



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 20, 2018, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 256 East Orange Avenue, Porterville, CA; APNs: 261-150-056, 261-150-057, and 261-140-024. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 260-235-006 and 260-242-106. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton and Steve Penn. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-040-014. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Maude E. Church Trust. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association.
- 5** - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiffs.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

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

Pledge of Allegiance Led by Council Member Monte Reyes

Invocation

PRESENTATIONS

Project Homeless Connect
Leadership Porterville - Drought Demonstration Garden

AB 1234 REPORTS

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

1. SJVAPCD Governing Board Meeting - February 15, 2018

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - February 1, 2018
 2. Library & Literacy Commission - February 13, 2018
 3. Arts Commission - January 17, 2018
 4. Animal Control Commission
 5. Youth Commission - February 12, 2018
 6. Transactions and Use Tax Oversight Committee (TUTOC) - February 13, 2018
- II. Staff Informational Reports
 1. Wall of Fame Designations
 2. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of January 16, 2018**
Re: Considering approval of the draft minutes of January 16, 2018.

2. **Authorization to Advertise for Bids for the Orange Avenue Rehabilitation Project from Main Street to Plano Street and the Henderson Avenue Rehabilitation Project from Newcomb Street to Patsy Street**
Re: Considering approval of staff's recommended Plans and Project Manual for the project consisting of the removal and replacement of asphalt on Orange Avenue from Main Street to Plano Street and Henderson Avenue from Newcomb Street to Patsy Street, and the installation of new ADA ramps, alley approaches, and upgrading the traffic signals at Main and Orange and at Orange and Wallace; authorization to negotiate construction surveying services; and authorization to appropriate \$465,582.70 from Local Transportation Funds to fully fund the project.
3. **Downtown Parking Lots Perimeter Improvement Budget Augmentation**
Re: Considering approval to augment the projects authorized funds by \$31,000.00, and authorizing the City Engineer to sign the SCE applications and issue payment in the amount of \$7,340.65.
4. **Authorization to Negotiate Service Agreements for Hazardous Material Surveys and Oversight Service for City Facilities**
Re: Considering approval to negotiate service agreements for project specific scope of services from Air Quality Compliance Solutions for six projects, and authorizing the execution of said agreements.
5. **Payback Agreement for Off-Site Water Main - 1800 Baker Avenue (Randle E Weldon)**
Re: Considering approval of a resolution accepting water infrastructure and requiring real property benefitted by the installation to pay proper proportional share of the expense before being permitted to connect to the City's water system.
6. **Considering Authorization of the Filing of Certifications and Assurances and Authorized Agent Form for the California State of Good Repair Program; and Authorization to Obtain Written Price Quotations from Qualified Vendors for the Procurement of a Battery-Electric Van**
Re: Considering approval of a resolution for the execution of the certifications and assurances for the California State of Good Repair Program, and authorization for staff to obtain written price quotations for the purchase of a battery-electric paratransit van.
7. **A Resolution Approving the Application for State Off-Highway Vehicle Grant Funds**
Re: Considering approval of a resolution approving application for State Off-Highway Vehicle Grant Funds.
8. **Authorization to File Applications with the Federal Transit Administration**
Re: Considering approval of a resolution authorizing the filing of applications with the Federal Transit Administration (FTA).

9. **Authorization of Low Carbon Fuel Standard Account Administrators**
Re: Considering approval to legally bind the City of Porterville as a Low Carbon Fuel Standard Reporting Party and designate Primary Account Administrators.

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

PUBLIC HEARINGS

10. **Update to the City's Urban Water Management Plan**
Re: Considering adoption of the City's 2015 Urban Water Management Plan and approval of t's submittal to the Department of Water Resources, the California State Library, and Tulare County.

SCHEDULED MATTERS

11. **Spring Expressions Chalk Art Contest**
Re: Consideration of a proposed Spring Expressions Chalk Art Project to take place at the Iris Festival and an appropriation of \$350 for project supplies.
12. **Consideration of Legal Services Agreement**
Re: Considering approval of a Legal Services Agreement with McCormick, Kabot, Jenner & Lew and Julia M. Lew for a term of three years, commencing March 1, 2018; and providing a \$5 per hour increase from the prior contract in the hourly rate of pay for services provided by attorneys, law clerks, and paralegals.
13. **Consideration of Forming Lighting Districts in Annexed Areas**
Re: Consideration of the formation of Lighting and/or Special Benefit Districts.
14. **Consideration of Engaging FM3 and The Lew Edwards Group for Public Opinion Polling and Consulting for a Potential Tax Measure**
Re: Consideration of hiring consultants to assist in public policy opinion polling to determine community interests in a potential tax measure at a total approximate cost of \$40,500.
15. **Consideration of a Resolution of Support for Deferred Action for Childhood Arrivals (DACA)**
Re: Consideration of a Resolution of Support for Deferred Action for Childhood Arrivals (DACA).
16. **Status and Review of Declaration of Local Emergency**
Re: Consideration of the continuance of the Declaration of Local Emergency.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of March 6, 2018.

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

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



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: 1. Wall of Fame Designations

SOURCE: Parks and Leisure Services

COMMENT: On an annual basis, the City of Porterville's Wall of Fame selections are announced. The Wall of Fame is a section of the hallway within the Heritage Center, located at 256 East Orange Avenue. Those who are honored are recognized for their significant efforts and services to the Porterville community.

Each City Council Member may select one honoree annually. Honorees must have lived in the Porterville area for a minimum of 15 years. The honoree may not currently be serving as an elected official. The Wall of Fame honorees for 2018 are as follows:

Vice Mayor Ward - Hoss McNutt
Council Member Flores - Richard B. Hatfield
Council Member Hamilton - Teddy Wong

The 2018 honorees will be inducted into the Wall of Fame at a ceremony on March 23, 2018, at 3:30 p.m. at the Heritage Center.

