,722.81	\$ 21,116.29	\$ 112,815.45

SCE ESCALATION SA	
SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (62,726.68)
2.50%	\$ 21,543.63
3.00%	\$ 112,815.45
3.50%	\$ 200,366.01
4.00%	\$ 298,832.72
4.50%	\$ 399,633.98
5.00%	\$ 512,283.95
5.50%	\$ 626,751.98
6.00%	\$ 749,263.71
6.50%	\$ 880,319.09
7.00%	\$ 1,011,616.10
7.50%	\$ 1,158,916.56
8.00%	\$ 1,310,760.89
Assumed w/ 6% discount Rate and 300,000 initial capital	

PROJECT DISCOUNT SA	
Project Discount Rate	Project Net Present Value
1.00%	\$ 421,506.74
2.00%	\$ 340,061.67
3.00%	\$ 270,155.87
4.00%	\$ 209,950.44
5.00%	\$ 157,924.24
6.00%	\$ 112,815.45
7.00%	\$ 73,574.37
8.00%	\$ 39,325.34
9.00%	\$ 9,335.84
10.00%	\$ (17,008.54)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

SCENARIO 3

Power Purchase Agreement			
PV System Size (kW DC)	875	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1658364	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.098		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 135,268

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,658,364	\$ 0.0980	\$ 0.0962	\$ (2,985.06)	\$ (2,985.06)	\$ (2,816.09)	\$ (302,816.09)
2	\$ -	\$ -	1,650,072	\$ 0.0980	\$ 0.0991	\$ 1,815.08	\$ 1,815.08	\$ 1,615.41	\$ (301,200.68)
3	\$ -	\$ -	1,641,780	\$ 0.0980	\$ 0.1021	\$ 6,731.30	\$ 6,731.30	\$ 5,651.73	\$ (295,548.95)
4	\$ -	\$ -	1,633,489	\$ 0.0980	\$ 0.1052	\$ 11,761.12	\$ 11,761.12	\$ 9,315.91	\$ (286,233.04)
5	\$ -	\$ -	1,625,197	\$ 0.0980	\$ 0.1084	\$ 16,902.05	\$ 16,902.05	\$ 12,630.19	\$ (273,602.85)
6	\$ -	\$ -	1,616,905	\$ 0.0980	\$ 0.1117	\$ 22,151.60	\$ 22,151.60	\$ 15,616.00	\$ (257,986.85)
7	\$ -	\$ -	1,608,613	\$ 0.0980	\$ 0.1151	\$ 27,507.28	\$ 27,507.28	\$ 18,293.91	\$ (239,692.93)
8	\$ -	\$ -	1,600,321	\$ 0.0980	\$ 0.1186	\$ 32,966.62	\$ 32,966.62	\$ 20,683.66	\$ (219,009.27)
9	\$ -	\$ -	1,592,029	\$ 0.0980	\$ 0.1222	\$ 38,527.11	\$ 38,527.11	\$ 22,804.14	\$ (196,205.13)
10	\$ -	\$ -	1,583,738	\$ 0.0980	\$ 0.1259	\$ 44,186.28	\$ 44,186.28	\$ 24,673.39	\$ (171,531.74)
11	\$ -	\$ -	1,575,446	\$ 0.0980	\$ 0.1297	\$ 49,941.63	\$ 49,941.63	\$ 26,308.63	\$ (145,223.11)
12	\$ -	\$ -	1,567,154	\$ 0.0980	\$ 0.1336	\$ 55,790.68	\$ 55,790.68	\$ 27,726.26	\$ (117,496.85)
13	\$ -	\$ -	1,558,862	\$ 0.0980	\$ 0.1376	\$ 61,730.94	\$ 61,730.94	\$ 28,941.87	\$ (88,554.98)
14	\$ -	\$ -	1,550,570	\$ 0.0980	\$ 0.1417	\$ 67,759.92	\$ 67,759.92	\$ 29,970.28	\$ (58,584.70)
15	\$ -	\$ -	1,542,279	\$ 0.0980	\$ 0.1460	\$ 74,029.37	\$ 74,029.37	\$ 30,889.87	\$ (27,694.83)
16	\$ -	\$ -	1,533,987	\$ 0.0980	\$ 0.1504	\$ 80,380.90	\$ 80,380.90	\$ 31,641.64	\$ 3,946.81
17	\$ -	\$ -	1,525,695	\$ 0.0980	\$ 0.1549	\$ 86,812.04	\$ 86,812.04	\$ 32,238.90	\$ 36,185.72
18	\$ -	\$ -	1,517,403	\$ 0.0980	\$ 0.1595	\$ 93,320.29	\$ 93,320.29	\$ 32,694.18	\$ 68,879.90
19	\$ -	\$ -	1,509,111	\$ 0.0980	\$ 0.1643	\$ 100,054.08	\$ 100,054.08	\$ 33,069.17	\$ 101,949.07
20	\$ -	\$ -	1,500,819	\$ 0.0980	\$ 0.1692	\$ 106,858.34	\$ 106,858.34	\$ 33,318.94	\$ 135,268.01

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(41,235.64)
2.50%	\$	43,496.26
3.00%	\$	135,268.01
3.50%	\$	223,298.11
4.00%	\$	322,304.16
4.50%	\$	423,657.55
5.00%	\$	536,924.55
5.50%	\$	652,019.56
6.00%	\$	775,202.33
6.50%	\$	906,975.56
7.00%	\$	1,038,991.73
7.50%	\$	1,187,099.00
8.00%	\$	1,339,775.05
Assumed w/ 6% discount Rate and 300,000 initial capital		

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	546,431.35
2.00%	\$	436,292.79
3.00%	\$	342,563.23
4.00%	\$	262,559.95
5.00%	\$	194,071.09
6.00%	\$	135,268.01
7.00%	\$	84,634.87
8.00%	\$	40,911.81
9.00%	\$	3,048.96
10.00%	\$	(29,830.80)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 4

Power Purchase Agreement			
PV System Size (kWac-CEC)	875.1	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1658364	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.088		
Power Purchase Agreement Annual Rate Escalation	2.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 51,074

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(125,429.26)
2.50%	\$	(40,697.36)
3.00%	\$	51,074.39
3.50%	\$	139,104.49
4.00%	\$	238,110.54
4.50%	\$	339,463.93
5.00%	\$	452,730.93
5.50%	\$	567,825.94
6.00%	\$	691,008.71
6.50%	\$	822,781.94
7.00%	\$	954,798.11
7.50%	\$	1,102,905.38
8.00%	\$	1,255,581.42
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,658,364	\$ 0.0880	\$ 0.0962	\$ 13,598.58	\$ 13,598.58	\$ 12,828.85	\$ (287,171.15)
2	\$ -	\$ -	1,650,072	\$ 0.0898	\$ 0.0991	\$ 15,411.67	\$ 15,411.67	\$ 13,716.34	\$ (273,454.81)
3	\$ -	\$ -	1,641,780	\$ 0.0916	\$ 0.1021	\$ 17,312.25	\$ 17,312.25	\$ 14,535.70	\$ (258,919.12)
4	\$ -	\$ -	1,633,489	\$ 0.0934	\$ 0.1052	\$ 19,297.54	\$ 19,297.54	\$ 15,285.46	\$ (243,633.66)
5	\$ -	\$ -	1,625,197	\$ 0.0953	\$ 0.1084	\$ 21,364.79	\$ 21,364.79	\$ 15,965.01	\$ (227,668.65)
6	\$ -	\$ -	1,616,905	\$ 0.0972	\$ 0.1117	\$ 23,511.24	\$ 23,511.24	\$ 16,574.49	\$ (211,094.15)
7	\$ -	\$ -	1,608,613	\$ 0.0991	\$ 0.1151	\$ 25,734.12	\$ 25,734.12	\$ 17,114.66	\$ (193,979.49)
8	\$ -	\$ -	1,600,321	\$ 0.1011	\$ 0.1186	\$ 28,030.69	\$ 28,030.69	\$ 17,586.80	\$ (176,392.70)
9	\$ -	\$ -	1,592,029	\$ 0.1031	\$ 0.1222	\$ 30,398.17	\$ 30,398.17	\$ 17,992.63	\$ (158,400.07)
10	\$ -	\$ -	1,583,738	\$ 0.1052	\$ 0.1259	\$ 32,833.82	\$ 32,833.82	\$ 18,334.23	\$ (140,065.83)
11	\$ -	\$ -	1,575,446	\$ 0.1073	\$ 0.1297	\$ 35,334.87	\$ 35,334.87	\$ 18,613.97	\$ (121,451.86)
12	\$ -	\$ -	1,567,154	\$ 0.1094	\$ 0.1336	\$ 37,898.58	\$ 37,898.58	\$ 18,834.43	\$ (102,617.43)
13	\$ -	\$ -	1,558,862	\$ 0.1116	\$ 0.1376	\$ 40,522.19	\$ 40,522.19	\$ 18,998.38	\$ (83,619.05)
14	\$ -	\$ -	1,550,570	\$ 0.1138	\$ 0.1417	\$ 43,202.95	\$ 43,202.95	\$ 19,108.71	\$ (64,510.34)
15	\$ -	\$ -	1,542,279	\$ 0.1161	\$ 0.1460	\$ 46,092.33	\$ 46,092.33	\$ 19,232.72	\$ (45,277.62)
16	\$ -	\$ -	1,533,987	\$ 0.1184	\$ 0.1504	\$ 49,031.72	\$ 49,031.72	\$ 19,301.15	\$ (25,976.47)
17	\$ -	\$ -	1,525,695	\$ 0.1208	\$ 0.1549	\$ 52,018.35	\$ 52,018.35	\$ 19,317.76	\$ (6,658.70)
18	\$ -	\$ -	1,517,403	\$ 0.1232	\$ 0.1595	\$ 55,049.49	\$ 55,049.49	\$ 19,286.25	\$ 12,627.54
19	\$ -	\$ -	1,509,111	\$ 0.1257	\$ 0.1643	\$ 58,273.32	\$ 58,273.32	\$ 19,260.09	\$ 31,887.63
20	\$ -	\$ -	1,500,819	\$ 0.1282	\$ 0.1692	\$ 61,534.52	\$ 61,534.52	\$ 19,186.75	\$ 51,074.39

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	322,425.56
2.00%	\$	250,650.37
3.00%	\$	189,133.05
4.00%	\$	136,231.12
5.00%	\$	90,586.77
6.00%	\$	51,074.39
7.00%	\$	16,758.24
8.00%	\$	(13,141.73)
9.00%	\$	(39,277.59)
10.00%	\$	(62,195.87)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 5

Power Purchase Agreement			
PV System Size (kW DC)	1,065	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1649330	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 2,536,500

300,000 plus cost of fixed tilt system

Net Present Value	\$ (611,398)
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SCE ESCALATION SA

SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (786,939.95)
2.50%	\$ (702,669.63)
3.00%	\$ (611,397.81)
3.50%	\$ (523,847.26)
4.00%	\$ (425,380.55)
4.50%	\$ (324,579.29)
5.00%	\$ (211,929.31)
5.50%	\$ (97,461.28)
6.00%	\$ 25,050.44
6.50%	\$ 156,105.83
7.00%	\$ 287,402.84
7.50%	\$ 434,703.29
8.00%	\$ 586,547.63
Assumed w/ 6% discount Rate and 300,000 initial capital	

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (2,536,500.00)	\$ -	NA	NA	NA	\$ -	\$ (2,536,500.00)	\$ (2,536,500.00)	\$ (2,536,500.00)
1	\$ -	\$ (20,000.00)	1,649,330	\$ -	\$ 0.0962	\$ 158,665.55	\$ 138,665.55	\$ 130,816.55	\$ (2,405,683.45)
2	\$ -	\$ (20,600.00)	1,641,083	\$ -	\$ 0.0991	\$ 162,631.36	\$ 142,031.36	\$ 126,407.40	\$ (2,279,276.04)
3	\$ -	\$ (21,218.00)	1,632,837	\$ -	\$ 0.1021	\$ 166,712.63	\$ 145,494.63	\$ 122,160.09	\$ (2,157,115.95)
4	\$ -	\$ (21,854.54)	1,624,590	\$ -	\$ 0.1052	\$ 170,906.87	\$ 149,052.33	\$ 118,063.41	\$ (2,039,052.54)
5	\$ -	\$ (22,510.18)	1,616,343	\$ -	\$ 0.1084	\$ 175,211.62	\$ 152,701.45	\$ 114,107.41	\$ (1,924,945.13)
6	\$ -	\$ (23,185.48)	1,608,097	\$ -	\$ 0.1117	\$ 179,624.41	\$ 156,438.93	\$ 110,283.27	\$ (1,814,661.86)
7	\$ -	\$ (23,881.05)	1,599,850	\$ -	\$ 0.1151	\$ 184,142.75	\$ 160,261.70	\$ 106,583.18	\$ (1,708,078.68)
8	\$ -	\$ (24,597.48)	1,591,603	\$ -	\$ 0.1186	\$ 188,764.17	\$ 164,166.69	\$ 103,000.21	\$ (1,605,078.47)
9	\$ -	\$ (25,335.40)	1,583,357	\$ -	\$ 0.1222	\$ 193,486.20	\$ 168,150.80	\$ 99,528.20	\$ (1,505,550.27)
10	\$ -	\$ (26,095.46)	1,575,110	\$ -	\$ 0.1259	\$ 198,306.37	\$ 172,210.90	\$ 96,161.67	\$ (1,409,388.60)
11	\$ -	\$ (26,878.33)	1,566,864	\$ -	\$ 0.1297	\$ 203,222.20	\$ 176,343.87	\$ 92,895.75	\$ (1,316,492.85)
12	\$ -	\$ (27,684.68)	1,558,617	\$ -	\$ 0.1336	\$ 208,231.21	\$ 180,546.53	\$ 89,726.10	\$ (1,226,766.75)
13	\$ -	\$ (28,515.22)	1,550,370	\$ -	\$ 0.1376	\$ 213,330.94	\$ 184,815.72	\$ 86,648.82	\$ (1,140,117.93)
14	\$ -	\$ (29,370.67)	1,542,124	\$ -	\$ 0.1417	\$ 218,518.91	\$ 189,148.23	\$ 83,660.45	\$ (1,056,457.48)
15	\$ -	\$ (30,251.79)	1,533,877	\$ -	\$ 0.1460	\$ 223,946.03	\$ 193,694.23	\$ 80,821.84	\$ (975,635.65)
16	\$ -	\$ (31,159.35)	1,525,630	\$ -	\$ 0.1504	\$ 229,454.79	\$ 198,295.44	\$ 78,058.26	\$ (897,577.38)
17	\$ -	\$ (32,094.13)	1,517,384	\$ -	\$ 0.1549	\$ 235,042.72	\$ 202,948.59	\$ 75,367.89	\$ (822,209.50)
18	\$ -	\$ (33,056.95)	1,509,137	\$ -	\$ 0.1595	\$ 240,707.34	\$ 207,650.39	\$ 72,749.03	\$ (749,460.47)
19	\$ -	\$ (34,048.66)	1,500,890	\$ -	\$ 0.1643	\$ 246,596.28	\$ 212,547.62	\$ 70,249.75	\$ (679,210.72)
20	\$ -	\$ (35,070.12)	1,492,644	\$ -	\$ 0.1692	\$ 252,555.31	\$ 217,485.18	\$ 67,812.91	\$ (611,397.81)

PROJECT DISCOUNT SA

Project Discount Rate	Project Net Present Value
1.00%	\$ 608,187.73
2.00%	\$ 290,950.88
3.00%	\$ 16,449.07
4.00%	\$ (221,933.42)
5.00%	\$ (429,690.46)
6.00%	\$ (611,397.81)
7.00%	\$ (770,877.84)
8.00%	\$ (911,332.79)
9.00%	\$ (1,035,453.18)
10.00%	\$ (1,145,506.05)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

SCENARIO 6

Power Purchase Agreement			
PV System Size (kW DC)	875	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1658364	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 2,400,240
		300,000 plus cost of fixed tilt system	
		Net Present Value	\$ (535,806)