RECOMMENDATION: Information only

ATTACHMENTS: 1. Wall of Fame Honorees

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

City of Porterville Wall of Fame Honorees

Carmen Martinez Eoff	2007	Michael R. Garcia	2017
Frank “Buck” Shaffer	2007	Bob Perez	2017
Edward B. “Ted” Cornell	2008	Jim Winton	2017
Jim Maples	2010		
Roy Rockholt		2010	
James Cone	2011		
Mona Gauger		2011	
Brett Land	2011		
Forrest ‘Doc’ Mock		2011	
Alice Seal	2011		
Estha Mae Hinton	2012		
Teresa Jackson	2012		
William Rogers	2012		
Orlin and Louise Shires	2012		
Waltraut Wilson	2012		
Mary Hamner Baker		2013	
Robert Decker Christenson		2013	
Cyrille Faure		2013	
Vivian Josten Lucey			2013
Emogene McCullar		2013	
George Overcash	2013		
Clara Wilcox Rutherford	2013		
Lester James Hamilton	2014		
William ‘Bill’ Horst		2014	
Guy Huffaker		2014	
Marlene Marquez	2014		
Monte Moore		2014	
Theodore Ensslin	2015		
Pete V. McCracken		2015	
Myron Wilcox		2015	
Gilbert Yniguez	2015		
Judith A. Gibbons	2016		
James E. Howell	2016		
Philip D. Hunter	2016		
Judge Glade F. Roper		2016	
Steven E. Tree		2016	
Elva Beltran	2017		

Joseph Faure, Jr.

2017



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: 2. Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach; both conserving and providing flexibility to the community. The City transitioned from Phase III to Phase IV of the City's Water Conservation Plan, which became effective December 1, 2017. The Water Conservation Plan applies to all municipal water users within the city limits or not. As part of the Phase IV implementation, the City has reduced watering days to a one day per week watering schedule based on property address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday. Watering of an outdoor landscape is prohibited during, and within 48 hours after, measurable rainfall, which is defined as greater than 0.01 of an inch.

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 January 2018 show that a total of 10 Notice of Violations were issued for water wasting; 0 resulted in an Administrative Citation.

Water production for January 2018 shows a 37% increase from the 5-year average. The production for the month of January 2018 was 215 million gallons, which when compared to the production for the month of January 2013 of 200 million gallons, equates to a 7.4% increase on system production. Residential consumption for January 2018 was 80.22 gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will be evaluating conservation totals in two formats: 1. Calculate the cumulative conservation totals for production as compared to production in 2013. 2. Calculate cumulative conservation totals in relation to GPCD, in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total of Production for the City of Porterville's conservation efforts will reflect June 2015 through January 2018. Porterville's cumulative total Production

conservation through January 2018 is 25.0%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through January 2018. Porterville's cumulative total GPCD conservation through January 2018 is 25.6%.

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

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations, will require agency reporting to continue monitoring the performance of urban water conservation, with a preparedness to return back to a conservation standard if necessary.

RECOMMENDATION: Informational Item Only

ATTACHMENTS:

1. Monthly Production Status January 2018
2. Monthly Production Status GPCD January 2018
3. Drought Response Phase IV Flyer

Appropriated/Funded:

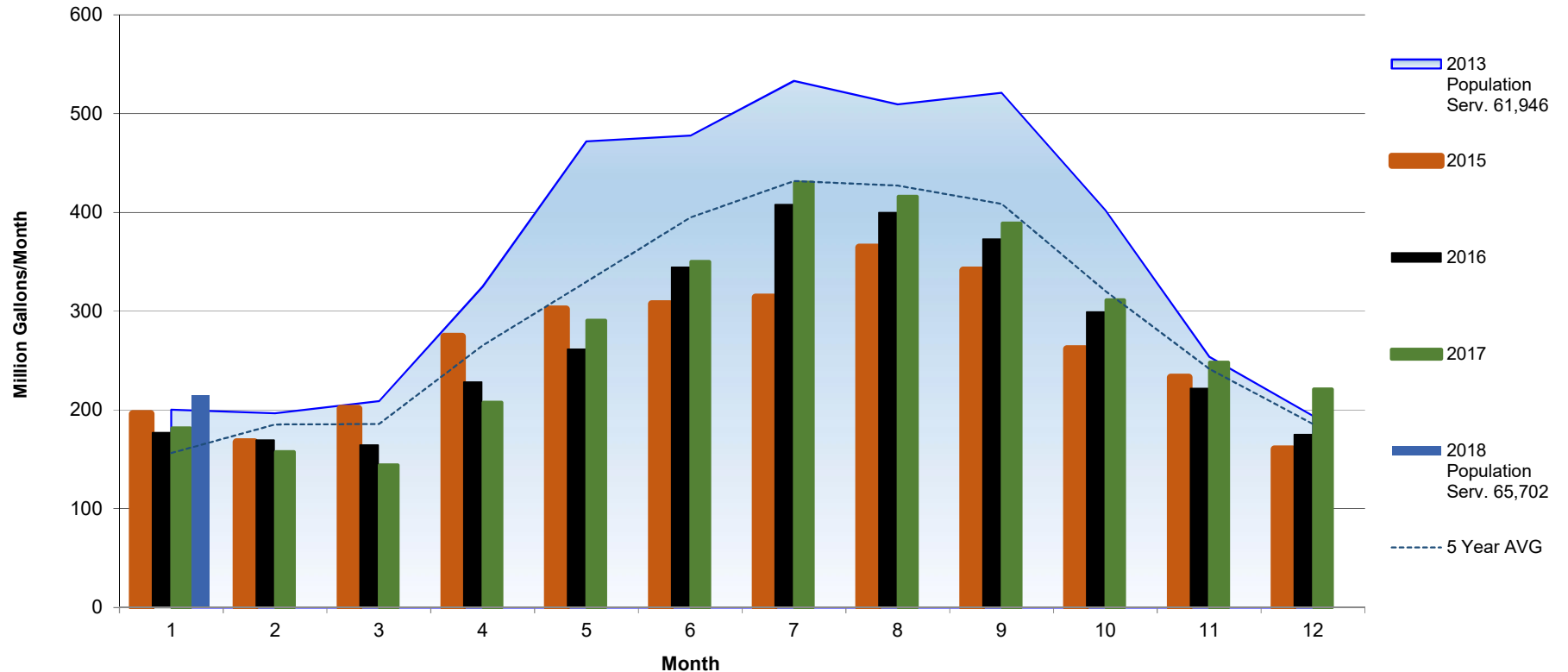
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Monthly Production Status & Cumulative Total June 2015 Through January 2018 Production Comparison to 2013 & 5 Year Average

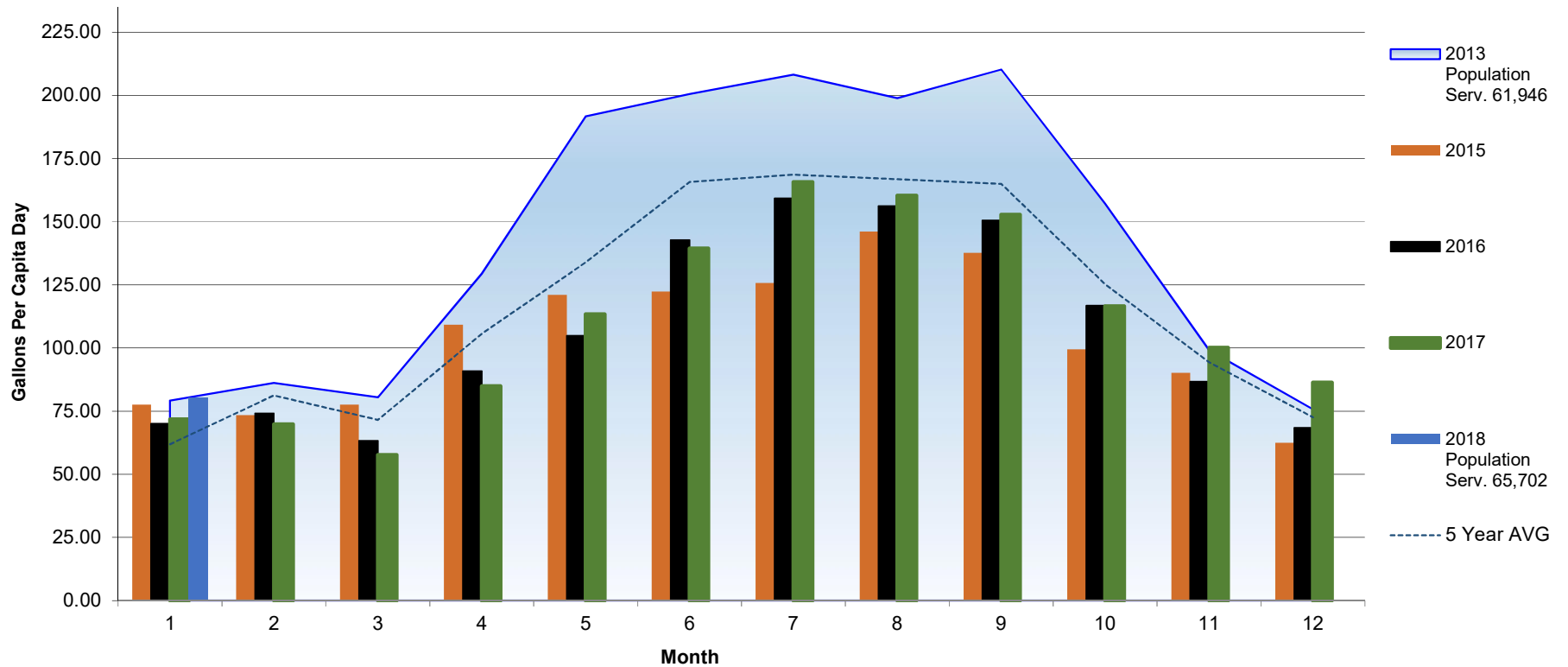


Production Cumulative Total 25.0%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	1%											

Percent Comparison to 2013 Production

Monthly Production Status & Cumulative Total June 2015 Through January 2018 Gallon Per Capita Day Comparison to 2013 & 5 Year Average

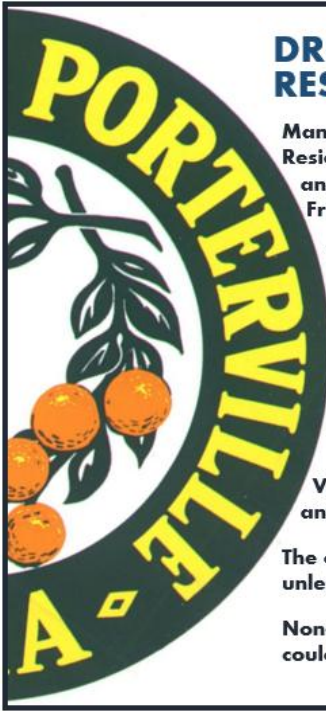


GPCD

Cumulative Total 25.6%

2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
2018	1%											

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

Violation 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
MONDAY THROUGH
FRIDAY.**



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: City Council Minutes of January 16, 2018

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of January 16, 2018, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of January 16, 2018.

ATTACHMENTS: 1. 2018-01-16 Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 16, 2018, 5:30 PM**

Called to Order at 5:35 p.m.

Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores, Vice Mayor Ward, Mayor Stowe

ORAL COMMUNICATIONS

- Call Rossi, Southern California Edison, spoke of his time as Government Relations Manager for the Porterville area and stated that he would especially miss working with City of Porterville Council and staff.
- Brian Thoburn, Southern California Edison, thanked Cal Rossi for his work; and stated that he was excited to be back as Government Relations Manager for the area and looked forward to working with the City.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 -- Conference with Real Property Negotiators/Property: APN: 260-235-006 and 260-242-016. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton and Steve Penn. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 298 North Main Street, Suites 2 and 3. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Steve Feleay. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association.
- 4** - Government Code Section 54956.95 – Liability Claim: Claimant: Viviana Torres. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.95 – Liability Claim: Claimant: Jan Philip Guzman. Agency claimed against: City of Porterville.
- 6** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
- 7** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

6:33 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

- A-4 On a MOTION made by Mayor Milt Stowe, and SECONDED by Council Member Cameron Hamilton, the City Council unanimously rejected the liability claim submitted by Viviana Torres.

Documentation: M.O. 01-011618

Disposition: Claim Rejected.

- A-5 On a MOTION made by Mayor Milt Stowe, and SECONDED by Council Member Martha Flores the City Council rejected the liability claim submitted by Jan Philip Guzman.

AYES: Reyes, Flores, Stowe

NOES: Hamilton, Ward

ABSENT: None

ABSTAIN: None

Documentation: M.O. 02-011618

Disposition: Claim Rejected.

The Pledge of Allegiance was led by Council Member Hamilton.

Invocation – one individual participated.

PRESENTATIONS

Employee of the Month - Christopher Barrientos

Strathmore Spartan Football - CIF State Champions

AB 1234 REPORTS

1. Tulare County Task Force on Homelessness - December 20, 2017

City Manager Lollis stated that he was unable to attend due to a family funeral, but reported the next meeting would take place on January 17th.

2. SJVAPCD Governing Board Meeting - December 21, 2017

Council Member Reyes reported on: the acceptance and appropriation of funds for implementation of incentive projects; approval of technology advancement program funding for demonstration of near zero emission diesel engine technology in the San Joaquin Valley; and adoption of rules 2260, 3156, and 9510.