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(712,309.44)
2.50%	\$	(627,577.54)
3.00%	\$	(535,805.79)
3.50%	\$	(447,775.69)
4.00%	\$	(348,769.64)
4.50%	\$	(247,416.25)
5.00%	\$	(134,149.25)
5.50%	\$	(19,054.23)
6.00%	\$	104,128.53
6.50%	\$	235,901.76
7.00%	\$	367,917.93
7.50%	\$	516,025.20
8.00%	\$	668,701.25
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (2,400,240.00)	\$ -	NA	NA	NA	\$ -	\$ (2,400,240.00)	\$ (2,400,240.00)	\$ (2,400,240.00)
1	\$ -	\$ (25,000.00)	1,658,364	\$ -	\$ 0.0962	\$ 159,534.62	\$ 134,534.62	\$ 126,919.45	\$ (2,273,320.55)
2	\$ -	\$ (25,750.00)	1,650,072	\$ -	\$ 0.0991	\$ 163,522.15	\$ 137,772.15	\$ 122,616.73	\$ (2,150,703.82)
3	\$ -	\$ (26,522.50)	1,641,780	\$ -	\$ 0.1021	\$ 167,625.77	\$ 141,103.27	\$ 118,473.03	\$ (2,032,230.79)
4	\$ -	\$ (27,318.18)	1,633,489	\$ -	\$ 0.1052	\$ 171,842.99	\$ 144,524.82	\$ 114,477.19	\$ (1,917,753.60)
5	\$ -	\$ (28,137.72)	1,625,197	\$ -	\$ 0.1084	\$ 176,171.32	\$ 148,033.60	\$ 110,619.32	\$ (1,807,134.28)
6	\$ -	\$ (28,981.85)	1,616,905	\$ -	\$ 0.1117	\$ 180,608.28	\$ 151,626.43	\$ 106,890.65	\$ (1,700,243.63)
7	\$ -	\$ (29,851.31)	1,608,613	\$ -	\$ 0.1151	\$ 185,151.37	\$ 155,300.06	\$ 103,283.41	\$ (1,596,960.22)
8	\$ -	\$ (30,746.85)	1,600,321	\$ -	\$ 0.1186	\$ 189,798.10	\$ 159,051.25	\$ 99,790.72	\$ (1,497,169.50)
9	\$ -	\$ (31,669.25)	1,592,029	\$ -	\$ 0.1222	\$ 194,546.00	\$ 162,876.75	\$ 96,406.50	\$ (1,400,763.00)
10	\$ -	\$ (32,619.33)	1,583,738	\$ -	\$ 0.1259	\$ 199,392.57	\$ 166,773.24	\$ 93,125.30	\$ (1,307,637.70)
11	\$ -	\$ (33,597.91)	1,575,446	\$ -	\$ 0.1297	\$ 204,335.32	\$ 170,737.41	\$ 89,942.34	\$ (1,217,695.36)
12	\$ -	\$ (34,605.85)	1,567,154	\$ -	\$ 0.1336	\$ 209,371.77	\$ 174,765.92	\$ 86,853.31	\$ (1,130,842.05)
13	\$ -	\$ (35,644.02)	1,558,862	\$ -	\$ 0.1376	\$ 214,499.43	\$ 178,855.41	\$ 83,854.40	\$ (1,046,987.66)
14	\$ -	\$ (36,713.34)	1,550,570	\$ -	\$ 0.1417	\$ 219,715.82	\$ 183,002.47	\$ 80,942.17	\$ (966,045.48)
15	\$ -	\$ (37,814.74)	1,542,279	\$ -	\$ 0.1460	\$ 225,172.66	\$ 187,357.92	\$ 78,177.91	\$ (887,867.57)
16	\$ -	\$ (38,949.19)	1,533,987	\$ -	\$ 0.1504	\$ 230,711.60	\$ 191,762.41	\$ 75,486.56	\$ (812,381.01)
17	\$ -	\$ (40,117.66)	1,525,695	\$ -	\$ 0.1549	\$ 236,330.14	\$ 196,212.48	\$ 72,866.33	\$ (739,514.68)
18	\$ -	\$ (41,321.19)	1,517,403	\$ -	\$ 0.1595	\$ 242,025.79	\$ 200,704.60	\$ 70,315.61	\$ (669,199.07)
19	\$ -	\$ (42,560.83)	1,509,111	\$ -	\$ 0.1643	\$ 247,946.98	\$ 205,386.15	\$ 67,882.79	\$ (601,316.27)
20	\$ -	\$ (43,837.65)	1,500,819	\$ -	\$ 0.1692	\$ 253,938.65	\$ 210,100.99	\$ 65,510.48	\$ (535,805.79)

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	644,255.42
2.00%	\$	337,327.67
3.00%	\$	71,732.29
4.00%	\$	(158,927.97)
5.00%	\$	(359,965.68)
6.00%	\$	(535,805.79)
7.00%	\$	(690,144.73)
8.00%	\$	(826,079.38)
9.00%	\$	(946,211.81)
10.00%	\$	(1,052,734.59)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 7

Power Purchase Agreement			
PV System Size (kWac-CEC)	1000	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1895000	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.1		
Power Purchase Agreement Annual Rate Escalation	3.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ (394,979)

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,895,000	\$ 0.1000	\$ 0.0962	\$ (7,201.00)	\$ (7,201.00)	\$ (6,793.40)	\$ (306,793.40)
2	\$ -	\$ -	1,885,525	\$ 0.1030	\$ 0.0991	\$ (7,353.55)	\$ (7,353.55)	\$ (6,544.63)	\$ (313,338.03)
3	\$ -	\$ -	1,876,050	\$ 0.1061	\$ 0.1021	\$ (7,485.44)	\$ (7,485.44)	\$ (6,284.92)	\$ (319,622.95)
4	\$ -	\$ -	1,866,575	\$ 0.1093	\$ 0.1052	\$ (7,602.00)	\$ (7,602.00)	\$ (6,021.50)	\$ (325,644.44)
5	\$ -	\$ -	1,857,100	\$ 0.1126	\$ 0.1084	\$ (7,708.60)	\$ (7,708.60)	\$ (5,760.32)	\$ (331,404.76)
6	\$ -	\$ -	1,847,625	\$ 0.1159	\$ 0.1117	\$ (7,810.66)	\$ (7,810.66)	\$ (5,506.21)	\$ (336,910.97)
7	\$ -	\$ -	1,838,150	\$ 0.1194	\$ 0.1151	\$ (7,913.66)	\$ (7,913.66)	\$ (5,263.03)	\$ (342,174.00)
8	\$ -	\$ -	1,828,675	\$ 0.1230	\$ 0.1186	\$ (8,023.10)	\$ (8,023.10)	\$ (5,033.79)	\$ (347,207.80)
9	\$ -	\$ -	1,819,200	\$ 0.1267	\$ 0.1222	\$ (8,144.57)	\$ (8,144.57)	\$ (4,820.76)	\$ (352,028.56)
10	\$ -	\$ -	1,809,725	\$ 0.1305	\$ 0.1259	\$ (8,283.69)	\$ (8,283.69)	\$ (4,625.57)	\$ (356,654.12)
11	\$ -	\$ -	1,800,250	\$ 0.1344	\$ 0.1297	\$ (8,446.12)	\$ (8,446.12)	\$ (4,449.31)	\$ (361,103.44)
12	\$ -	\$ -	1,790,775	\$ 0.1384	\$ 0.1336	\$ (8,637.60)	\$ (8,637.60)	\$ (4,292.62)	\$ (365,396.06)
13	\$ -	\$ -	1,781,300	\$ 0.1426	\$ 0.1376	\$ (8,863.91)	\$ (8,863.91)	\$ (4,155.75)	\$ (369,551.80)
14	\$ -	\$ -	1,771,825	\$ 0.1469	\$ 0.1417	\$ (9,130.87)	\$ (9,130.87)	\$ (4,038.59)	\$ (373,590.40)
15	\$ -	\$ -	1,762,350	\$ 0.1513	\$ 0.1460	\$ (9,268.15)	\$ (9,268.15)	\$ (3,867.28)	\$ (377,457.67)
16	\$ -	\$ -	1,752,875	\$ 0.1558	\$ 0.1504	\$ (9,459.81)	\$ (9,459.81)	\$ (3,723.82)	\$ (381,181.49)
17	\$ -	\$ -	1,743,400	\$ 0.1605	\$ 0.1549	\$ (9,711.86)	\$ (9,711.86)	\$ (3,606.64)	\$ (384,788.13)
18	\$ -	\$ -	1,733,925	\$ 0.1653	\$ 0.1595	\$ (10,030.35)	\$ (10,030.35)	\$ (3,514.07)	\$ (388,302.20)
19	\$ -	\$ -	1,724,450	\$ 0.1702	\$ 0.1643	\$ (10,248.93)	\$ (10,248.93)	\$ (3,387.41)	\$ (391,689.61)
20	\$ -	\$ -	1,714,975	\$ 0.1754	\$ 0.1692	\$ (10,548.13)	\$ (10,548.13)	\$ (3,288.96)	\$ (394,978.57)

SCE ESCALATION SA	
SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (596,667.95)
2.50%	\$ (499,845.45)
3.00%	\$ (394,978.57)
3.50%	\$ (294,387.24)
4.00%	\$ (181,253.77)
4.50%	\$ (65,438.02)
5.00%	\$ 63,991.32
5.50%	\$ 195,509.53
6.00%	\$ 336,269.54
6.50%	\$ 486,845.81
7.00%	\$ 637,699.69
7.50%	\$ 806,940.75
8.00%	\$ 981,402.51
Assumed w/ 6% discount Rate and 300,000 initial capital	

PROJECT DISCOUNT SA	
Project Discount Rate	Project Net Present Value
1.00%	\$ (454,070.50)
2.00%	\$ (438,715.16)
3.00%	\$ (425,421.00)
4.00%	\$ (413,869.28)
5.00%	\$ (403,795.30)
6.00%	\$ (394,978.57)
7.00%	\$ (387,234.89)
8.00%	\$ (380,409.96)
9.00%	\$ (374,374.08)
10.00%	\$ (369,017.98)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

SCENARIO 8

Power Purchase Agreement			
PV System Size (kWac-CEC)	1000	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1895000	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.105		
Power Purchase Agreement Annual Rate Escalation	2.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000

Net Present Value	\$ (313,261)
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SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(514,950.10)
2.50%	\$	(418,127.60)
3.00%	\$	(313,260.71)
3.50%	\$	(212,669.38)
4.00%	\$	(99,535.92)
4.50%	\$	16,279.83
5.00%	\$	145,709.17
5.50%	\$	277,227.38
6.00%	\$	417,987.39
6.50%	\$	568,563.66
7.00%	\$	719,417.54
7.50%	\$	888,658.60
8.00%	\$	1,063,120.37
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,895,000	\$ 0.1050	\$ 0.0962	\$ (16,676.00)	\$ (16,676.00)	\$ (15,732.08)	\$ (315,732.08)
2	\$ -	\$ -	1,885,525	\$ 0.1071	\$ 0.0991	\$ (15,084.20)	\$ (15,084.20)	\$ (13,424.88)	\$ (329,156.96)
3	\$ -	\$ -	1,876,050	\$ 0.1092	\$ 0.1021	\$ (13,398.75)	\$ (13,398.75)	\$ (11,249.85)	\$ (340,406.81)
4	\$ -	\$ -	1,866,575	\$ 0.1114	\$ 0.1052	\$ (11,622.86)	\$ (11,622.86)	\$ (9,206.40)	\$ (349,613.20)
5	\$ -	\$ -	1,857,100	\$ 0.1137	\$ 0.1084	\$ (9,759.76)	\$ (9,759.76)	\$ (7,293.06)	\$ (356,906.27)
6	\$ -	\$ -	1,847,625	\$ 0.1159	\$ 0.1117	\$ (7,812.65)	\$ (7,812.65)	\$ (5,507.61)	\$ (362,413.88)
7	\$ -	\$ -	1,838,150	\$ 0.1182	\$ 0.1151	\$ (5,784.76)	\$ (5,784.76)	\$ (3,847.19)	\$ (366,261.07)
8	\$ -	\$ -	1,828,675	\$ 0.1206	\$ 0.1186	\$ (3,679.29)	\$ (3,679.29)	\$ (2,308.43)	\$ (368,569.50)
9	\$ -	\$ -	1,819,200	\$ 0.1230	\$ 0.1222	\$ (1,499.45)	\$ (1,499.45)	\$ (887.52)	\$ (369,457.02)
10	\$ -	\$ -	1,809,725	\$ 0.1255	\$ 0.1259	\$ 751.54	\$ 751.54	\$ 419.66	\$ (369,037.36)
11	\$ -	\$ -	1,800,250	\$ 0.1280	\$ 0.1297	\$ 3,070.48	\$ 3,070.48	\$ 1,617.49	\$ (367,419.87)
12	\$ -	\$ -	1,790,775	\$ 0.1306	\$ 0.1336	\$ 5,454.16	\$ 5,454.16	\$ 2,710.55	\$ (364,709.32)
13	\$ -	\$ -	1,781,300	\$ 0.1332	\$ 0.1376	\$ 7,899.37	\$ 7,899.37	\$ 3,703.53	\$ (361,005.79)
14	\$ -	\$ -	1,771,825	\$ 0.1358	\$ 0.1417	\$ 10,402.92	\$ 10,402.92	\$ 4,601.22	\$ (356,404.57)
15	\$ -	\$ -	1,762,350	\$ 0.1385	\$ 0.1460	\$ 13,137.84	\$ 13,137.84	\$ 5,481.96	\$ (350,922.60)
16	\$ -	\$ -	1,752,875	\$ 0.1413	\$ 0.1504	\$ 15,922.81	\$ 15,922.81	\$ 6,267.95	\$ (344,654.65)
17	\$ -	\$ -	1,743,400	\$ 0.1441	\$ 0.1549	\$ 18,754.63	\$ 18,754.63	\$ 6,964.80	\$ (337,689.85)
18	\$ -	\$ -	1,733,925	\$ 0.1470	\$ 0.1595	\$ 21,630.11	\$ 21,630.11	\$ 7,577.97	\$ (330,111.87)
19	\$ -	\$ -	1,724,450	\$ 0.1500	\$ 0.1643	\$ 24,718.51	\$ 24,718.51	\$ 8,169.79	\$ (321,942.08)
20	\$ -	\$ -	1,714,975	\$ 0.1530	\$ 0.1692	\$ 27,842.32	\$ 27,842.32	\$ 8,681.37	\$ (313,260.71)

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	(255,925.10)
2.00%	\$	(272,438.48)
3.00%	\$	(285,936.90)
4.00%	\$	(296,960.17)
5.00%	\$	(305,948.31)
6.00%	\$	(313,260.71)
7.00%	\$	(319,191.54)
8.00%	\$	(323,982.00)
9.00%	\$	(327,830.30)
10.00%	\$	(330,899.56)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 9

Power Purchase Agreement			
PV System Size (kW DC)	1,000	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1563375	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 2,380,000
		300,000 plus cost of fixed tilt system	
		Net Present Value	\$ (570,402)

SCE ESCALATION SA	
SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (736,795.96)
2.50%	\$ (656,917.40)
3.00%	\$ (570,402.22)
3.50%	\$ (487,414.38)
4.00%	\$ (394,079.27)
4.50%	\$ (298,531.27)
5.00%	\$ (191,752.07)
5.50%	\$ (83,249.55)
6.00%	\$ 32,877.46
6.50%	\$ 157,102.89
7.00%	\$ 281,557.34
7.50%	\$ 421,181.21
8.00%	\$ 565,112.17
Assumed w/ 6% discount Rate and 300,000 initial capital	

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (2,380,000.00)	\$ -	NA	NA	NA	\$ -	\$ (2,380,000.00)	\$ (2,380,000.00)	\$ (2,380,000.00)
1	\$ -	\$ (20,000.00)	1,563,375	\$ -	\$ 0.0962	\$ 150,396.68	\$ 130,396.68	\$ 123,015.73	\$ (2,256,984.27)
2	\$ -	\$ (20,600.00)	1,555,558	\$ -	\$ 0.0991	\$ 154,155.81	\$ 133,555.81	\$ 118,864.20	\$ (2,138,120.07)
3	\$ -	\$ (21,218.00)	1,547,741	\$ -	\$ 0.1021	\$ 158,024.38	\$ 136,806.38	\$ 114,865.28	\$ (2,023,254.80)
4	\$ -	\$ (21,854.54)	1,539,924	\$ -	\$ 0.1052	\$ 162,000.04	\$ 140,145.50	\$ 111,008.37	\$ (1,912,246.43)
5	\$ -	\$ (22,510.18)	1,532,108	\$ -	\$ 0.1084	\$ 166,080.45	\$ 143,570.28	\$ 107,284.06	\$ (1,804,962.37)
6	\$ -	\$ (23,185.48)	1,524,291	\$ -	\$ 0.1117	\$ 170,263.26	\$ 147,077.78	\$ 103,684.03	\$ (1,701,278.34)
7	\$ -	\$ (23,881.05)	1,516,474	\$ -	\$ 0.1151	\$ 174,546.13	\$ 150,665.08	\$ 100,200.89	\$ (1,601,077.45)
8	\$ -	\$ (24,597.48)	1,508,657	\$ -	\$ 0.1186	\$ 178,926.71	\$ 154,329.23	\$ 96,828.07	\$ (1,504,249.38)
9	\$ -	\$ (25,335.40)	1,500,840	\$ -	\$ 0.1222	\$ 183,402.65	\$ 158,067.25	\$ 93,559.76	\$ (1,410,689.62)
10	\$ -	\$ (26,095.46)	1,493,023	\$ -	\$ 0.1259	\$ 187,971.61	\$ 161,876.15	\$ 90,390.80	\$ (1,320,298.83)
11	\$ -	\$ (26,878.33)	1,485,206	\$ -	\$ 0.1297	\$ 192,631.25	\$ 165,752.92	\$ 87,316.57	\$ (1,232,982.26)
12	\$ -	\$ (27,684.68)	1,477,389	\$ -	\$ 0.1336	\$ 197,379.22	\$ 169,694.54	\$ 84,332.99	\$ (1,148,649.27)
13	\$ -	\$ (28,515.22)	1,469,573	\$ -	\$ 0.1376	\$ 202,213.18	\$ 173,697.96	\$ 81,436.38	\$ (1,067,212.89)
14	\$ -	\$ (29,370.67)	1,461,756	\$ -	\$ 0.1417	\$ 207,130.77	\$ 177,760.10	\$ 78,623.46	\$ (988,589.42)
15	\$ -	\$ (30,251.79)	1,453,939	\$ -	\$ 0.1460	\$ 212,275.06	\$ 182,023.26	\$ 75,951.95	\$ (912,637.48)
16	\$ -	\$ (31,159.35)	1,446,122	\$ -	\$ 0.1504	\$ 217,496.73	\$ 186,337.38	\$ 73,351.02	\$ (839,286.46)
17	\$ -	\$ (32,094.13)	1,438,305	\$ -	\$ 0.1549	\$ 222,793.44	\$ 190,699.32	\$ 70,818.94	\$ (768,467.52)
18	\$ -	\$ (33,056.95)	1,430,488	\$ -	\$ 0.1595	\$ 228,162.86	\$ 195,105.90	\$ 68,354.14	\$ (700,113.38)
19	\$ -	\$ (34,048.66)	1,422,671	\$ -	\$ 0.1643	\$ 233,744.89	\$ 199,696.23	\$ 66,002.20	\$ (634,111.18)
20	\$ -	\$ (35,070.12)	1,414,854	\$ -	\$ 0.1692	\$ 239,393.36	\$ 204,323.24	\$ 63,708.95	\$ (570,402.22)

PROJECT DISCOUNT SA	
Project Discount Rate	Project Net Present Value
1.00%	\$ 575,776.94
2.00%	\$ 277,640.44
3.00%	\$ 19,662.99
4.00%	\$ (204,372.04)
5.00%	\$ (399,627.17)
6.00%	\$ (570,402.22)
7.00%	\$ (720,289.03)
8.00%	\$ (852,296.78)
9.00%	\$ (968,953.78)
10.00%	\$ (1,072,390.39)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

SCENARIO 10

Power Purchase Agreement			
PV System Size (kW DC)	1,000	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1895000	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 2,530,000
Net Present Value		\$ (347,580)	

300,000 plus cost of fixed tilt system

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(549,269.00)
2.50%	\$	(452,446.50)
3.00%	\$	(347,579.61)
3.50%	\$	(246,988.28)
4.00%	\$	(133,854.82)
4.50%	\$	(18,039.07)
5.00%	\$	111,390.27
5.50%	\$	242,908.48
6.00%	\$	383,668.49
6.50%	\$	534,244.76
7.00%	\$	685,098.64
7.50%	\$	854,339.70
8.00%	\$	1,028,801.47
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (2,530,000.00)	\$ -	NA	NA	NA	\$ -	\$ (2,530,000.00)	\$ (2,530,000.00)	\$ (2,530,000.00)
1	\$ -	\$ (25,000.00)	1,895,000	\$ -	\$ 0.0962	\$ 182,299.00	\$ 157,299.00	\$ 148,395.28	\$ (2,381,604.72)
2	\$ -	\$ (25,750.00)	1,885,525	\$ -	\$ 0.0991	\$ 186,855.53	\$ 161,105.53	\$ 143,383.35	\$ (2,238,221.37)
3	\$ -	\$ (26,522.50)	1,876,050	\$ -	\$ 0.1021	\$ 191,544.71	\$ 165,022.21	\$ 138,555.83	\$ (2,099,665.55)
4	\$ -	\$ (27,318.18)	1,866,575	\$ -	\$ 0.1052	\$ 196,363.69	\$ 169,045.52	\$ 133,899.88	\$ (1,965,765.66)
5	\$ -	\$ (28,137.72)	1,857,100	\$ -	\$ 0.1084	\$ 201,309.64	\$ 173,171.92	\$ 129,404.13	\$ (1,836,361.53)
6	\$ -	\$ (28,981.85)	1,847,625	\$ -	\$ 0.1117	\$ 206,379.71	\$ 177,397.86	\$ 125,058.49	\$ (1,711,303.04)
7	\$ -	\$ (29,851.31)	1,838,150	\$ -	\$ 0.1151	\$ 211,571.07	\$ 181,719.76	\$ 120,854.02	\$ (1,590,449.02)
8	\$ -	\$ (30,746.85)	1,828,675	\$ -	\$ 0.1186	\$ 216,880.86	\$ 186,134.01	\$ 116,782.78	\$ (1,473,666.24)
9	\$ -	\$ (31,669.25)	1,819,200	\$ -	\$ 0.1222	\$ 222,336.24	\$ 190,636.99	\$ 112,837.74	\$ (1,360,828.50)
10	\$ -	\$ (32,619.33)	1,809,725	\$ -	\$ 0.1259	\$ 227,844.38	\$ 195,225.05	\$ 109,012.65	\$ (1,251,815.86)
11	\$ -	\$ (33,597.91)	1,800,250	\$ -	\$ 0.1297	\$ 233,492.43	\$ 199,894.52	\$ 105,301.94	\$ (1,146,513.92)
12	\$ -	\$ (34,605.85)	1,790,775	\$ -	\$ 0.1336	\$ 239,247.54	\$ 204,641.69	\$ 101,700.65	\$ (1,044,813.27)
13	\$ -	\$ (35,644.02)	1,781,300	\$ -	\$ 0.1376	\$ 245,106.88	\$ 209,462.86	\$ 98,204.36	\$ (946,608.91)
14	\$ -	\$ (36,713.34)	1,771,825	\$ -	\$ 0.1417	\$ 251,067.60	\$ 214,354.26	\$ 94,809.10	\$ (851,799.81)
15	\$ -	\$ (37,814.74)	1,762,350	\$ -	\$ 0.1460	\$ 257,303.10	\$ 219,488.36	\$ 91,584.82	\$ (760,214.99)
16	\$ -	\$ (38,949.19)	1,752,875	\$ -	\$ 0.1504	\$ 263,632.40	\$ 224,683.21	\$ 88,445.71	\$ (671,769.27)
17	\$ -	\$ (40,117.66)	1,743,400	\$ -	\$ 0.1549	\$ 270,052.66	\$ 229,935.00	\$ 85,389.68	\$ (586,379.60)
18	\$ -	\$ (41,321.19)	1,733,925	\$ -	\$ 0.1595	\$ 276,561.04	\$ 235,239.85	\$ 82,414.82	\$ (503,964.78)
19	\$ -	\$ (42,560.83)	1,724,450	\$ -	\$ 0.1643	\$ 283,327.14	\$ 240,766.31	\$ 79,576.40	\$ (424,388.38)
20	\$ -	\$ (43,837.65)	1,714,975	\$ -	\$ 0.1692	\$ 290,173.77	\$ 246,336.12	\$ 76,808.77	\$ (347,579.61)

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	1,034,570.97
2.00%	\$	675,059.54
3.00%	\$	363,972.21
4.00%	\$	93,813.10
5.00%	\$	(141,642.62)
6.00%	\$	(347,579.61)
7.00%	\$	(528,328.88)
8.00%	\$	(687,518.86)
9.00%	\$	(828,198.19)
10.00%	\$	(952,935.67)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 11

Power Purchase Agreement			
PV System Size (kW DC)	1,130	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1905445.3	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.1134		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ (123,654)

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(326,455.42)
2.50%	\$	(229,099.24)
3.00%	\$	(123,654.32)
3.50%	\$	(22,508.53)
4.00%	\$	91,248.53
4.50%	\$	207,702.66
5.00%	\$	337,845.42
5.50%	\$	470,088.56
6.00%	\$	611,624.45
6.50%	\$	763,030.70
7.00%	\$	914,716.09
7.50%	\$	1,084,890.01
8.00%	\$	1,260,313.41
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,905,445	\$ 0.1134	\$ 0.0962	\$ (32,773.66)	\$ (32,773.66)	\$ (30,918.55)	\$ (330,918.55)
2	\$ -	\$ -	1,895,918	\$ 0.1134	\$ 0.0991	\$ (27,111.63)	\$ (27,111.63)	\$ (24,129.25)	\$ (355,047.80)
3	\$ -	\$ -	1,886,391	\$ 0.1134	\$ 0.1021	\$ (21,316.22)	\$ (21,316.22)	\$ (17,897.51)	\$ (372,945.31)
4	\$ -	\$ -	1,876,864	\$ 0.1134	\$ 0.1052	\$ (15,390.28)	\$ (15,390.28)	\$ (12,190.54)	\$ (385,135.85)
5	\$ -	\$ -	1,867,336	\$ 0.1134	\$ 0.1084	\$ (9,336.68)	\$ (9,336.68)	\$ (6,976.91)	\$ (392,112.76)
6	\$ -	\$ -	1,857,809	\$ 0.1134	\$ 0.1117	\$ (3,158.28)	\$ (3,158.28)	\$ (2,226.46)	\$ (394,339.22)
7	\$ -	\$ -	1,848,282	\$ 0.1134	\$ 0.1151	\$ 3,142.08	\$ 3,142.08	\$ 2,089.66	\$ (392,249.56)
8	\$ -	\$ -	1,838,755	\$ 0.1134	\$ 0.1186	\$ 9,561.52	\$ 9,561.52	\$ 5,999.02	\$ (386,250.54)
9	\$ -	\$ -	1,829,227	\$ 0.1134	\$ 0.1222	\$ 16,097.20	\$ 16,097.20	\$ 9,527.91	\$ (376,722.63)
10	\$ -	\$ -	1,819,700	\$ 0.1134	\$ 0.1259	\$ 22,746.25	\$ 22,746.25	\$ 12,701.39	\$ (364,021.24)
11	\$ -	\$ -	1,810,173	\$ 0.1134	\$ 0.1297	\$ 29,505.82	\$ 29,505.82	\$ 15,543.30	\$ (348,477.94)
12	\$ -	\$ -	1,800,646	\$ 0.1134	\$ 0.1336	\$ 36,373.05	\$ 36,373.05	\$ 18,076.29	\$ (330,401.66)
13	\$ -	\$ -	1,791,119	\$ 0.1134	\$ 0.1376	\$ 43,345.07	\$ 43,345.07	\$ 20,321.86	\$ (310,079.80)
14	\$ -	\$ -	1,781,591	\$ 0.1134	\$ 0.1417	\$ 50,419.04	\$ 50,419.04	\$ 22,300.39	\$ (287,779.41)
15	\$ -	\$ -	1,772,064	\$ 0.1134	\$ 0.1460	\$ 57,769.29	\$ 57,769.29	\$ 24,105.11	\$ (263,674.30)
16	\$ -	\$ -	1,762,537	\$ 0.1134	\$ 0.1504	\$ 65,213.87	\$ 65,213.87	\$ 25,671.20	\$ (238,003.11)
17	\$ -	\$ -	1,753,010	\$ 0.1134	\$ 0.1549	\$ 72,749.90	\$ 72,749.90	\$ 27,016.72	\$ (210,986.38)
18	\$ -	\$ -	1,743,482	\$ 0.1134	\$ 0.1595	\$ 80,374.54	\$ 80,374.54	\$ 28,158.72	\$ (182,827.66)
19	\$ -	\$ -	1,733,955	\$ 0.1134	\$ 0.1643	\$ 88,258.32	\$ 88,258.32	\$ 29,170.52	\$ (153,657.14)
20	\$ -	\$ -	1,724,428	\$ 0.1134	\$ 0.1692	\$ 96,223.08	\$ 96,223.08	\$ 30,002.81	\$ (123,654.32)

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	167,292.97
2.00%	\$	87,395.31
3.00%	\$	20,340.66
4.00%	\$	(36,047.59)
5.00%	\$	(83,555.94)
6.00%	\$	(123,654.32)
7.00%	\$	(157,555.17)
8.00%	\$	(186,260.91)
9.00%	\$	(210,602.34)
10.00%	\$	(231,269.56)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 12

Power Purchase Agreement			
PV System Size (kW DC)	1,130	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1905445.3	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.0994		
Power Purchase Agreement Annual Rate Escalation	2.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 6,474

SCE ESCALATION SA		
SCE Average Annual Rate Escalation	Project Net Present Value	
2.00%	\$	(196,327.00)
2.50%	\$	(98,970.82)
3.00%	\$	6,474.10
3.50%	\$	107,619.89
4.00%	\$	221,376.95
4.50%	\$	337,831.08
5.00%	\$	467,973.84
5.50%	\$	600,216.98
6.00%	\$	741,752.87
6.50%	\$	893,159.12
7.00%	\$	1,044,844.51
7.50%	\$	1,215,018.43
8.00%	\$	1,390,441.83
Assumed w/ 6% discount Rate and 300,000 initial capital		

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,905,445	\$ 0.0994	\$ 0.0962	\$ (6,097.42)	\$ (6,097.42)	\$ (5,752.29)	\$ (305,752.29)
2	\$ -	\$ -	1,895,918	\$ 0.0994	\$ 0.0991	\$ (568.78)	\$ (568.78)	\$ (506.21)	\$ (306,258.50)
3	\$ -	\$ -	1,886,391	\$ 0.0994	\$ 0.1021	\$ 5,093.26	\$ 5,093.26	\$ 4,276.40	\$ (301,982.10)
4	\$ -	\$ -	1,876,864	\$ 0.0994	\$ 0.1052	\$ 10,885.81	\$ 10,885.81	\$ 8,622.58	\$ (293,359.52)
5	\$ -	\$ -	1,867,336	\$ 0.0994	\$ 0.1084	\$ 16,806.03	\$ 16,806.03	\$ 12,558.44	\$ (280,801.08)
6	\$ -	\$ -	1,857,809	\$ 0.0994	\$ 0.1117	\$ 22,851.05	\$ 22,851.05	\$ 16,109.09	\$ (264,691.99)
7	\$ -	\$ -	1,848,282	\$ 0.1014	\$ 0.1151	\$ 25,343.64	\$ 25,343.64	\$ 16,854.97	\$ (247,837.02)
8	\$ -	\$ -	1,838,755	\$ 0.1034	\$ 0.1186	\$ 27,920.09	\$ 27,920.09	\$ 17,517.41	\$ (230,319.61)
9	\$ -	\$ -	1,829,227	\$ 0.1055	\$ 0.1222	\$ 30,577.23	\$ 30,577.23	\$ 18,098.61	\$ (212,220.99)
10	\$ -	\$ -	1,819,700	\$ 0.1076	\$ 0.1259	\$ 33,311.88	\$ 33,311.88	\$ 18,601.18	\$ (193,619.81)
11	\$ -	\$ -	1,810,173	\$ 0.1097	\$ 0.1297	\$ 36,120.86	\$ 36,120.86	\$ 19,028.02	\$ (174,591.80)
12	\$ -	\$ -	1,800,646	\$ 0.1119	\$ 0.1336	\$ 39,001.01	\$ 39,001.01	\$ 19,382.31	\$ (155,209.49)
13	\$ -	\$ -	1,791,119	\$ 0.1142	\$ 0.1376	\$ 41,949.15	\$ 41,949.15	\$ 19,667.40	\$ (135,542.09)
14	\$ -	\$ -	1,781,591	\$ 0.1165	\$ 0.1417	\$ 44,962.12	\$ 44,962.12	\$ 19,886.79	\$ (115,655.30)
15	\$ -	\$ -	1,772,064	\$ 0.1188	\$ 0.1460	\$ 48,213.96	\$ 48,213.96	\$ 20,118.00	\$ (95,537.30)
16	\$ -	\$ -	1,762,537	\$ 0.1212	\$ 0.1504	\$ 51,522.40	\$ 51,522.40	\$ 20,281.60	\$ (75,255.70)
17	\$ -	\$ -	1,753,010	\$ 0.1236	\$ 0.1549	\$ 54,884.27	\$ 54,884.27	\$ 20,382.06	\$ (54,873.63)
18	\$ -	\$ -	1,743,482	\$ 0.1261	\$ 0.1595	\$ 58,296.41	\$ 58,296.41	\$ 20,423.79	\$ (34,449.85)
19	\$ -	\$ -	1,733,955	\$ 0.1286	\$ 0.1643	\$ 61,929.08	\$ 61,929.08	\$ 20,468.37	\$ (13,981.48)
20	\$ -	\$ -	1,724,428	\$ 0.1312	\$ 0.1692	\$ 65,603.81	\$ 65,603.81	\$ 20,455.58	\$ 6,474.10