3. Eastern Tule Groundwater Sustainability Agency (GSA) - January 4, 2018

Acting Public Works Director Mike Reed reported on a change of meeting dates for the Board of Directors to the first Thursday of every other month until noted otherwise; approval of an ad hoc committee for review and identification of issues in the GSP; and approval of a contract to perform a policy analysis on the issue of transitional pumping.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - January 4, 2018

Commissioner Graybehl presented the monthly Commission Report which included a report of placement of pistachio shells at the Sports Complex for dust mitigation, attendance at the New Year's Eve Gala, pool rentals for summer of 2018, the 2018 activity calendar, adult flag football, co-ed baseball and Jr. Pirates Track and Field Club programs.

2. Library & Literacy Commission - January 9, 2018

Commissioner LaVonne reported on continued discussion pertaining to the creation of a library foundation and waiving fines for youth; thanked City Attorney Lew for her attendance at the last meeting and the information she provided; provided monthly highlights pertaining to program participation and Sunday patronage; and thanked Santa Carl for bringing joy to library patrons and their children.

3. Arts Commission – no report.

4. Animal Control Commission - January 8, 2018

Commissioners Pizanis and Penaloza reported on commission vacancies, statistics pertaining to animal control activity for the month of December, and thanked Girl Scout volunteers at the shelter.

5. Youth Commission - January 8, 2018

Commissioner Alarcon reported on commission discussion pertaining to StepUp banner contest theme and prizes, a movie night event to benefit the animal shelter, dodgeball tournament; and spoke of information received from City staff regarding new businesses coming to town.

6. Transactions and Use Tax Oversight Committee (TUTOC) – no verbal report.

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, spoke of the elimination of funding for veterans.
- Barry Caplan, Porterville, requested that Item No. 5 be pulled for discussion to address whether the new code enforcement personnel would be enforcing gender neutral bathroom signage.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member A. Monte Reyes that the City Council approve Items Nos. 1 through 11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF NOVEMBER 21, 2017, AND DECEMBER 5, 2017

Recommendation: That the Council approve the draft Minutes of November 21, 2017, and December 5, 2017.

Documentation: M.O. 03-011618

Disposition: Approved.

2. DIGESTER #4 MIXING PUMP IMPELLER REPLACEMENT

Recommendation: That City Council:

1. Award the purchase of digester #4 impeller and wear rings to JM Squared Associates, Incorporated for a do not exceed amount of \$13,200 which includes taxes, shipping and a ten percent contingency;
2. Direct the Finance Director to initiate a Purchase Order to JM Squared Associates, Incorporated in an amount not to exceed \$13,200; and
3. Direct the Finance Director to make payment to JM Squared Associates, Incorporated upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-011618

Disposition: Approved.

3. SPECIALIZED EQUIPMENT REPAIR - HUBER SCREW PRESS

Recommendation: That City Council:

1. Authorize the repair of Huber Screw Press to Huber Technology, Incorporated for a do not exceed amount of \$23,404.69;
2. Direct the Finance Director to initiate a Purchase Order to Huber Technology, Incorporated for a do not exceed amount of \$23,404.69; and
3. Direct the Finance Director to make payment to Huber Technology, Incorporated upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 05-011618

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE PLAYGROUND SHADE STRUCTURE

Recommendation: That the City Council authorize the purchase and installation of the Murry Park shade structure for \$15,116.44.

Documentation: M.O. 06-011618

Disposition: Approved.

5. APPROVAL OF REORGANIZATION WITHIN THE PREVENTION DIVISION OF THE FIRE DEPARTMENT RELATED TO CODE ENFORCEMENT PERSONNEL

Recommendation: That the City Council:

1. Approve the creation of a new Code Enforcement Officer I classification at Range 160;
2. Approve the reclassification of the current Code Enforcement Officer position to a Code Enforcement Officer II at Salary Range 180;
3. Approve the allocation and proposed funding of two part-time Code Enforcement Officer I positions; and
4. Authorize Administrative Services staff to amend such personnel documents and commence meet and consult activities as may be necessary to effectuate such proposed changes.

Documentation: M.O. 07-011618

Disposition: Approved.

6. REQUEST FOR APPROVAL TO PURCHASE SOPHOS SG-330 SECURITY FIREWALL APPLIANCE

Recommendation: That the City Council approve the purchase of the Sophos XG-330 firewall appliance from SHI at a cost of \$10,419, plus applicable sales tax and shipping.

Documentation: M.O. 08-011618

Disposition: Approved.

7. ACCEPTANCE OF PROJECT - PUTNAM AVENUE AND D STREET TRAFFIC SIGNAL PROJECT

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of the final payment, provided no stop notices have been filed.

Documentation: M.O. 09-011618

Disposition: Approved.

8. AUTHORIZATION TO ISSUE AN ARCHITECTURAL REQUEST FOR QUALIFICATIONS FOR DESIGN AND CONSTRUCTION ASSISTANCE SERVICES - ANIMAL SHELTER FACILITY (185 N. D STREET)

Recommendation: That the City Council authorize staff to issue an Architectural Services Request for Qualifications for the Animal Shelter Project.

Documentation: M.O. 10-011618
Disposition: Approved.

9. ASSIGNMENT OF AIRPORT LEASE - LOT 45

Recommendation: That the City Council approve the Assignment of Airport Lease for Lot 45 between the City of Porterville and Gillespie Ag Service to Aircraft 445, LLC; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 11-011618
Disposition: Approved.

10. CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council:

1. Adopt the 2018 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Maria Gonzalez, Doug Heusdens, Kelle Jo Lowe, Linda Mendez, Grace Muñoz-Rios, and Rebecca Vigil, to the Citizens' Advisory and Housing Opportunity Committee to one year terms.

Documentation: M.O. 12-011618
Disposition: Approved.

11. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year ended June 30, 2017.

Documentation: M.O. 13-011618
Disposition: Approved.

PUBLIC HEARINGS

12. JAYE STREET CROSSING D-OVERLAY MODIFICATION AND CONDITIONAL USE PERMIT (2017-036-C) FOR ALDI'S GROCERY STORE

Recommendation: That the City Council:

1. Open the Public Hearing and take testimony regarding the project;
2. Adopt the Draft Resolution approving Conditional Use Permit (PRC 2017-036-C); and
3. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The Public Hearing was opened at 7:17 p.m.

- Frank Coda, Greenberg and Farrow, stated that the applicant accepted all proposed conditions, and thanked staff for working with them.
- John Hale, JLH Properties, spoke in support of the project and thanked both the staff and Council for the work done to make the project possible.

The Public Hearing was closed at 7:19 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-036-C); and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 01-2018

Disposition: Approved.

SCHEDULED MATTERS

13. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 14-011618

Disposition: Approved.