PROJECT DISCOUNT SA		
Project Discount Rate	Project Net Present Value	
1.00%	\$	282,400.63
2.00%	\$	208,984.22
3.00%	\$	146,263.33
4.00%	\$	92,513.59
5.00%	\$	46,310.52
6.00%	\$	6,474.10
7.00%	\$	(27,975.85)
8.00%	\$	(57,855.77)
9.00%	\$	(83,847.51)
10.00%	\$	(106,522.06)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital		

SCENARIO 13

Power Purchase Agreement			
PV System Size (kW DC)	1,130	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1905445.3	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.0928		
Power Purchase Agreement Annual Rate Escalation	3.0000%	Initial Capital Cost Incurred By Owner	\$ 300,000
		Net Present Value	\$ 69,822

SCE ESCALATION SA

SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (132,978.64)
2.50%	\$ (35,622.45)
3.00%	\$ 69,822.46
3.50%	\$ 170,968.25
4.00%	\$ 284,725.32
4.50%	\$ 401,179.45
5.00%	\$ 531,322.21
5.50%	\$ 663,565.34
6.00%	\$ 805,101.23
6.50%	\$ 956,507.48
7.00%	\$ 1,108,192.88
7.50%	\$ 1,278,366.80
8.00%	\$ 1,453,790.20
Assumed w/ 6% discount Rate and 300,000 initial capital	

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (300,000.00)	\$ -	NA	NA	NA	\$ -	\$ (300,000.00)	\$ (300,000.00)	\$ (300,000.00)
1	\$ -	\$ -	1,905,445	\$ 0.0928	\$ 0.0962	\$ 6,478.51	\$ 6,478.51	\$ 6,111.81	\$ (293,888.19)
2	\$ -	\$ -	1,895,918	\$ 0.0928	\$ 0.0991	\$ 11,944.28	\$ 11,944.28	\$ 10,630.37	\$ (283,257.82)
3	\$ -	\$ -	1,886,391	\$ 0.0928	\$ 0.1021	\$ 17,543.43	\$ 17,543.43	\$ 14,729.81	\$ (268,528.02)
4	\$ -	\$ -	1,876,864	\$ 0.0928	\$ 0.1052	\$ 23,273.11	\$ 23,273.11	\$ 18,434.48	\$ (250,093.54)
5	\$ -	\$ -	1,867,336	\$ 0.0928	\$ 0.1084	\$ 29,130.45	\$ 29,130.45	\$ 21,767.97	\$ (228,325.57)
6	\$ -	\$ -	1,857,809	\$ 0.0928	\$ 0.1117	\$ 35,112.59	\$ 35,112.59	\$ 24,752.99	\$ (203,572.58)
7	\$ -	\$ -	1,848,282	\$ 0.0956	\$ 0.1151	\$ 36,071.07	\$ 36,071.07	\$ 23,989.32	\$ (179,583.26)
8	\$ -	\$ -	1,838,755	\$ 0.0985	\$ 0.1186	\$ 37,048.11	\$ 37,048.11	\$ 23,244.44	\$ (156,338.81)
9	\$ -	\$ -	1,829,227	\$ 0.1014	\$ 0.1222	\$ 38,038.67	\$ 38,038.67	\$ 22,515.03	\$ (133,823.78)
10	\$ -	\$ -	1,819,700	\$ 0.1044	\$ 0.1259	\$ 39,037.63	\$ 39,037.63	\$ 21,798.41	\$ (112,025.37)
11	\$ -	\$ -	1,810,173	\$ 0.1076	\$ 0.1297	\$ 40,039.88	\$ 40,039.88	\$ 21,092.51	\$ (90,932.86)
12	\$ -	\$ -	1,800,646	\$ 0.1108	\$ 0.1336	\$ 41,040.22	\$ 41,040.22	\$ 20,395.73	\$ (70,537.13)
13	\$ -	\$ -	1,791,119	\$ 0.1141	\$ 0.1376	\$ 42,033.44	\$ 42,033.44	\$ 19,706.92	\$ (50,830.21)
14	\$ -	\$ -	1,781,591	\$ 0.1176	\$ 0.1417	\$ 43,014.27	\$ 43,014.27	\$ 19,025.25	\$ (31,804.96)
15	\$ -	\$ -	1,772,064	\$ 0.1211	\$ 0.1460	\$ 44,154.61	\$ 44,154.61	\$ 18,424.18	\$ (13,380.78)
16	\$ -	\$ -	1,762,537	\$ 0.1247	\$ 0.1504	\$ 45,269.98	\$ 45,269.98	\$ 17,820.36	\$ 4,439.58
17	\$ -	\$ -	1,753,010	\$ 0.1285	\$ 0.1549	\$ 46,355.00	\$ 46,355.00	\$ 17,214.60	\$ 21,654.18
18	\$ -	\$ -	1,743,482	\$ 0.1323	\$ 0.1595	\$ 47,404.22	\$ 47,404.22	\$ 16,607.78	\$ 38,261.95
19	\$ -	\$ -	1,733,955	\$ 0.1363	\$ 0.1643	\$ 48,585.55	\$ 48,585.55	\$ 16,058.16	\$ 54,320.11
20	\$ -	\$ -	1,724,428	\$ 0.1404	\$ 0.1692	\$ 49,718.15	\$ 49,718.15	\$ 15,502.35	\$ 69,822.46

PROJECT DISCOUNT SA

Project Discount Rate	Project Net Present Value
1.00%	\$ 339,325.94
2.00%	\$ 268,847.83
3.00%	\$ 208,040.32
4.00%	\$ 155,398.30
5.00%	\$ 109,672.39
6.00%	\$ 69,822.46
7.00%	\$ 34,980.03
8.00%	\$ 4,417.90
9.00%	\$ (22,474.60)
10.00%	\$ (46,211.69)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

SCENARIO 14

Power Purchase Agreement			
PV System Size (kW DC)	1,130	Southern California Edison Year 1 Energy Rate (\$/kWh)	0.0962
Year 1 Energy Production (kWh)	1905445.3	Southern California Edison Avg. Annual Rate Escalation	3.000%
Avg. Annual Output Degradation (% of Year 1)	0.5000%	Average Annual Inflation Rate	3.0000%
Project Duration (years)	20	Project Discount Rate	6.0000%
Power Purchase Agreement Year 1 Energy Rate (\$/kWh)	0.095		
Power Purchase Agreement Annual Rate Escalation	0.0000%	Initial Capital Cost Incurred By Owner	\$ 2,560,000
		300,000 plus cost of fixed tilt system	
		Net Present Value	\$ (290,736)

SCE ESCALATION SA	
SCE Average Annual Rate Escalation	Project Net Present Value
2.00%	\$ (493,536.89)
2.50%	\$ (396,180.71)
3.00%	\$ (290,735.79)
3.50%	\$ (189,590.00)
4.00%	\$ (75,832.93)
4.50%	\$ 40,621.19
5.00%	\$ 170,763.95
5.50%	\$ 303,007.09
6.00%	\$ 444,542.98
6.50%	\$ 595,949.23
7.00%	\$ 747,634.62
7.50%	\$ 917,808.55
8.00%	\$ 1,093,231.95
Assumed w/ 6% discount Rate and 300,000 initial capital	

Year	Capital Cost	O & M Costs	Energy Production (kWh)	PPA Energy Rate	SCE Energy Rate	Energy Cost Savings	Annual Project Cash Flow	Discounted Annual Project Cash Flow	Cumulative Discounted Project Cast Flow
0	\$ (2,560,000.00)	\$ -	NA	NA	NA	\$ -	\$ (2,560,000.00)	\$ (2,560,000.00)	\$ (2,560,000.00)
1	\$ -	\$ (20,000.00)	1,905,445	\$ -	\$ 0.0962	\$ 183,303.84	\$ 163,303.84	\$ 154,060.22	\$ (2,405,939.78)
2	\$ -	\$ (20,600.00)	1,895,918	\$ -	\$ 0.0991	\$ 187,885.48	\$ 167,285.48	\$ 148,883.48	\$ (2,257,056.29)
3	\$ -	\$ (21,218.00)	1,886,391	\$ -	\$ 0.1021	\$ 192,600.51	\$ 171,382.51	\$ 143,896.06	\$ (2,113,160.24)
4	\$ -	\$ (21,854.54)	1,876,864	\$ -	\$ 0.1052	\$ 197,446.05	\$ 175,591.51	\$ 139,084.92	\$ (1,974,075.31)
5	\$ -	\$ (22,510.18)	1,867,336	\$ -	\$ 0.1084	\$ 202,419.27	\$ 179,909.09	\$ 134,438.54	\$ (1,839,636.77)
6	\$ -	\$ (23,185.48)	1,857,809	\$ -	\$ 0.1117	\$ 207,517.28	\$ 184,331.80	\$ 129,946.65	\$ (1,709,690.13)
7	\$ -	\$ (23,881.05)	1,848,282	\$ -	\$ 0.1151	\$ 212,737.25	\$ 188,856.21	\$ 125,600.16	\$ (1,584,089.96)
8	\$ -	\$ (24,597.48)	1,838,755	\$ -	\$ 0.1186	\$ 218,076.31	\$ 193,478.83	\$ 121,391.01	\$ (1,462,698.95)
9	\$ -	\$ (25,335.40)	1,829,227	\$ -	\$ 0.1222	\$ 223,531.60	\$ 198,196.20	\$ 117,312.02	\$ (1,345,386.93)
10	\$ -	\$ (26,095.46)	1,819,700	\$ -	\$ 0.1259	\$ 229,100.26	\$ 203,004.80	\$ 113,356.82	\$ (1,232,030.11)
11	\$ -	\$ (26,878.33)	1,810,173	\$ -	\$ 0.1297	\$ 234,779.44	\$ 207,901.12	\$ 109,519.71	\$ (1,122,510.39)
12	\$ -	\$ (27,684.68)	1,800,646	\$ -	\$ 0.1336	\$ 240,586.28	\$ 212,881.60	\$ 105,795.63	\$ (1,016,714.76)
13	\$ -	\$ (28,515.22)	1,791,119	\$ -	\$ 0.1376	\$ 246,457.92	\$ 217,942.70	\$ 102,180.04	\$ (914,534.72)
14	\$ -	\$ (29,370.67)	1,781,591	\$ -	\$ 0.1417	\$ 252,451.50	\$ 223,080.82	\$ 98,668.86	\$ (815,865.86)
15	\$ -	\$ (30,251.79)	1,772,064	\$ -	\$ 0.1460	\$ 258,721.36	\$ 228,469.57	\$ 95,332.37	\$ (720,533.49)
16	\$ -	\$ (31,159.35)	1,762,537	\$ -	\$ 0.1504	\$ 265,085.55	\$ 233,926.20	\$ 92,084.18	\$ (628,449.31)
17	\$ -	\$ (32,094.13)	1,753,010	\$ -	\$ 0.1549	\$ 271,541.20	\$ 239,447.07	\$ 88,922.12	\$ (539,527.18)
18	\$ -	\$ (33,056.95)	1,743,482	\$ -	\$ 0.1595	\$ 278,085.45	\$ 245,028.50	\$ 85,844.21	\$ (453,682.97)
19	\$ -	\$ (34,048.66)	1,733,955	\$ -	\$ 0.1643	\$ 284,888.84	\$ 250,840.18	\$ 82,905.94	\$ (370,777.03)
20	\$ -	\$ (35,070.12)	1,724,428	\$ -	\$ 0.1692	\$ 291,773.22	\$ 256,703.10	\$ 80,041.24	\$ (290,735.79)

PROJECT DISCOUNT SA	
Project Discount Rate	Project Net Present Value
1.00%	\$ 1,147,574.63
2.00%	\$ 773,425.54
3.00%	\$ 449,687.00
4.00%	\$ 168,554.20
5.00%	\$ (76,454.04)
6.00%	\$ (290,735.79)
7.00%	\$ (478,800.17)
8.00%	\$ (644,424.77)
9.00%	\$ (790,783.44)
10.00%	\$ (920,550.40)
Assumed w/ 3% SCE Escalation Rate and 300,000 initial capital	

GOVERNMENT CODE

SECTION 4217.10-4217.18

4217.10. To help implement the policy set forth in Section 25008 of the Public Resources Code, and to extend that policy to facilities of local governments, public agencies may develop energy conservation, cogeneration, and alternate energy supply sources at the facilities of public agencies in accordance with this chapter.

4217.11. The following terms, whenever used in this chapter, have the meanings given in this section, except where the context clearly indicates otherwise:

(a) "Alternate energy equipment" means equipment for the production or conversion of energy from alternate sources as its primary fuel source, such as solar, biomass, wind, geothermal, hydroelectricity under 30 megawatts, remote natural gas of less than one billion cubic feet estimated reserves per mile from an existing gas gathering line, natural gas containing 850 or fewer British Thermal Units per standard cubic foot, or any other source of energy, the efficient use of which will reduce the use of fossil or nuclear fuels.

(b) "Cogeneration equipment" means equipment for cogeneration, as defined in Section 216.6 of the Public Utilities Code.

(c) "Conservation measures" means equipment, maintenance, load management techniques and equipment, or other measures to reduce energy use or make for a more efficient use of energy.

(d) "Conservation services" means the electrical, thermal, or other energy savings resulting from conservation measures, which shall be treated as a supply of such energy.

(e) "Energy conservation facility" means alternate energy equipment, cogeneration equipment, or conservation measures located in public buildings or on land owned by public agencies.

(f) "Energy service contract" means a contract entered into by a public agency with any person, pursuant to which the person will provide electrical or thermal energy or conservation services to a public agency from an energy conservation facility.

(g) "Facility financing contract" means a contract entered into by a public agency with any person whereby the person provides financing for an energy conservation facility in exchange for repayment of the financing and all costs and expenses related thereto by the public agency. A facility financing contract may provide for the person with whom the public agency contracts to provide any combination of feasibility studies for, and design and construction of, all or part of the energy conservation facility in addition to the financing and other related services, and may provide for an installment sale purchase, another form of purchase, or amortized lease of the energy conservation facility by the public agency.

(h) "Facility ground lease" means a lease of all, or any portion of, land or a public building owned by, or under lease to, a public agency to a person in conjunction with an energy service contract or a facility financing contract. A facility ground lease may include, in addition to the land on which energy conservation facilities will be located, easements, rights-of-way, licenses, and rights of access,

for the construction, use, or ownership by the person of the facility and all related utility lines not owned or controlled by the interconnecting utility, and offsite improvements related thereto. A facility ground lease may also include the addition or improvement of utility lines and equipment owned by the interconnecting utility which are necessary to permit interconnection between that utility and an energy conservation facility.

(i) "Person" means, but is not limited to, any individual, company, corporation, partnership, limited liability company, public agency, association, proprietorship, trust, joint venture, or other entity or group of entities.

(j) "Public agency" means the state, a county, city and county, city, district, community college district, school district, joint powers authority or other entity designated or created by a political subdivision relating to energy development projects, and any other political subdivision or public corporation in the state.

(k) "Public building" includes any structure, building, facility, or work which a public agency is authorized to construct or use, and automobile parking lots, landscaping, and other facilities, including furnishings and equipment, incidental to the use of any structure, building, facility, or work, and also includes the site thereof, and any easements, rights-of-way appurtenant thereto, or necessary for its full use.

4217.12. (a) Notwithstanding any other provision of law, a public agency may enter into an energy service contract and any necessarily related facility ground lease on terms that its governing body determines are in the best interests of the public agency if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, and if the governing body finds:

(1) That the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases.

(2) That the difference, if any, between the fair rental value for the real property subject to the facility ground lease and the agreed rent, is anticipated to be offset by below-market energy purchases or other benefits provided under the energy service contract.

(b) State agency heads may make these findings without holding a public hearing.

4217.13. Notwithstanding any other provision of law, a public agency may enter into a facility financing contract and a facility ground lease on terms that its governing body determines are in the best interest of the public agency if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, and if the governing body finds that funds for the repayment of the financing or the cost of design, construction, and operation of the energy conservation facility, or both, as required by the contract, are projected to be available from revenues resulting from sales of electricity or thermal energy from the facility or from funding that otherwise would have been used for

purchase of electrical, thermal, or other energy required by the public agency in the absence of the energy conservation facility, or both. State agency heads may make these findings without holding a public hearing.

4217.14. Notwithstanding any other provision of law, the public agency may enter into contracts for the sale of electricity, electrical generating capacity, or thermal energy produced by the energy conservation facility at such rates and on such terms as are approved by its governing body. Any such contract may provide for a commitment of firm electrical capacity.

4217.15. The public agency may, but is not required to, base the findings required under Sections 4217.12 and 4217.13 on projections for electrical and thermal energy rates from the following sources:

(a) The public utility which provides thermal or electrical energy to the public agency.

(b) The Public Utilities Commission.

(c) The State Energy Resources Conservation and Development Commission.

(d) The projections used by the Department of General Services for evaluating the feasibility of energy conservation facilities at state facilities located within the same public utility service area as the public agency.

4217.16. Prior to awarding or entering into an agreement or lease, the public agency may request proposals from qualified persons. After evaluating the proposals, the public agency may award the contract on the basis of the experience of the contractor, the type of technology employed by the contractor, the cost to the local agency, and any other relevant considerations. The public agency may utilize the pool of qualified energy service companies established pursuant to Section 388 of the Public Utilities Code and the procedures contained in that section in awarding the contract.

4217.17. This chapter does not limit the authority of any public agency to construct energy conservation projects or to enter into other leases or contracts relating to the financing construction, operation, or use of alternate energy type facilities in any manner authorized under existing law. This chapter shall not be construed to abrogate Section 14671.6.

4217.18. The provisions of this chapter shall be construed to provide the greatest possible flexibility to public agencies in structuring agreements entered into hereunder so that economic benefits may be maximized and financing and other costs associated with the design and construction of alternate energy projects may be minimized. To this end, public agencies and the entities with whom they contract under this chapter should have great latitude in characterizing components of energy conservation facilities as personal or real property and in granting security interests in leasehold interests and components of the alternate energy facilities



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Consideration of Main Street Christmas Lighting

SOURCE: Parks and Leisure Services

COMMENT: In the recent past, Main Street Christmas lights have consisted of lighting the Deodar Cedar tree north of City Hall, rope lights on the street trees, lighting the gazebo in the park, and trunk and branch wrap on the trees between Thurman and Cleveland. Traditionally, the lighting has been up from the day after Thanksgiving, for the annual Christmas tree lighting ceremony, to the first week of January.

On August 18, 2015, City Council discussed new Main Street Christmas lighting options between Morton St. and Olive Ave. Council requested staff to bring back additional information on skyline strands over Main St., trunk and branch wrap on the trees, and pole décor sprays, not to exceed \$30,000.

Kaylor Landscaping and Christmas Décor out of Porterville submitted the lowest quote for these decorations. Western Design, LLC., was the only other responsive company to submit a quote. The lighting quotes from Kaylor were as follows:

\$8,826.83 - Purchase of six (6) Overhead Bow LED Display Strands. Display to go on overhead wire attached to buildings. Includes one Kaylor staff member to assist City staff with installation and will require consent of building owners.
Alternate option- Incandescent lights \$8,178.96,

\$6,479.84 - Purchase twenty (20) Holly Leaf Spray Pole Décor. To be installed intermittently on light poles on both sides of the street.
Alternate option - Traditional Spray \$5,472.04.

\$12,303.63 - Tree lighting on 43 trees along Main St. This will give the same look as what has been in front of City Hall the past few years with the trunk and branch wrap. Cost is for rental of lights and installation by Kaylor.

The annual lighting of the Deodar Cedar at City Hall (\$3,498), and the Centennial Park gazebo and City Hall block trunk and branch wrap on the trees (\$1,784.94) remain in the annual budget. The estimated City staff in-kind cost for the lighting project is \$800.

RECOMMENDATION: That the City Council provide staff direction on Main Street Christmas Lighting.

ATTACHMENTS: 1. Skyline Strand
 2. Holly Leaf Spray
 3. Traditional Spray

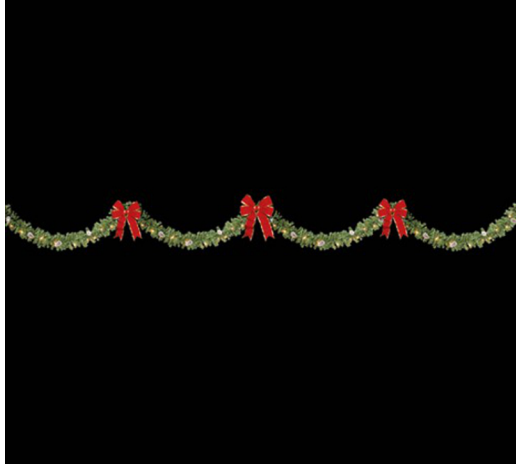
Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager









CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Status and Review of Declaration of Local Drought Emergency

SOURCE: City Manager's Office

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

At the City Council's last meeting on September 1st, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency, due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Approximately twenty-five (25) residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur through the summer months. City staff has submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry. As previously reported, City staff has resubmitted the E. Vandalia water connection project to the State for grant-funding consideration, and another survey of this area has been undertaken to determine if there are additional residences in the area with dry wells. Given staff's perception that the State is not inclined to provide funding for this water connection project, staff conducted an outreach meeting with the affected area residents on Thursday, September 10th to begin discussions regarding the formation of a water utility district. A summary of that meeting will be provided to the Council.

As was also reported at the Council's September 1st meeting, staff continues to work with the State Department of Public Health's Division of Drinking Water on diminishing water quality issues being experienced by the Akin Water System and its customers. Through part of a broader grant-funded consolidation project

currently under design, the State is advocating for a more immediate emergency connection to the City's water system, for which the State will reimburse the City its costs for extending the necessary water main. The Akin Water System must also agree to pay the master meter costs for water used by its customers, which will be apportioned to the customers as determined by the system.

At the City Council's September 1st meeting, the Council continued its authorization for the County to purchase up to 500,000 gallons of City water over the next thirty (30) days in support of the County's Household Tank Program in East Porterville, requiring that the water continue to be drawn exclusively from the City's "Jones Corner" water system. County OES has continued to work toward developing additional water sources, which representatives indicate that an additional two (2) sources have been secured, to assist in an ultimate goal to place 700 tanks in the East Porterville area. Also, as previously reported to Council, County OES has indicated that it will likely soon terminate its Mutual Aid Request with the City for the filling of tanks placed by PACC, due to 2,500-gallon tanks having been placed to replace the 300-gallon tanks.

City staff has been in continued coordination with both State and County representatives on the funding and development of the new well, with the Draft Agreement between the City and the County having been approved by the Council at its July 7th meeting. On Wednesday, September 9th, City staff received the Draft Agreement from the County with comments, which at the time of this writing, staff is still reviewing.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Review modifications to the draft Agreement between the City and County of Tulare.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. Governor's Executive Order
3. Draft Agreement
4. CalOES Drought Update

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

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

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

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

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

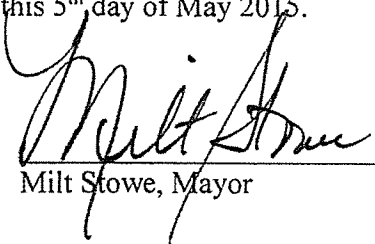
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

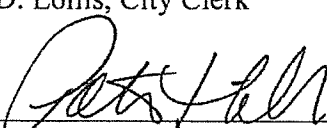
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

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

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


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

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

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

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, 2015, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony area; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing a short-term emergency water supply for COUNTY's Household Tank Program and providing long-term capacity to enable permanent water connections to single family residential properties that comply with CITY'S Annexation and Extension of Municipal Services procedures. These procedures are defined by two Resolutions, 74-2014 and 75-2014, which are attached hereto as Exhibit 'B'. A review of properties in the East Porterville/Doyle Colony area show approximately 115 single family residences meet these parameters; and
- D. WHEREAS, COUNTY AND CITY have defined three potential well sites, two of which are CITY owned, and one which is COUNTY owned. Location of the potential municipal well sites are attached hereto as Exhibit 'C'. The COUNTY owned parcel is the preferred site as the site is more conducive to providing the required capacity and water quality. Further, should this site become the agreed upon location, the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony area, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony area is the most feasible means to address the area's water needs; and

- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services procedures, attached hereto and made a part thereof as Exhibit 'B'; and

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – WELL CONSTRUCTION:**
Refer to attached Exhibit 'D'.
3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
 - A. CITY shall sell to COUNTY, upon COUNTY's request, water from the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall charge COUNTY the water rate effective as of the date the agreement is fully executed for all water sold to COUNTY. CITY shall provide a maximum of 3,000,000 gallons per month to the COUNTY for the household tank program from the CITY's water system upon integration of the new well into the system.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new residential service connections and agreements in East Porterville/Doyle Colony area. CITY agrees to provide source water for up to one hundred fifteen (115) new residential connections in the East Porterville/Doyle Colony area that are in compliance with the CITY'S Annexation and Extension of Municipal Services procedures. CITY agrees to authorize permanent connection of prequalified properties upon termination and cessation of the COUNTY's household tank program. A list and map of the qualifying properties are attached hereto as Exhibit 'E'. The listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation and associated monthly

fees. CITY shall have sole discretion to determine the number of connections, if any, above the minimum number of residential properties provided herein.

- C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in the same fashion as CITY's other wells, for the duration of the well's useful life.
- D. If the well provided under this agreement is situated on COUNTY property, COUNTY shall grant the relevant portion to the CITY by Grant Deed at a cost of \$1. A 50-foot control zone around the well site is a requirement of the California Department of Public Health, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall remain COUNTY jurisdiction by execution of easements
- E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing of this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's unrestricted use within its water system. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.
- F. All recipients of water, whether permanent or temporary sources, are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.

12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.

13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY _____
Steve Worthley Chairman,
Board of Supervisors

ATTEST: Jean M. Rousseau,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY _____
John Lollis, City Manager

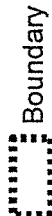
Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

East Porterville Properties

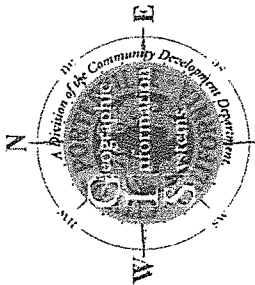
Legend



Boundary



East Porterville (1,361)



Morton

Driveway

Conner
Holcomb
Putnam
Olive
Driveway

Hillcrest

Cleveland

Thurman

Cleveland

Putnam

Cleveland

Park View
Larsen
Cleveland
He
Driveway
Mill
Oak
Park
Way
Park
Falk

Sierra

Doree

Oak

Willow

Doree

Isham

Leggett

Orange

Maurer

Dixie

Crestview

Oak

Ruth

Hillcrest

Success

W

Conner

Tyler

Holcomb

Ruby

Tulsa

Rocky Hill

Page

Crabtree

Alta Vista

Baxley

Richard

Bennett

Randy

Cleo

Success

Springville

Poplar

Blue Heron

Ramp

Poplar

Starks

Pike

Walnut

Walnut

Baird

Sunset

Poplar

Pellis

Mountain View

Vandalia

Ruth

Sierra

Hill

Martin

190

Plano

Ramp

Poplar

190

Plano

Date

River

Corona

Williams

Park

Vandalia

Plano

146

150

Rocky Hill

Doyle

Doyle

190

274

EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

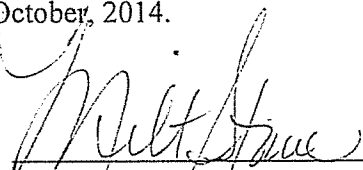
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

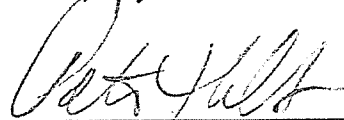
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

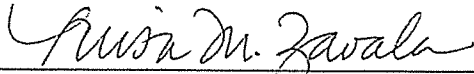
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. 75-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
 - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

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 regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

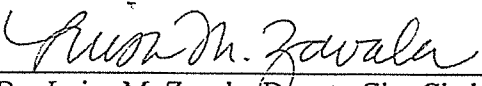
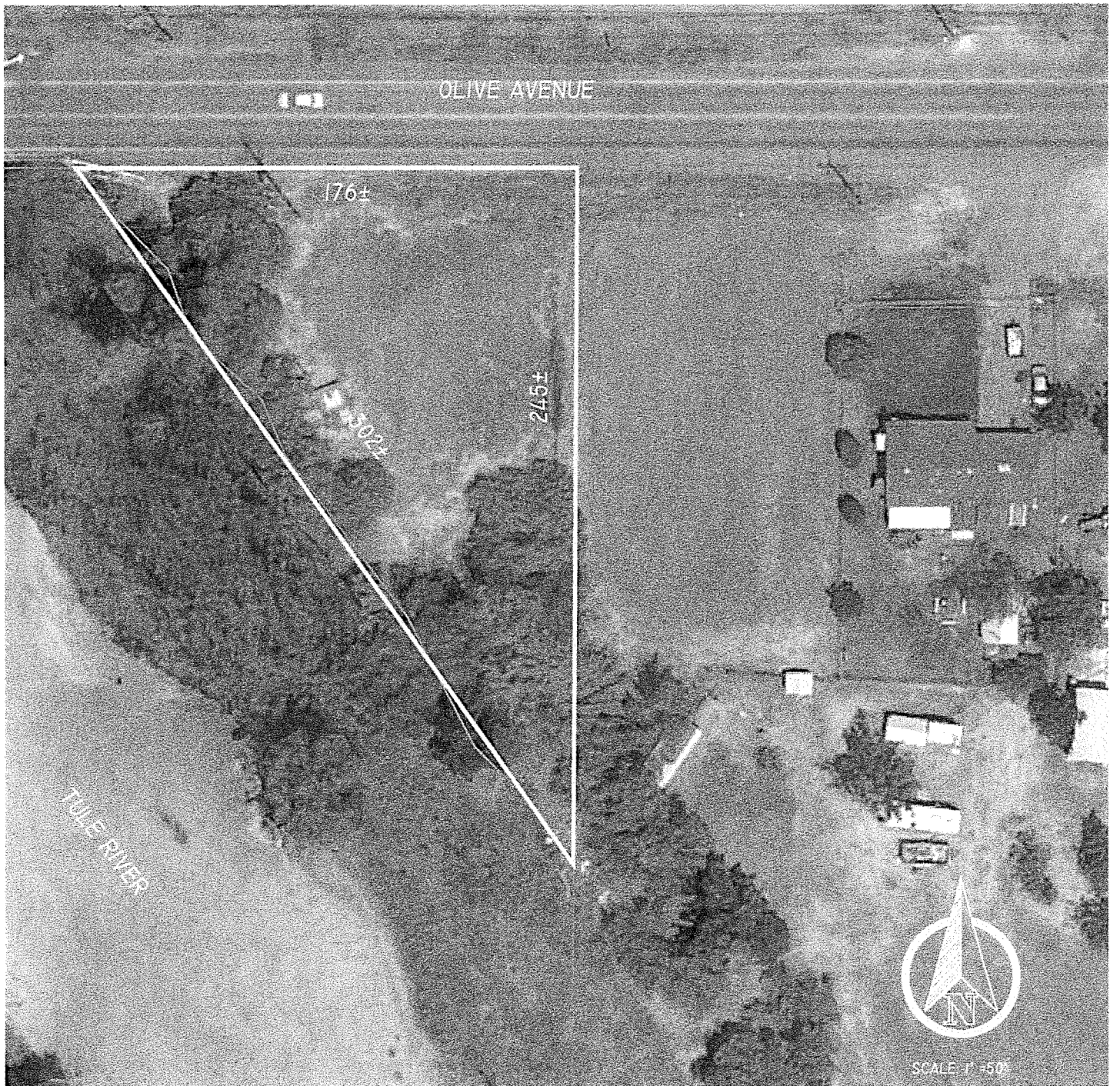

By: Luisa M. Zavala, Deputy City Clerk

EXHIBIT 'C'



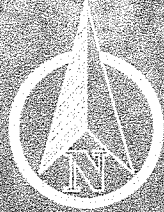
OLIVE AVENUE

176±

245±

302±

TULE RIVER



SCALE: 1" = 50'

TULE RIVER

125±

398±

390±

52±

MAIN STREET



SCALE 1" = 50'