Adjourned at 7:23 p.m. to a joint meeting of the City Council and the Successor Agency to the Porterville Redevelopment Agency.

**PORTERVILLE CITY COUNCIL AND SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY JOINT MEETING MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 16, 2018**

Roll Call: Council/Agency Member Reyes, Council/Agency Member Hamilton, Council/Agency Member Flores, Vice Mayor/Vice Chair Ward, and Mayor/Chair Stowe

WRITTEN COMMUNICATION

None

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/SUCCESSOR AGENCY SCHEDULED MATTERS

14. REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency adopt the draft Resolution approving the Administrative Budget for the period of July 1, 2018, through June 30, 2019, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

AGENCY ACTION: MOVED by Vice Chair Brian Ward, SECONDED by Agency Member Cameron Hamilton that the Successor Agency adopt the draft Resolution approving the Administrative Budget for the period of July 1, 2018, through June 30, 2019, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: SA Resolution No. 2018-01

Disposition: Approved.

15. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FISCAL YEAR 2018-19

Recommendation: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 18-19 for the period of July 1, 2018, through June 30, 2019, provided that should any modification be required to the ROPS 18-19 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 18-19 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 18-19 to the Oversight Board.

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

AGENCY ACTION: MOVED by Vice Chair Brian Ward, SECONDED by Agency Member Cameron Hamilton that the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 18-19 for the

period of July 1, 2018, through June 30, 2019, provided that should any modification be required to the ROPS 18-19 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 18-19 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 18-19 to the Oversight Board. The motion carried unanimously.

Documentation: SA Resolution No. 2018-02

Disposition: Approved.

16. PURCHASE OF REAL PROPERTY - APN 261-122-007

Recommendation: That the Successor Agency:

1. Approve the Resolution approving the Purchase and Sale Agreement;
2. Direct staff to submit the Purchase and Sale Agreement to the Oversight Board and upon their approval submit to the Department of Finance; and
3. Authorize staff to implement the Purchase and Sale Agreement in accordance with the Resolution.

That City Council:

1. Approve the Resolution approving the Purchase and Sale Agreement; and
2. Authorize staff to implement the Purchase and Sale Agreement in accordance with the Resolution.

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

AGENCY ACTION: MOVED by Agency Member Cameron Hamilton, SECONDED by Agency Member Martha Flores that the Successor Agency approve the Resolution approving the Purchase and Sale Agreement; direct staff to submit the Purchase and Sale Agreement to the Oversight Board and upon their approval submit to the Department of Finance; and authorize staff to implement the Purchase and Sale Agreement in accordance with the Resolution. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the Resolution approving the Purchase and Sale Agreement; and authorize staff to implement the Purchase and Sale Agreement in accordance with the Resolution.

Documentation: SA Resolution No. 2018-03; and CC Resolution No. 02-2018

Disposition: Approved.

The Council adjourned at 7:30 p.m. to a meeting of the Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA 93257
JANUARY 16, 2018

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

WRITTEN COMMUNICATION

None

ORAL COMMUNICATIONS

None

PUBLIC FINANCING SCHEDULED MATTER

17. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's Bylaws and accept public comment.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's Bylaws. The motion carried unanimously.

Documentation: PFA M.O. 01-011618

Disposition: Approved.

The Authority adjourned at 7:31 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores stated that she had wished those who had recently been afflicted with the flu or similar ailments were on the road to recovery; spoke of her attendance at the Tulare Kings Project Homeless Connect Breakfast Fundraiser; stated that she was grateful for the return of public safety personnel from the Montecito mudslides; spoke of the tragic death of a local infant; thanked public safety personnel for all that they do; and spoke of upcoming Business After Hours event at Porterville College.
- Council Member Hamilton also spoke of the devastating news received this morning and

thanked public safety who responded.

- Vice Mayor Ward wished everyone a happy new year, and requested an assessment of lighting needs in recently annexed areas.
- Mayor Stowe thanked fire personnel for their efforts at Montecito; and commended the police department and all staff for all they do.
- City Manager Lollis spoke of an upcoming meeting with downtown business owners regarding Main Street reconstruction.
- Acting Public Works Director Reed spoke of upcoming meetings for an extra territorial service agreement signing and sewer annexation areas.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 7:37 p.m. to the meeting of February 6, 2018.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Authorization to Advertise for Bids for the Orange Avenue Rehabilitation Project from Main Street to Plano Street and the Henderson Avenue Rehabilitation Project from Newcomb Street to Patsy Street

SOURCE: Public Works

COMMENT: The Plans and Project Manual have been prepared for the Orange Avenue and Henderson Avenue Rehabilitation Project. The limits of the project will be Orange Avenue from Main Street to Plano Street and Henderson Avenue from Newcomb Street to Patsy Street. The project consists of removing the existing asphalt layer and replacing with new asphalt. The project will also consist of installing new ADA ramps, alley approaches, and upgrading the traffic signals at Main and Orange and at Orange and Wallace.

Staff continues to actively update our Pavement Management System, which will allow for a more systematic approach to maintaining our arterial and collector streets. Orange Avenue is a minor arterial and Henderson Avenue is a major arterial and both are on the Street Maintenance Program list to be completed.

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

The Engineer's Estimate of Probable Cost for the base bid is \$1,326,765.00. An additional \$132,676.50 is necessary for construction contingency (10%) and \$106,141.20 is required for construction management, surveying, quality control and inspection services, equating to a total construction cost of \$1,565,582.70.

In the past, contractors awarded a City project would have hired their own land surveyors. Due to a 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 (the contractor) hires the land surveyor. Surveying will be performed by in-house forces.

Funding for the project is approved in the 2017/2018 FY budget. Initial planned funding appropriations as defined in the 2017/2018 FY Annual Budget are from two separate funding sources; 1) Local Transportation Funds in the amount of \$760,599; and 2) Road Maintenance and Rehabilitation Account in the amount of \$339,401. The estimated cost for the street maintenance program is

Item No. 2.

\$1,565,582.70, equating to a shortfall of \$465,582.70 of Local Transportation Funds to fully fund the street maintenance project.

RECOMMENDATION: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$465,582.70 from Local Transportation Funds to fully fund this project.

ATTACHMENTS:

1. LOCATOR MAP - Orange and Henderson
2. ESTIMATE- Orange and Henderson

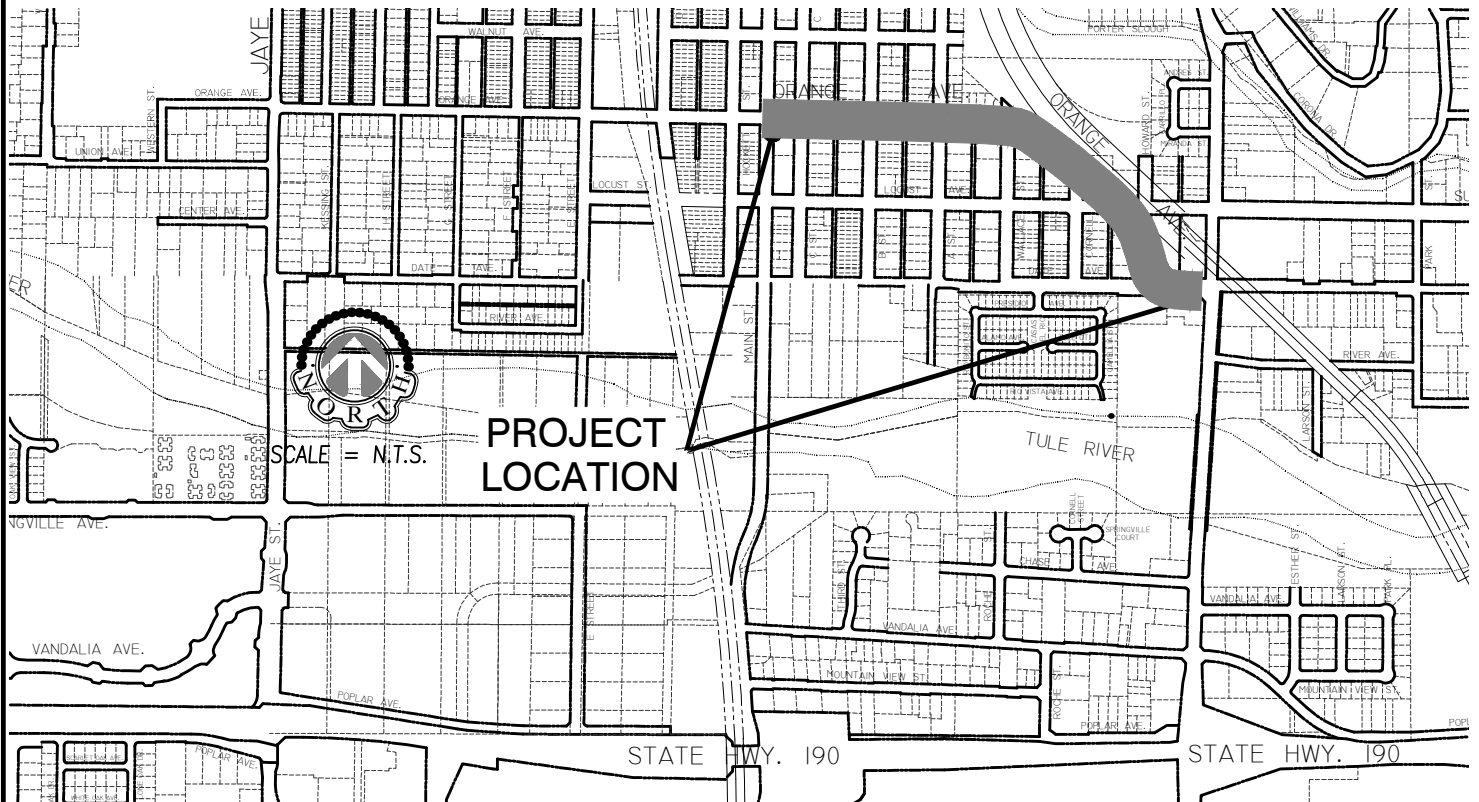
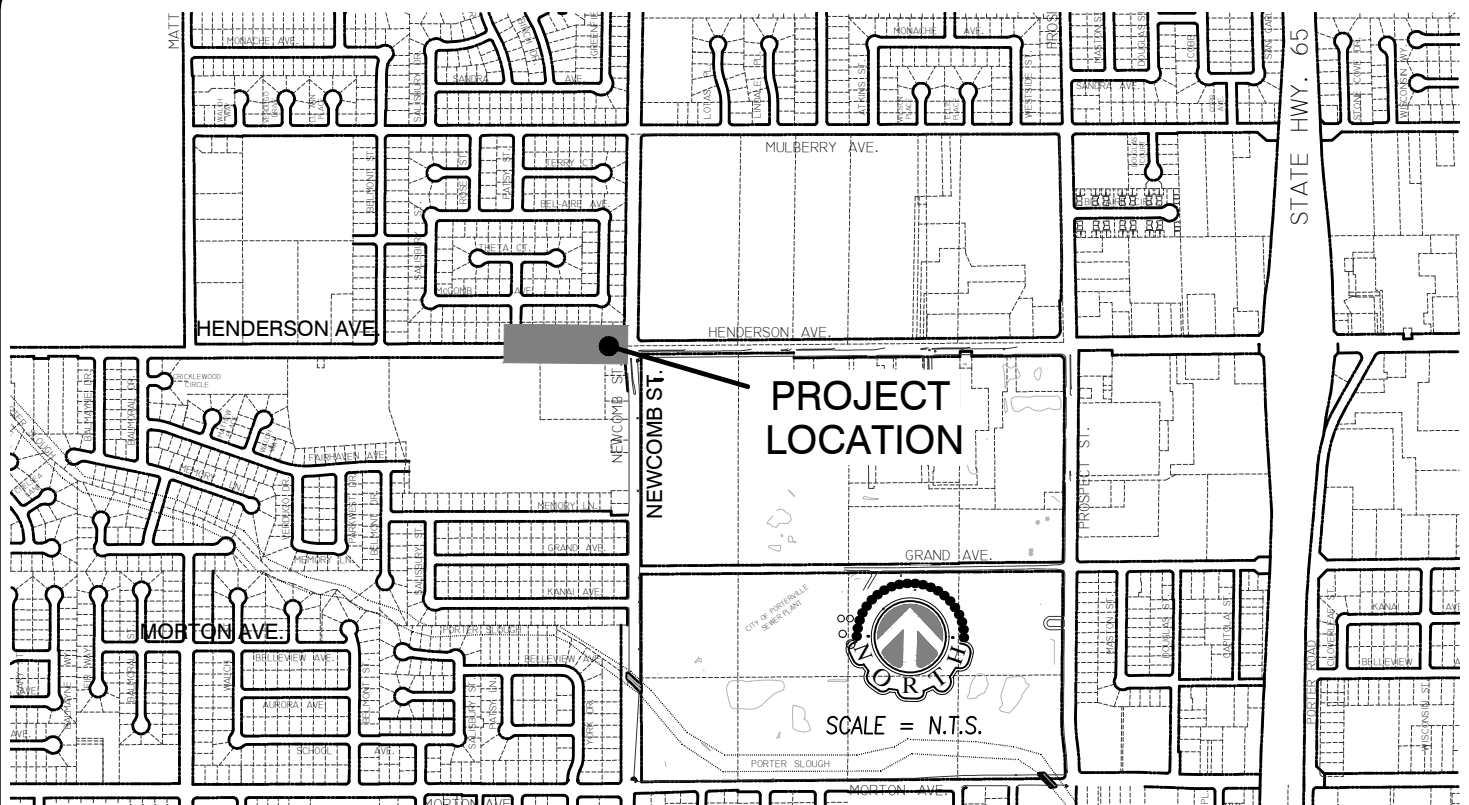
Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