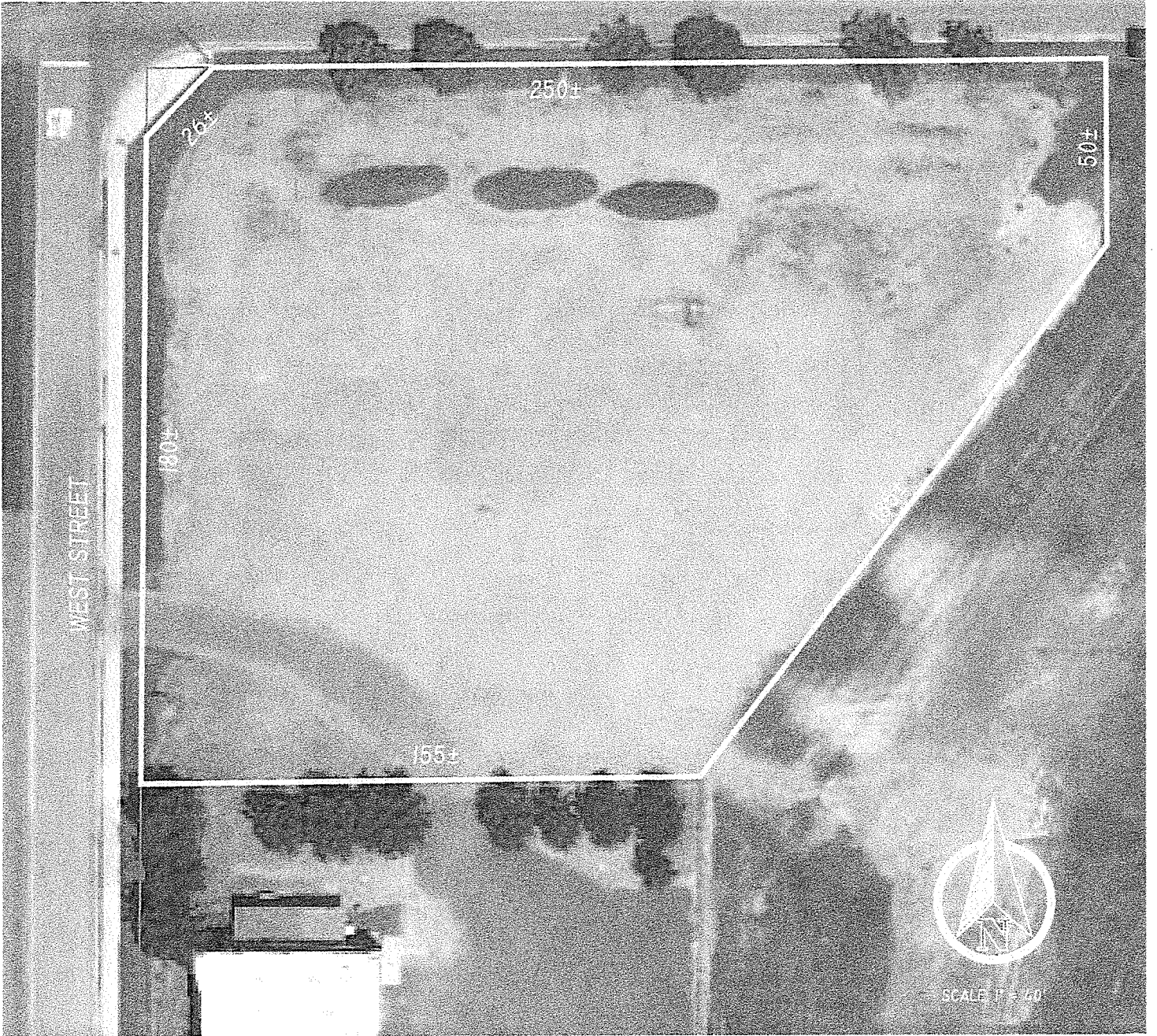


EXHIBIT 'D'

SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES WELL CONSTRUCTION

(insert Dee Jaspar work plan, add City/County division of responsibilities)

CITY Scope of Work

Task	Description	Cost
1.2	Review prepared Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Review prepared Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Construction Management	\$1,357.43
CITY Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to **Dee Jaspar & Associates** under Tulare County Agreement No. #####, including the following tasks:

Dee Jaspar & Associates Fiscal Year 2015 Scope of Work

Task	Description	Cost
1.1	Project Evaluation and Pre-Design Engineering	\$6,168.00
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$9,360.00
3.1	Project Evaluations and Field Surveying	\$3,298.00
3.2	Prepare Well <i>Equipping</i> Plans, Specifications, and Estimates	\$30,520.00
3.3	Prepare and Assist with SCE Application & Telephone Service	\$2,114.00
3.4	Bid Assistance	\$4,332.00
5.1	Ph. 1 Preconstruction Meeting	\$1,114.00
5.2	Ph. 1 Construction Surveying	\$1,932.00
5.3	Ph. 1 Construction Inspection & Administration	\$33,342.00
FY 2015 Total:		\$92,180.00

Deliverables

1.1	Pre-Design
1.2	Plans, Specs, & Estimates
3.1	Field Logs, Notes, or Reports
3.2	Plans, Specs, & Estimates
3.3	SCE Application & Telephone Service Application
5.2	Field Logs, Notes, or Reports

Dee Jaspar & Associates Fiscal Year 2016 Scope of Work

Task	Description	Cost
5.4	Ph. 1 Water Quality Testing	\$7,000.00
5.5	Ph. 1 Project Close Out	\$1,346.00
5.6	Ph. 2 Project Meetings and Correspondence	\$18,876.00
5.7	Ph. 2 Submittal Review, RFI Responses, Change Order Review, & Progress Payment Review	\$14,304.00
5.8	Ph. 2 Construction Surveying	\$3,864.00
5.9	Ph. 2 Construction Inspection and Quality Control	\$47,931.00
5.10	Ph. 2 Start-up, Testing, and Troubleshooting	\$3,864.00
5.11	Ph. 2 Project Close Out and As-Builts	\$2,754.00

Contingency	\$61.00
Task Total	\$99,939.00
Total FY 2016 Contract: \$100,000.00	

Deliverables

5.3	Field Reports
5.4	Test Results
5.5	Close Out Documents
5.9	Field Logs, Notes, or Reports
5.10	Field Logs, Notes, or Reports
5.11	As Builts

The COUNTY will be the lead agency on the project. The COUNTY has executed State of California Department of Water Resources Grant Agreement No. 20150518-1 to be reimbursed for the work described herein as well as work to be performed by a well drilling contractor.

EXHIBIT 'E'

East Porterville Properties
Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

Single Family Residential Uses, with at least 1 property line adjacent to existing water mains, less than 25k s.f.

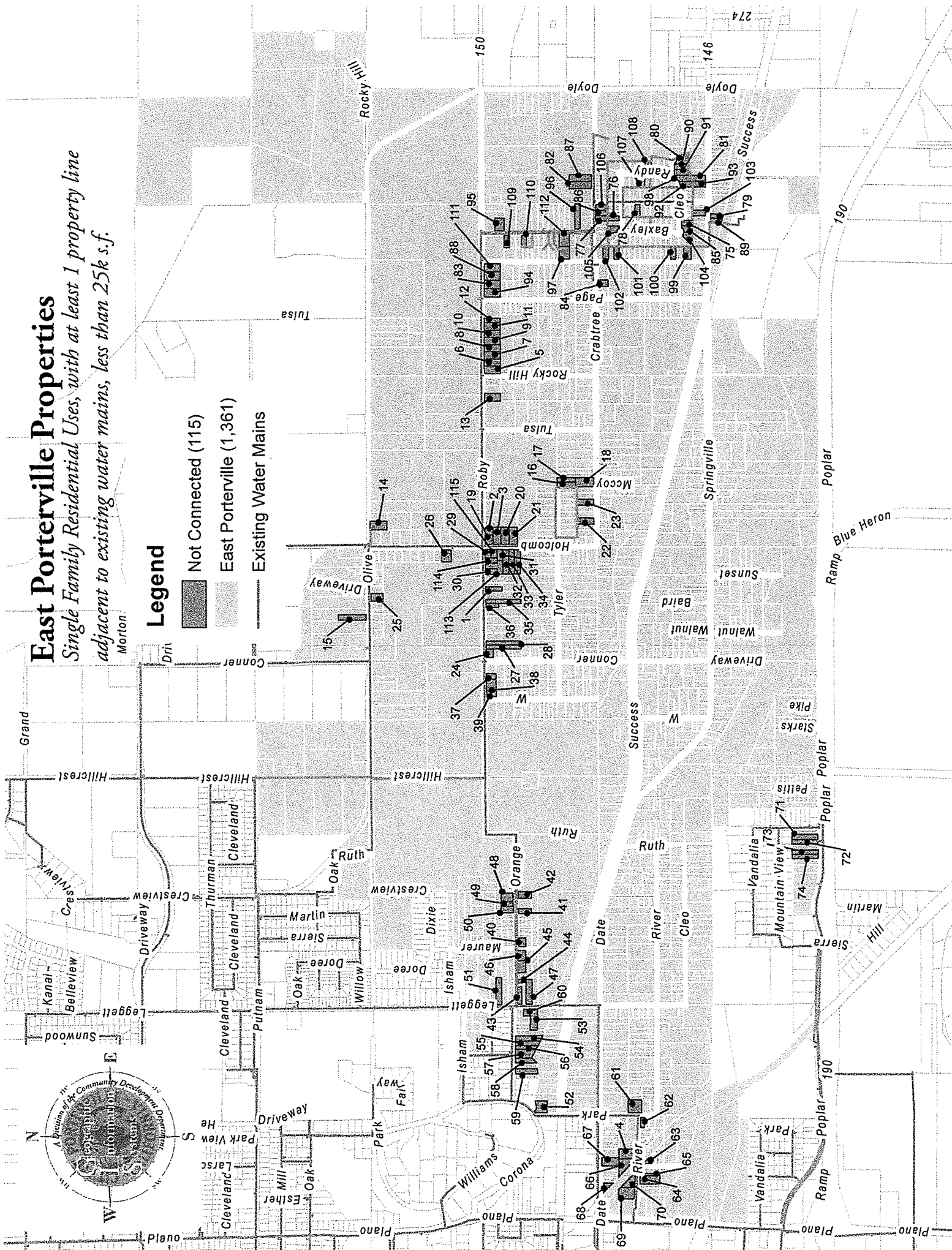
Legend

- Not Connected (115)
- East Porterville (1,36)
- Existing Water Mains

Not Connected (115)

East Porterville (1,361)

Existing Water Mains



ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS	ID	APN	AREA	ADDRESS
1	262091028	8,929.45	NO SITE ADDRESS	40	262023001	8,038.96	907 E ORANGE AVE	79	263150006	7,770.54	2173 E SPRINGVILLE DR
2	263010049	8,322.27	1629 E ROBY AVE	41	262023007	9,023.71	965 E ORANGE AVE	80	263120029	14,068.21	2277 E CLEO AVE
3	263010050	18,376.21	226 S HOLCOMB ST	42	262023014	11,476.01	991 E ORANGE AVE	81	263120020	10,473.73	2186 E SPRINGVILLE AVE
4	261012017	21,929.52	518 E RIVER AVE	43	262024001	9,982.88	831 E ORANGE AVE	82	263100017	20,912.37	2292 E CRABTREE AVE
5	263050018	15,552.02	1911 E ROBY AVE	44	262024003	3,991.14	843 E ORANGE AVE	83	263070046	17,829.96	2069 E ROBY AVE
6	263050019	15,631.45	1911 E ROBY AVE	45	262024013	13,967.44	861 E ORANGE AVE	84	263170052	8,886.05	2061 E CRABTREE AVE
7	263050020	15,626.31	NO SITE ADDRESS	46	262024014	11,961.07	261 S MAURER ST	85	263162028	9,134.32	2157 E CLEO AVE
8	263050021	15,621.24	1949 E ROBY AVE	47	262024011	20,056.93	280 S LEGGETT ST	86	263162007	8,149.61	2168 E CRABTREE AVE
9	263050022	15,616.14	1963 E ROBY AVE	48	262022008	14,064.17	994 E ORANGE AVE	87	263100015	20,831.65	2308 E CRABTREE AVE
10	263050001	15,611.05	1975 E ROBY AVE	49	262022009	7,032.06	978 E ORANGE AVE	88	263100026	18,194.63	2075 E ROBY AVE
11	263050002	15,605.94	1989 E ROBY AVE	50	262022010	10,529.88	960 E ORANGE AVE	89	263150005	7,080.46	2167 E SPRINGVILLE AVE
12	263050026	10,238.64	1995 E ROBY AVE	51	262022103	21,846.36	224 S LEGGETT ST	90	263120028	10,608.61	2263 E CLEO AVE
13	263040024	16,908.53	1863 E ROBY AVE	52	261251002	18,771.64	304 S PARK ST	91	263120027	11,862.07	2251 E CLEO AVE
14	263030032	20,000.14	1643 E OLIVE AVE	53	261243019	19,878.98	287 S LEGGETT ST	92	263120025	9,930.29	2229 E CLEO AVE
15	254050056	20,800.75	1478 E OLIVE AVE	54	261243012	19,512.38	739 E ORANGE AVE	93	263120021	9,894.27	2186 E SPRINGVILLE AVE
16	263020009	10,727.83	1703 E TYLER AVE	55	261243011	13,865.77	729 E ORANGE AVE	94	263070045	17,805.15	2042 E ROBY AVE
17	263020010	11,347.61	1705 E TYLER AVE	56	261243010	11,130.20	721 E ORANGE AVE	95	263070019	15,591.77	214 BAXLEY ST
18	263020008	22,350.60	1706 E CRABTREE AVE	57	261243009	21,564.88	711 E ORANGE AVE	96	263060023	17,427.95	366 BAXLEY ST
19	263010048	10,067.12	NO SITE ADDRESS	58	261243008	12,481.75	703 E ORANGE AVE	97	263060015	17,886.82	350 ALTA VISTA ST
20	263010046	19,211.22	NO SITE ADDRESS	59	261243006	15,465.49	675 E ORANGE AVE	98	263120026	11,564.19	2237 CLEO AVE
21	263010047	19,164.39	248 S HOLCOMB ST	60	261243018	6,224.92	275 S LEGGETT ST	99	263163023	12,461.65	570 ALTA VISTA ST
22	263020041	14,152.20	1640 E CRABTREE AVE	61	261260033	23,839.14	460 S PARK ST	100	263163018	8,704.92	554 ALTA VISTA ST
23	263020044	14,152.18	1674 E CRABTREE AVE	62	261013006	6,009.86	577 E RIVER AVE	101	263163005	9,268.01	436 ALTA VISTA ST
24	262101019	7,822.17	1411 E ROBY AVE	63	261013013	4,073.53	478 S LARSON ST	102	263163003	9,245.70	422 ALTA VISTA ST
25	262282002	12,512.48	NO SITE ADDRESS	64	261015007	22,466.00	475 E RIVER AVE	103	263162034	9,519.39	2186 E SPRINGVILLE AVE
26	262290003	15,058.68	121 S HOLCOMB ST	65	261015008	6,692.02	NO SITE ADDRESS	104	263162027	10,315.76	2143 E CLEO AVE
27	262101006	18,962.56	1419 E ROBY AVE	66	261012018	21,161.90	510 E RIVER AVE	105	263162013	9,824.18	2164 E RICHARD AVE
28	262101007	19,444.23	1431 E ROBY AVE	67	261012005	19,360.32	505 E DATE AVE	106	263162008	9,441.85	2168 E CRABTREE AVE
29	262091024	6,812.13	1593 E ROBY AVE	68	261012001	6,775.68	451 E DATE AVE	107	263110033	8,040.99	483 S RANDY ST
30	262091001	8,833.48	1557 E ROBY AVE	69	261012024	24,599.32	448 E RIVER AVE	108	263110031	8,609.81	494 S RANDY ST
31	262091003	8,816.34	227 S HOLCOMB ST	70	261012025	15,095.24	935 E RIVER AVE	109	263070041	9,091.82	NO SITE ADDRESS
32	262091004	19,207.92	235 S HOLCOMB ST	71	262220062	19,761.17	1094 E POPLAR AVE	110	263070013	8,380.13	271 BAXLEY ST
33	262091005	19,538.90	245 S HOLCOMB ST	72	262220061	18,112.05	1088 E POPLAR AVE	111	263070008	18,100.87	223 ALTA VISTA ST
34	262091006	19,193.11	253 S HOLCOMB ST	73	262220059	16,131.13	1066 E POPLAR AVE	112	263060016	18,005.03	345 BAXLEY ST
35	262091020	19,520.59	1503 E ROBY AVE	74	262220058	16,459.29	1056 E POPLAR AVE	113	262091027	19,280.15	1565 E ROBY AVE
36	262091022	7,172.30	1493 E ROBY AVE	75	263162029	7,896.00	2165 E CLEO AVE	114	262091026	8,141.19	1565 E ROBY AVE
37	262071001	6,929.42	1373 E ROBY AVE	76	263162011	8,279.43	NO SITE ADDRESS	115	262091025	6,792.49	213 S HOLCOMB ST
38	262071020	14,836.29	1353 E ROBY AVE	77	263162006	8,195.29	2168 E CRABTREE AVE				
39	262071021	7,068.23	1343 E ROBY AVE	78	263161003	8,667.06	479 BENNETT ST				