ENGINEERING DIVISION

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

ORANGE AVENUE AND HENDERSON AVENUE REHABILITATION PROJECT

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

Orange Avenue Rehabilitation between Main and Plano
Henderson Avenue Rehabilitation between Newcomb and Patsy

City of Porterville
Engineers Estimate

Base Bid Part A - Orange

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization, Demobilization and Clean Up	LS	1	\$ 30,000.00	\$ 30,000.00
2	Dust Control and Project Site Maintenance Per Specifications	LS	1	\$ 10,000.00	\$ 10,000.00
3	Furnish and Implement Traffic Control Plan	LS	1	\$ 10,000.00	\$ 10,000.00
4	Furnish Utility Locating	LS	1	\$ 5,000.00	\$ 5,000.00
5	Provide Demolition, Clearing and Grubbing as necessary including removal of existing asphalt by milling. Asphalt millings delivered to City per Specifications.	LS	1	\$ 20,000.00	\$ 20,000.00
6	Roadway, Concrete Improvement, Alley Approach, and ADA Ramp Excavation and Subgrade Preparation including Sawcut, Pavement and Concrete Removal	LS	1	\$ 30,000.00	\$ 30,000.00
7	Existing Base to Meet 95% compaction	LS	1	\$ 10,000.00	\$ 10,000.00
8	4" A.C.	TN	5160	\$ 90.00	\$ 464,400.00
9	Install Curb and Gutter	LF	260	\$ 30.00	\$ 7,800.00
10	Install Alley Approach including Curb and Gutter	SF	3100	\$ 15.00	\$ 46,500.00
11	Install Sidewalk	SF	2600	\$ 10.00	\$ 26,000.00
12	Install V-Gutter	SF	1810	\$ 15.00	\$ 27,150.00
13	Install Wheel Chair Ramp per Detail's on Plan	EA	26	\$ 6,000.00	\$ 156,000.00
14	Install Median per Detail on Plans	EA	1	\$ 6,000.00	\$ 6,000.00
15	Install Traffic Loops	EA	10	\$ 600.00	\$ 6,000.00
16	Install New Traffic Signal Controller, Video Detection System, Battery Backup, Countdown Ped Heads, Reflective Tape Around Signal Heads, and Install City Furnished Vehicle Pre-emption	EA	2	\$ 60,000.00	\$ 120,000.00
17	Lower Existing Valves for Paving Operation	EA	10	\$ 500.00	\$ 5,000.00
18	Raise Existing Valves	EA	10	\$ 1,000.00	\$ 10,000.00
19	Lower Existing Manhole for Paving Operation	EA	10	\$ 500.00	\$ 5,000.00
20	Raise Existing Manhole	EA	10	\$ 1,000.00	\$ 10,000.00
21	Install Survey Monument	EA	1	\$ 1,000.00	\$ 1,000.00
22	Signing and Striping	LS	1	\$ 10,000.00	\$ 10,000.00
Total					\$ 1,015,850.00

Base Bid Part B - Henderson

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization, Demobilization and Clean Up	LS	1	\$ 15,000.00	\$ 15,000.00
2	Dust Control and Project Site Maintenance Per Specifications	LS	1	\$ 5,000.00	\$ 5,000.00
3	Furnish and Implement Traffic Control Plan	LS	1	\$ 10,000.00	\$ 10,000.00
4	Furnish Utility Locating	LS	1	\$ 5,000.00	\$ 5,000.00
5	Provide Demolition, Clearing and Grubbing as necessary including removal of existing asphalt by milling. Asphalt millings delivered to City per Specifications.	LS	1	\$ 5,000.00	\$ 5,000.00
6	Roadway, Concrete Improvement, Alley Approach, and ADA Ramp Excavation and Subgrade Preparation including Sawcut, Pavement and Concrete Removal	LS	1	\$ 5,000.00	\$ 5,000.00
7	Existing Base to Meet 95% compaction	LS	1	\$ 5,000.00	\$ 5,000.00
8	4" A.C.	TN	1070	\$ 90.00	\$ 96,300.00
9	Install Curb and Gutter	LF	40	\$ 50.00	\$ 2,000.00
11	Install Sidewalk	SF	250	\$ 10.00	\$ 2,500.00
13	Install Wheel Chair Ramp per Detail's on Plan	EA	4	\$ 6,000.00	\$ 24,000.00
14	Install Traffic Loops	EA	10	\$ 600.00	\$ 6,000.00
15	Lower Existing Valves for Paving Operation	EA	2	\$ 500.00	\$ 1,000.00
16	Raise Existing Valves	EA	2	\$ 1,000.00	\$ 2,000.00
17	Lower Existing Manhole for Paving Operation	EA	1	\$ 500.00	\$ 500.00
18	Raise Existing Manhole	EA	1	\$ 1,000.00	\$ 1,000.00
20	Signing and Striping	LS	1	\$ 5,000.00	\$ 5,000.00
Total					\$ 190,300.00

Total Part A and Part B	\$	1,206,150.00
10% Estimating Contingency	\$	120,615.00
Total Project Cost	\$	1,326,765.00

Project Manager _____ Date _____

Public Works Director _____ Date _____

City Engineer _____ Date _____



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Downtown Parking Lots Perimeter Improvement Budget Augmentation

SOURCE: Public Works

COMMENT: Physical work on the Downtown Parking Lot Perimeter Improvement Project has fallen behind schedule due to different utilities in the same vicinity as the proposed tree wells. During the excavation process at the Second and Putnam parking lot, the existing Edison service conduit, which plans showed to be at the back of the sidewalk, was actually located behind the existing curb; right in line with the proposed tree wells. When Edison came to the project site, they deemed the conduit to be in deteriorating condition and thus a new conduit has to be placed to the existing service point across Putnam Avenue. The added work has led to additional Edison fees for the design and installation of the new wiring at a total price of \$7,340.65. The City is responsible for the installation of the conduit and the Contractor on-site is charging \$11,399.91 for said work.