Drought Update

Wednesday, September 9, 2015

KEY ACTION ITEMS FROM THIS WEEK

- **Camp Meeker Water District Releasing Water to Save Salmon:** On September 3, the California Department of Fish and Wildlife [announced](#) that the Camp Meeker Recreation and Parks District has begun releasing untreated water from its water treatment facility into Upper Dutch Bill Creek, a tributary to Russian River, for the benefit of summer-rearing Coho salmon and steelhead. Since the releases began last month, Dutch Bill Creek has improved flow and dissolved oxygen and temperature conditions are expected to keep juvenile Coho salmon alive until the winter rains arrive.
- **DWR Seeks Final Public Comment on Key Draft Groundwater Regulations:** On August 31, the Department of Water Resources (DWR) [announced](#) that three public meetings will be held to solicit final public review and comments for the draft groundwater regulations. The proposed regulations would establish a process for local agencies to follow if they seek to modify the boundaries of a groundwater basin. For more information regarding California's groundwater basins and subbasins, visit DWR's groundwater [website](#).
- **California Invests in Local Communities to Tackle Groundwater Management:** On September 4, the Department of Water Resources (DWR) [released](#) its draft guidelines for the [2015 Sustainable Groundwater Planning Grant Program](#). The guidelines establish the processes that DWR will use to administer the \$10 million grant program to help counties with stressed groundwater basins develop or strengthen local ordinances and conservation plans. For more information, please visit DWR's Planning Grant Program [website](#).
- **CWC Releases Initial Draft Regulations for Distributing Proposition 1 Water Storage Funds:** On August 31, the California Water Commission (CWC) [released](#) the [initial draft regulations](#) for the [Water Storage Investment Program](#) (WSIP), which will be used to allocate \$2.7 billion in Proposition 1 funds to help fund water storage projects under Chapter 8.
- **Local Water Agencies' Innovative Conservation Campaigns Showcased at State Water Board Meeting:** On September 1, the Association of California Water Agencies (ACWA) introduced a new interactive [Drought Response Gallery](#) during the State Water Board meeting, which showcases local outreach and innovative conservation campaigns. ACWA also highlighted some examples of how local water districts throughout California continue to develop new and creative ways to encourage customers to save water through a [video compilation](#) of conservation ads and media campaigns.
- **Reporting Resources Violations Faster, Easier Using CalTIP:** On August 28, the California Department of Fish and Wildlife (CDFW) [asked the public](#) to use [CalTIP](#), rather than social media, to report wildlife and pollution crimes across the state. The public can report issues directly in real time through any of the following ways: CalTIP phone number or text message, CalTIP smartphone app, or through the CDFW [website](#).

- **California's Water Conservation Education Program Campaign:** This past week, Save Our Water issued a [press release](#) in partnership with [Golden State Water Company](#) to launch their "Golden Lawn Contest" statewide. The contest encourages Golden State Water customers to share photos of their golden lawns through September 29 for a chance to win up to a \$100 credit toward their water bill. Additionally, a "Helping Hands" TV spot was finalized and started airing in six targeted markets over Labor Day weekend. For more tips and tools to help conserve water and keep trees healthy during the drought, please visit Save Our Water's website, which is available in both [English](#) and [Spanish](#), or connect with the program on [Facebook](#), [Twitter](#) or [Instagram](#).
- **Governor's Drought Task Force:** The Task Force continues to take actions that conserve water and coordinate state response to the drought. During the September 3 meeting, the California Governor's Office of Emergency Services (Cal OES) provided an overview and live demo of the new drought web-based map journal to task force members.

ONGOING DROUGHT SUPPORT

- **Emergency Food Aid, Utility and Employment Assistance:** The Department of Social Services (CDSS) Drought Food Assistance Program (DFAP) provides food assistance to affected communities that suffer high levels of unemployment from the drought. To date, over 859,275 boxes have been provided to community food banks in drought-impacted counties, with an average of approximately 13,250 food boxes per week since June 2014. Approximately 771,446 boxes of food have been picked up by 405,749 households.

Food boxes distributions vary by county and occur 1-4 times per month. Nearly 70% of the food distributions have occurred in the Tulare Basin (Fresno, Kern, Kings and Tulare). There are 7,800 boxes scheduled for delivery for the week ending September 11 to Fresno, Kern, Kings, Riverside, San Joaquin, and Tulare counties.

The Department of Community Services and Development (CSD) allocated an additional \$600,000, under the federally-funded Community Services Block Grant (CSBG), to continue the [Drought Water Assistance Program \(DWAP\)](#) which provides financial assistance to help low-income families pay their water bills. As of August 28, CSD has reported that a total of \$397,103 has been issued to 2,008 households.

CSD is in the process of allocating \$400,000, under CSBG, to continue the Migrant and Seasonal Farmworker (MSFW) drought assistance program, which provides assistance in employment training and placement services to individuals impacted by the drought. This program provides employment training and placement services to migrant and seasonal farmworkers suffering job loss or reduced employment due to the drought. To date, CSD has reported that a total of \$10,843 has been issued to the Center for Employment Training, California Human Development, Central Valley Opportunity Center, and Proteus with 25 participants enrolled.

In response to California's historic drought, CSD has received \$7.5 million in General Fund to implement the Drought Emergency Assistance Program (DEAP) to provide emergency relief and support services to drought-impacted individuals and their families and households. As of August 28, CSD has reported that a total of \$360,195 has been issued to 357 households.

- **Drought Response Funding:** The \$687 million in state drought funding that was appropriated last March through emergency legislation, as well as \$142 million provided in the 2014 Budget Act, continues to advance toward meeting critical needs. To date, \$468 million has been committed, and nearly \$625 million of the emergency funds appropriated in March came from sources dedicated to capital improvements to water systems. Since March, the Department of Water Resources has expedited grant approvals, getting \$21 million immediately allocated to grantees that were pre-approved for certain projects.

As planned in March, the next \$200 million of expedited capital funding was awarded in October, and the remaining \$250 million will be granted by fall 2015. The 2014 Budget Act appropriated an additional \$53.8 million to CAL FIRE over its typical budget to enhance firefighter surge capacity and retain seasonal firefighters beyond the typical fire season.

As a result of continuing drought conditions, emergency legislation was enacted in March 2015 that appropriated over \$1 billion of additional funds for drought-related projects and activities. The Administration's May Revision proposal includes an additional \$2.2 billion for programs that protect and expand local water supplies, improve water conservation, and provide immediate relief to impacted communities.

CURRENT DROUGHT CONDITIONS

- **Fire Activity:** Since the beginning of the year, firefighters from CAL FIRE and the US Forest Service have responded to over 6,255 wildfires across the state, burning 525,766 acres. Fire activity across California remains high with nearly 176 combined wildfires in just the past week.
- **CAL FIRE Suspends Outdoor Residential Burning:** California's increased fire activity this year, coupled with record-setting drought conditions, has caused CAL FIRE to [suspend burn permits](#) in all counties in the State Responsibility Area.
- **Dry Well Reports:** With California in its fourth year of a severe, hot drought, the Governor's Drought Task Force continues to monitor and identify communities and local water systems in danger of running out of water. Recently, a cross-agency team, led by DWR, developed a new system that improves and streamlines data collection and reporting for [household water shortages](#) for California water systems with fewer than 15 household connections.

As of September 3, approximately 2,372 wells statewide have been identified as critical or dry, which affects an estimated 11,860 residents. Cal OES has reported that 2,225 of the 2,372 dry wells are concentrated in the inland regions within the Central Valley. If you are experiencing a water supply shortage, please [submit a report](#) on DWR's website.

- **Vulnerable Water Systems:** The State Water Board continues to provide technical and funding assistance to several communities facing drinking water shortages, and is monitoring water systems across the state. Since January 2014, 93 out of the 127 projects approved to receive emergency funding for interim replacement drinking water have been executed. On May 19, the State Water Board adopted Guidelines for administering the latest emergency drought appropriations of \$19 million announced this past March. To date, the State Water Board has received requests for \$3.6 million of those funds.

- **Projected Reservoir Management:** Shasta Reservoir recorded 1,768,251 acre-feet (AF) on September 3 with a 10-day average reduction in storage of 4,414 AF/day. Releases are being held lower than normal to keep cold water in the reservoir for Winter Run Chinook Salmon later in the fall. Shasta Reservoir is projected to reach 1,460,000 AF by the end of September. This is higher than the 1976-77 record low storage of 700,000 AF.

Oroville Reservoir recorded 1,065,980 AF on September 3 with a 10-day average reduction in storage of 1,449 AF/day. Releases are low for water supply conservation but are moderated to keep salt water from coming too far into the Delta and to meet other joint Federal-State obligations. Oroville Reservoir is projected to reach 900,000 AF by the end of September. This storage is about the same as the record low 1976-77 storage level.

Folsom Reservoir recorded 190,508 AF on September 3 with a 10-day average reduction in storage of 1,109 AF/day. Releases are low for water supply conservation but are moderated to keep salt water from coming too far into the Delta and to meet other joint Federal-State obligations. Folsom Reservoir is projected to reach 120,000 AF by the end of September. This is lower than the 1976-77 record low storage of 150,000 AF.

[Reservoir Levels](#) as of September 7 remain low, including: Castaic Lake 36% of capacity (44% of year to date average); Don Pedro 32% of capacity (46% of average); Exchequer 9% of capacity (17% of average); Folsom Lake 19% of capacity (32% of average); Lake Oroville 30% of capacity (46% of average); Lake Perris 36% (47% of average); Millerton Lake 32% of capacity (71% of average); New Melones 12% of capacity (21% of average); Pine Flat 12% of capacity (34% of average); San Luis 21% of capacity (48% of average); Lake Shasta 38% of capacity (61% of average); and Trinity Lake 26% of capacity (36% of average). An update of water levels at other [smaller reservoirs](#) is also available.

- **Weather Outlook:** Very warm and dry conditions will continue through the week, with afternoon highs up to 20 degrees warmer than the seasonal average. The hottest days are expected to be Tuesday through Thursday. Gradual cooling will begin near the coast by Wednesday or Thursday and then inland by Friday or Saturday.

Local Government

- **Local Emergency Proclamations:** A total of 60 local Emergency Proclamations have been received to date from city, county, and tribal governments, as well as special districts:
 - o **27 Counties:** Butte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Madera, Mariposa, Merced, Modoc, Plumas, San Bernardino, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Siskiyou, Sonoma, Stanislaus, Sutter, Trinity, Tulare, Tuolumne and Yuba.
 - o **12 Cities:** City of Live Oak (Sutter County), City of Lodi (San Joaquin County), City of Manteca (San Joaquin County), City of Montague (Siskiyou County), City of Porterville (Tulare County), City of Portola (Plumas County), City of Ripon (San Joaquin County), City of San Juan Bautista (San Benito County), City of Santa Barbara (Santa Barbara County), City of Rancho Cucamonga (San Bernardino County) and City of West Sacramento (Yolo County) and City of Willits (Mendocino County).

- o **9 Tribes:** Cortina Indian Rancheria (Colusa County), Hoopa Valley Tribe (Humboldt County), Karuk Tribe (Siskiyou/Humboldt Counties), Kashia Band of Pomo Indians of the Stewarts Point Rancheria (Sonoma County), Picayune Rancheria of Chukchansi Indians (Madera County) Sherwood Valley Pomo Indian Tribe (Mendocino County), Tule River Indian Tribe (Tulare County), Yocha Dehe Wintun Nation (Yolo County) and Yurok Tribe (Humboldt County).
 - o **12 Special Districts:** Carpinteria Valley Water District (Santa Barbara County), Goleta Water District (Santa Barbara County), Groveland Community Services District (Tuolumne County), Lake Don Pedro Community Services District (Mariposa Stanislaus County), Mariposa Public Utility District (Mariposa County), Meiners Oaks Water District (Ventura County), Montecito Water District (Santa Barbara County), Mountain House Community Service District (San Joaquin County), Nevada Irrigation District (Nevada County), Placer County Water Agency (Placer County), Tuolumne Utilities District (Tuolumne County) and Twain Harte Community Services District (Tuolumne County).
 - **Water Agency Conservation Efforts:** The Association of California Water Agencies (AWCA) [has identified](#) several hundred local water agencies that have implemented water conservation actions. These water agencies [are responding to the drought](#) by implementing conservation programs, which include voluntary calls for reduced water usage and mandatory restrictions where water shortages are worst.
- ACWA [released](#) a Drought Response Toolkit to assist water agencies as they take action to meet state-mandated water conservation target and communicate information about water use restrictions, enforcement and other issues with their customers, media and other audiences.
- **County Drought Taskforces:** A total of 33 counties have established drought task forces to coordinate local drought response. These counties include: Butte, Colusa, Glenn, Humboldt, Kern, Kings, Lake, Madera, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Orange, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Siskiyou, Stanislaus, Solano, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yolo.
 - **Tribal Taskforce:** A total of 7 tribes have established drought task forces to coordinate tribal drought response. These tribes include: Hoopa Valley Tribe (Humboldt County), Hopland Tribe (Mendocino County), Karuk Tribe (Siskiyou County), La Jolla Band of Luiseno Indians (San Diego County), Sherwood Valley Tribe (Mendocino County), Trinidad Tribe (Humboldt County), and Yurok Tribe (Humboldt and Del Norte County).

DROUGHT RELATED WEBSITES FOR MORE INFORMATION

[Drought.CA.Gov](#): California's Drought Information Clearinghouse

State's Water Conservation Campaign, [Save Our Water](#)
Local Government, [Drought Clearinghouse and Toolkit](#)

California Department of Food and Agriculture, [Drought Information](#)
California Department of Water Resources, [Current Water Conditions](#)
California Data Exchange Center, [Snow Pack/Water Levels](#)
California State Water Resources Control Board, Water Rights, [Drought Info and Actions](#)
California Natural Resources Agency, [Drought Info and Actions](#)
State Water Resources Control Board, Drinking Water, [SWRCB Drinking Water Program](#)
California State Water Project, [Information](#)

[U.S. Drought Monitor](#) for Current Conditions throughout the Region
[U.S. Drought Portal](#), National Integrated Drought Information System (NIDIS)
National Weather Service [Climate Predictor Center](#)
USDA Drought Designations by County [CA County Designations](#)
USDA Disaster and Drought Assistance Information [USDA Programs](#)
U.S. Small Business Administration Disaster Assistance Office: www.sba.gov/disaster



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Successor Agency Review and Approval of Proposed Administrative Budget

SOURCE: Community Development

COMMENT: Health & Safety Code Section 34177(j), as modified by AB 1484, requires the Successor Agency to the Porterville Redevelopment Agency (“Successor Agency”) to prepare a proposed Administrative Budget covering the upcoming six-month fiscal period, which will be January 1, 2016, through June 30, 2016, (i.e., concurrent with the Recognized Obligation Payment Schedule {“ROPS”} 15-16B) and submit it to the Oversight Board for approval. To date, the Successor Agency previously prepared and approved, and the Oversight Board reviewed and approved, Administrative Budgets through June 30, 2015.

Pursuant to the Dissolution Act (Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code), each ROPS includes a line item for the Successor Agency’s Administrative Budget for the applicable period, and AB 1484, which amended the Dissolution Act on June 27, 2012, requires that the ROPS 15-16B for the period January 1, 2016, to June 30, 2016, shall be approved by the Successor Agency and Oversight Board and submitted to the Department of Finance (“DOF”) by October 3, 2015.

The Administrative Budget is required to set forth all of the following: (1) Estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (2) Proposed sources of payment for the costs identified in paragraph (1); and (3) Proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity. AB 1X 26 specifies that successor agencies may spend up to \$250,000 of the former tax increment revenues for annual administrative expenses.

Under Section 34177(k) of the Dissolution Act, upon approval of the Administrative Budget by the Oversight Board, the Successor Agency will provide to the County of Tulare Auditor Controller the administrative cost estimates from the approved Administrative Budget that are to be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund (RPTTF) for such period.

Pursuant to Section 34179(h) of the Dissolution Act, as amended by AB 1484, written notice and information about all actions taken by the Oversight Board must be provided to the DOF by electronic means and in a manner of DOF’s choosing. An Oversight Board’s action shall become effective five (5) business days after notice in the manner specified by the DOF, unless the DOF requests a

review; provided, however, pursuant to Section 34177(m) as to each ROPS submitted to the DOF of which an Administrative Budget is a part, the DOF shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations on each ROPS submitted no later than 45 days after submittal.

RECOMMENDATION: 1. Adopt a Resolution approving the Administrative Budget for the period of January 1, 2016, through June 30, 2016; and
 2. Direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

ATTACHMENTS: 1. Draft Resolution of the Administrative Budget

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

SUCCESSOR AGENCY RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE ADMINISTRATIVE
BUDGET PURSUANT TO HEALTH & SAFETY CODE SECTION 34177(j) AND
DIRECTING TRANSMITTAL OF THE ADMINISTRATIVE BUDGET TO THE
OVERSIGHT BOARD

WHEREAS, the Porterville Redevelopment Agency (“Agency”) was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* (“CRL”), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1X 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code (“Dissolution Act”), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City of Porterville serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and, otherwise, unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget covering the upcoming six-month fiscal period, and submit it to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency’s “Administrative Budget” is required to include all of the following: (a) estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period; (b) proposed sources of payment for the costs identified in clause (a); and (c) proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity, such as the City; and

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of Tulare Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency’s estimated administrative costs in the approved Administrative Budget will be

paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the applicable six-month period.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.

2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the proposed Administrative Budget in the form attached hereto as Exhibit A and incorporated herein by this reference. The City Manager and Successor Agency legal counsel are authorized to make such revisions to the Administrative Budget, as they deem appropriate, in order to ensure the proper and effective operation of the Successor Agency pursuant to the Dissolution Act.

3. The City Manager, or his authorized designees, are hereby authorized to transmit the Administrative Budget to the Oversight Board for approval.

4. Upon approval of the Administrative Budget by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the Administrative Budget to the State of California Department of Finance by electronic means, as directed by the Department of Finance, pursuant to Section 34179(h) and shall post the Administrative Budget on the Successor Agency's website.

5. This Resolution shall be effective immediately upon adoption.

6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 15th day of September, 2015.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

SUCCESSOR AGENCY AND HOUSING AUTHORITY SUCCESSOR AGENCY BUDGET
JANUARY 1, 2016, THROUGH JUNE 30, 2016

OBJECT		2015-16B
#	ACCOUNT DESCRIPTION	BUDGET
	PERSONAL SERVICES	
-01	SALARIES, REGULAR	\$10,795
-02	SALARIES, PART TIME	\$0
-03	SALARIES, OVERTIME	\$0
-09	BENEFITS	\$3,942
	SUB-TOTAL	\$14,737
	MATERIALS, SUPPLIES & SERVICES	
-12	BUILDINGS/GROUNDS MAINTENANCE	\$2,000
-21	ADVERTISING	\$188
-22	PRINTING	\$800
-23	PROFESSIONAL SERVICES	\$15,000
-24	COLLECTION COSTS	\$0
-28	ADMINISTRATIVE SERVICES	\$0
-32	OFFICE AND COMPUTER SUPPLIES	\$500
-34	MAINTENANCE & REPAIR MATERIALS	\$0
-41	MEETING EXPENSE	\$750
-42	UTILITIES	\$3,000
-43	UNIFORM ALLOWANCE	\$0
-44	TRAINING EXPENSE	\$750
-45	PUBLICATION AND DUES	\$0
-46	POSTAGE	\$500
-52	INSURANCE, LIABILITY	\$0
-62	DEBT REDEMPTION	\$0
-64	AMORTIZATION	\$0
-65	DEPRECIATION EXPENSE	\$0
-66	OTHER EXPENSES	\$2,775
	SUB -TOTAL	\$26,263
	TOTAL	\$41,000



CITY COUNCIL AGENDA – SEPTEMBER 15, 2015

SUBJECT: Review and Approval of Draft Recognized Obligation Payment Schedule (ROPS)

SOURCE: Community Development

COMMENT: As of February 1, 2012, the Porterville Redevelopment Agency (“Agency”) was dissolved and the City Council assumed the responsibility of acting and serving as the governing body of the "Successor Agency," a separate legal entity from the City, pursuant to Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code (“Dissolution Act”). The Dissolution Act requires the Successor Agency to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs subject, where applicable, to the review and approval by the seven-member Oversight Board.

On June 27, 2012, the Legislature passed, and the Governor signed, AB 1484. The primary purpose of AB 1484 is to make technical and substantive amendments to the Dissolution Act. Under AB 1484, a Successor Agency and its Oversight Board are required to submit the ROPS 15-16B by October 3, 2015, for the December 1st distribution of the semi-annual Redevelopment Property Tax Trust Fund (RPTTF) distribution.

Pursuant to Section 34177(l)(1) of the Dissolution Act, for each recognized obligation, the ROPS 15-16A shall identify one or more of the following sources of payment:

- (A) Low and Moderate Income Housing Fund.
- (B) Bond proceeds.
- (C) Reserve balances.
- (D) Administrative cost allowance.
- (E) The RPTTF, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.
- (F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the Oversight Board.

The draft ROPS 15-16B, included as Attachment No. 1, includes comparable listings of Enforceable Obligations as were set forth in the DOF-approved first, second and third ROPS and subsequent ROPS 13-14A through ROPS 15-16A. The DOF approved the Finding of Completion for the Successor Agency. With this approval, the Successor Agency was allowed to place loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable obligation pursuant to the criteria in Health and Safety Code Section

34191.4. The Finding of Completion also allowed the Successor Agency to utilize remaining bond proceeds.

Section 34177(l)(2)(B) of the Dissolution Act requires the Successor Agency to submit the ROPS 15-16B to the Oversight Board for approval. Section 34177(l)(2)(C) requires that, once the Oversight Board has approved the ROPS 15-16B, the ROPS 15-16B be sent to the County Auditor-Controller, the State Controller's Office, the DOF, and that the ROPS 15-16B be posted on the Successor Agency's website.

Section 34177(m) of the Dissolution Act requires the Successor Agency to complete the Third ROPS and each subsequent ROPS in the manner directed by the DOF. The DOF provides a pre-populated ROPS template and instructions for the ROPS 15-16B. Staff recommends that the Successor Agency review and approve the ROPS 15-16B as provided and authorize the Successor Agency's Executive Director, and/or the Finance Director, or their authorized designees, to also augment, modify, add or revise the ROPS 15-16B as may be necessary to comply with requirements imposed by the DOF.

- RECOMMENDATION:
1. Adopt a Resolution approving the Recognized Obligation Payment Schedule 15-16B for the period of January 1, 2016, through June 30, 2016, provided that should any modification be required to the ROPS 15-16B by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 15-16B to requirements imposed by the DOF; and,
 2. Direct Successor Agency staff to submit the ROPS 15-16B to the Oversight Board.

- ATTACHMENTS:
1. Draft Resolution approving ROPS 15-16B
 2. ROPS 15-16B

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) FOR THE PERIOD JANUARY 1, 2016, TO JUNE 30, 2016, SUBJECT TO SUBMITTAL TO, AND REVIEW AND APPROVAL BY, THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF FINANCE PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

WHEREAS, the Porterville Redevelopment Agency ("Agency") was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. ("CRL"), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville ("City"); and

WHEREAS, Assembly Bill 1X 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code ("Dissolution Act"), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member Oversight Board ("Oversight Board"); and

WHEREAS, pursuant to Section 34171(h) of the Dissolution Act, a "Recognized Obligation Payment Schedule" means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivisions (l) and (m) of Section 34177 of the Dissolution Act; and

WHEREAS, pursuant to subdivisions (l) and (m) of Section 34177 of the Dissolution Act, the City, acting as Successor Agency to the Agency, has prepared its Recognized Obligation Payment Schedule ("ROPS") for the period covering January 1, 2016, through June 30, 2016, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference; and

WHEREAS, pursuant to Section 34191.4 of the Health and Safety Code that with the Department of Finance's approval of the Finding of Completion, the Successor Agency has placed loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable obligation pursuant to the criteria in Health and Safety Code Section 34191.4 as well as allowing the Successor Agency to utilize remaining bond proceeds for projects; and

WHEREAS, by this Resolution, pursuant to Section 34177(l)(2)(B) of the Dissolution Act, as amended by AB 1484, the City Council, serving as and on behalf of the Successor Agency, approves the ROPS and authorizes the transmittal of the ROPS to the Oversight Board and concurrently to the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance; and

WHEREAS, pursuant to Section 34177(l)(2)(C) of the Dissolution Act, a copy of the ROPS shall be submitted to the County Auditor-Controller, the State Controller's Office, the State Department of Finance and shall be posted on the City's/Successor Agency's website promptly upon approval thereof by the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. The Successor Agency hereby approves the ROPS in the format provided by the State Department of Finance attached hereto as Exhibit A.
3. The City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be transmitted concurrently to the Oversight Board, the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance.
4. The City Manager or his authorized designees on behalf of the Successor Agency shall, upon approval of the ROPS by the Oversight Board, transmit the approved ROPS to the County Auditor-Controller, the State Controller's Office, and the State Department of Finance, and shall cause the approved ROPS to be posted on the City's website.
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk, on behalf of the Successor Agency, shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2015.

By: _____
Milt Stowe, Chair

ATTEST:
John D. Lollis, Agency Secretary

Patrice Hildreth, Chief Deputy Agency Secretary

Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary

Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Porterville
Name of County: Tulare

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A Sources (B+C+D):		\$ 277,641
B Bond Proceeds Funding (ROPS Detail)		277,641
C Reserve Balance Funding (ROPS Detail)		-
D Other Funding (ROPS Detail)		-
E Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 697,595
F Non-Administrative Costs (ROPS Detail)		655,882
G Administrative Costs (ROPS Detail)		41,713
H Total Current Period Enforceable Obligations (A+E):		\$ 975,236

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I Enforceable Obligations funded with RPTTF (E):		697,595
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		-
K Adjusted Current Period RPTTF Requested Funding (I-J)		\$ 697,595

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L Enforceable Obligations funded with RPTTF (E):		697,595
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
N Adjusted Current Period RPTTF Requested Funding (L-M)		697,595

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

Porterville Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail January 1, 2016 through June 30, 2016 (Report Amounts in Whole Dollars)															
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 19,186,197		\$ 278,188	\$ -	\$ -	\$ 655,882	\$ 41,713	\$ 975,783
1	2008 Tax Allocation Bonds Series A	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds	Project Area No. 1 as Amended	7,503,535	N				192,548		\$ 192,548
2	2008 Tax Allocation Bonds Series B	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds	Project Area No. 1 as Amended	4,547,741	N				104,428		\$ 104,428
3	2008 Tax Allocation Bonds Series C	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Tax Allocation Refunding Bonds.	Project Area No. 1 as Amended	1,895,803	N				48,508		\$ 48,508
4	2008 Tax Allocation Bonds Series D	Bonds Issued On or Before 12/31/10	9/16/2008	6/1/2040	US Bank	Issuance of the Agency's Taxable Tax Allocation Refunding Bonds	Project Area No. 1 as Amended	1,390,244	N				34,306		\$ 34,306
5	2008 Tax Allocation Bond Reserves	Reserves	9/16/2008	6/1/2040	Funded	Reserve account for the 2008 Bonds required by bond indenture	Project Area No. 1 as Amended	639,736	N						\$ -
6	2008 Tax Allocation Bond Admin.	Fees	9/16/2008	6/1/2040	US Bank	Administration fees from US Bank - Trustee	Project Area No. 1 as Amended	120,000	N						\$ -
7	2008 Tax Allocation Bond Arbitrage	Fees	9/16/2008	6/1/2040	Arbitrage Compliance Specialist	Professional fees to be paid for arbitrage calculation	Project Area No. 1 as Amended	50,000	N						\$ -
8	Rural Eco. Dev. Infrastructure Project Reserve	Third-Party Loans	11/13/1991	12/31/2016	St. of Ca. Dept. of Commerce	Loan from St. of Ca. for Porterville Enterprise Zone Infrastructure Project.	Project Area No. 1 as Amended	27,872	N				13,936		\$ 13,936
9	Rural Eco. Dev. Infrastructure Project Reserve	Reserves	11/13/1991	12/31/2016	Funded	Required by the St of Ca. and serves as insurance for the loan.	Project Area No. 1 as Amended	33,766	N						\$ -
10	Loan for Formation of Area	City/County Loans On or Before	4/7/1981	6/30/2030	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).	Project Area No. 1 as Amended	289,674	N						\$ -
11	Loan for Repayment to County	City/County Loans On or Before	5/1/2007	6/30/2014	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).	Project Area No. 1 as Amended	80,503	N						\$ -
12	Loan for Parking Lot Improvements - Storm Drain	City/County Loans On or Before	11/12/1997	6/30/2014	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).	Project Area No. 1 as Amended	116,137	N						\$ -
13	Loan for Reconstruction of Parking Lot - Hockett Street	City/County Loans On or Before	6/19/2007	6/30/2030	Risk Management	Loan repayment pursuant to HSC section 34191.4 (b).	Project Area No. 1 as Amended	512,009	N						\$ -
14	Loan for Amendment of the Boundaries of Project Area No. 1	City/County Loans On or Before	8/17/2010	6/30/2030	City of Porterville	Loan repayment pursuant to HSC section 34191.4 (b).	Project Area No. 1 as Amended	205,196	N						\$ -
15	Successor Agency Administration	Admin Costs	1/1/2015	6/30/2015	City of Porterville	Agency Administration cost.	Project Area No. 1 as Amended	1,200,000	N					41,000	\$ 41,000
16	Porterville Hotel Project	OPA/DDA/Construction	9/16/2008	6/30/2016	various	Acquisition of property and demolition and clearing of the site	Project Area No. 1 as Amended	277,641	N	278,188					\$ 278,188
19	RPTTF shortfall - ROPS 14-15B	RPTTF Shortfall	1/1/2015	6/30/2015	Successor Agency	RPTTF shortfall on ROPS 14-15B	Project Area No. 1 as Amended	155,284	N				121,100	713	\$ 121,813
20	RPTTF shortfall - ROPS 15-16A	RPTTF Shortfall	7/1/2015	12/31/2015	Successor Agency	RPTTF shortfall on ROPS 15-16A	Project Area No. 1 as Amended	141,056	N				141,056		\$ 141,056
21									N						\$ -
22									N						\$ -
23									N						\$ -
24									N						\$ -
25									N						\$ -
26									N						\$ -
27									N						\$ -
28									N						\$ -
29									N						\$ -
30									N						\$ -
31									N						\$ -
32									N						\$ -
33									N						\$ -
34									N						\$ -
35									N						\$ -
36									N						\$ -
37									N						\$ -
38									N						\$ -
39									N						\$ -
40									N						\$ -
41									N						\$ -
42									N						\$ -

Porterville Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [Cash Balance Tips Sheet](#)

A	B	C	D	E	F	G	H	I
	Cash Balance Information by ROPS Period	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	
ROPS 14-15B Actuals (01/01/15 - 06/30/15)								
1	Beginning Available Cash Balance (Actual 01/01/15)	976,262				743	(99,401)	
2	Revenue/Income (Actual 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015	547				2,547	483,266	
3	Expenditures for ROPS 14-15B Enforceable Obligations (Actual 06/30/15) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	25,118				2,350	489,307	
4	Retention of Available Cash Balance (Actual 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	673,503						
5	ROPS 14-15B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15B PPA in the Report of PPA, Column S	No entry required					5,328	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 278,188	\$ -	\$ -	\$ -	\$ 940	\$ (110,770)	
ROPS 15-16A Estimate (07/01/15 - 12/31/15)								
7	Beginning Available Cash Balance (Actual 07/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 951,691	\$ -	\$ -	\$ -	\$ 940	\$ (105,442)	
8	Revenue/Income (Estimate 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015						348,980	
9	Expenditures for ROPS 15-16A Enforceable Obligations (Estimate 12/31/15)	278,188				940	520,568	
10	Retention of Available Cash Balance (Estimate 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	673,503						
11	Ending Estimated Available Cash Balance (7 + 8 - 9 -10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (277,030)	

Porterville Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Prior Period Adjustments
Reported for the ROPS 14-15B (January 1, 2015 through June 30, 2015) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
(Report Amounts in Whole Dollars)

ROPS 14-15B Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15B (January through June 2015) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16B (January through June 2016) period will be offset by the SA's self-reported ROPS 14-15B prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

[illegible]

Porterville Recognized Obligation Payment Schedule (ROPS 15-16B) - Notes January 1, 2016 through June 30, 2016
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