Another issue concerning Edison affects all of the parking lots in the project. Each parking lot is installing new street lights with new street light conduit. A discrepancy arose during construction because Edison plans dictate for the contractor to place conduit five feet from their service location and Edison has since informed us that when Edison's contractor is onsite to install the wiring they do not dig and, if they do, it would be an additional charge. Thus, the contractor for the project is seeking compensation to open the trench to Edison's service location as the trenches cannot be left open in the interim. The charge for all additional trenching is \$11,936.37.

These change orders will expend approximately 75% of the construction contingency with work still remaining and, as such staff recommends that an additional 7%, or \$31,000.00, is augmented to cover the rest of the project in the event of new unforeseen conditions or quantity changes. Funding for the project is from Local Transportation Funds and funds are available to appropriate the budget for the project..

RECOMMENDATION: That City Council:

1. Authorize the augmentation of the projects authorized funds by \$31,000.00 from Local Transportation Funds; and
2. Authorize the City Engineer to sign the SCE applications and issue payment in the amount of \$7,340.65.

ATTACHMENTS: 1. Downtown Parking Lot Edison Cost

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



291 N MAIN
PORTERVILLE CA 93257 3737

Document #	7590131983
Invoice #	306778
Invoice Term:	90 Days
Customer Name:	CITY OF PORTERVILLE
Customer Email:	MREED@CI.PORTERVILLE.CA.US
Invoice Date:	02/12/2018
SCE Contact:	Edward Garcia
Telephone:	
Install - Billing Option:	
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA 93274

Description		Amount
Service Request Number	2455456 Project Location: PUTNAM AVE & SECOND ST XSTRT PORTERVILLE CA 93257	
Project Description		
Design #:	1000871 Design Description	
Product #:	1358334 - RELOCATE FACILITIES	
LABOR: This amount represents the total SCE labor required to complete the work request. In most cases, this labor amount will consist of construction labor and any additional labor required for completing the work request. The construction labor amount will typically consist of installation and service labor required for the work request. The additional labor amount will typically consist of labor for inspection, cable and equipment make-up, dead ending, traffic control, grounding, supervision, and switching. All applicable labor related overheads for items such as the design, engineering, and project management are also included in the total SCE labor amount.		\$2,182.78
MATERIAL: This amount represents the total SCE material required to complete the work request. In most cases, this material amount will consist of construction material and any additional material required for completing the work request. The construction material will typically consist of installation and service material such as transformers, cable, conductor, poles, meters, riser, switches, fusing equipment, handholes, and cross-arms. All applicable material related overheads are also included		\$1,221.18
OTHER: This amount represents the total SCE other costs required to complete the work request. In most cases, this other amount will consist of all additional requirements needed for completing the work request. This other amount typically consists of items such as Added Facilities one time charges, contractor work, rights check, and permits.		\$2,094.60
TOTAL LABOR, MATERIAL, OTHER:		\$5,498.56
CREDITS: This amount represents the total SCE credits required to complete the work request. In most cases, this credit amount will consist of: Salvage Credit Depreciation Credit JPA Credit Overhead Equivalent Credit		\$(1.76)
TOTAL CREDITS:		\$(1.76)
NET CONSTRUCTION BILLING / RELOCATION ADVANCE:		\$5,496.80
TAX:	1. ITCC on Applicant Furnished	Tax Base (Taxable Amount): \$2,282.00
		Tax Rate: 24.00%
		Tax Amount: \$547.68
	2. ITCC on Net Construction (Less Non Taxable Amount)	Tax Base (Taxable Amount): \$5,400.71
		Tax Rate: 24.00%
		Tax Amount: \$1,296.17
TOTAL TAX:		\$1,843.85
DEPOSITS:		
Preliminary Design & Engineering Advance		\$0.00
Previous Payment		\$0.00
TOTAL DEPOSITS:		\$0.00
COMMENTS:		
* Enclosed are two copies of your invoice. Please return one copy of the invoice with your payment to Accounts Receivable in the enclosed return-addressed envelope. The other copy of the invoice is for your records.		
* ALL PRICES ARE APPLICABLE FOR A PERIOD OF 90 DAYS FROM THIS DATE AND ARE SUBJECT TO CHANGE THEREAFTER.		
* All payments must be delivered by mail, an alternate postal method, or one of our electronic payment options. Walk-in payments are no longer accepted at any SCE location, including Accounts Receivable.		
* Please complete all applications and/or contracts and return to your planning office, using the enclosed return-addressed envelope.		
* If a street light work order is associated with this project, contracts for that project will be enclosed.		
TOTAL PROJECT INVOICE AMOUNT:		\$ 7,340.65

EXTRA WORK ESTIMATE FOR: Porterville Parking Lots

CONTRACT NO. 17/18 - CP 1862

DATE PERFORMED TBDCO. Street. Sta. Fresno, Various LocationsDATE OF REPORT 2/9/2018

WORK PERFORMED BY: CLEAN CUT LANDSCAPE INCORPORATED

C.C.O. NO. ?	REPORT NO.	005
AMOUNT AUTHORIZED		
PREVIOUS EXPENDITURE		
TODAY		\$11,399.91
TO DATE		
CONTRACTOR JOB NO.		DPLP
CONTRACTOR REPORT NO.		5

DESCRIPTION OF WORK: Install New 3" Conduit as per SCE Plan Sheet 1000871_0.01

EQUIP. NO.	EQUIPMENT	HOURS	HOURLY RATE	EXTENDED AMOUNTS	LABOR		HOURS	HOURLY RATE	EXTENDED AMOUNTS
	SERVICE BODY 2 AXLE-2500 SER.	42	\$20.29	\$852.18	Laborer Group 3	REG.	37.5	\$51.84	\$1,944.00
	BOBCAT T300	16	\$36.84	\$589.44		OT	0.0		\$0.00
	ARROW BOARD	21	\$2.85	\$59.85	Teamster G1	REG.	6.0	\$58.27	\$349.62
	SIGN STANDS	21	\$2.73	\$57.33		OT	0.0		\$0.00
	SIGN STANDS	21	\$2.73	\$57.33	Operator Engineer Group 4	REG.	19.3	\$73.06	\$1,406.41
	CONES (Per 100)	21	\$14.83	\$311.43		OT	0.0		\$0.00
	JONH DEERE 310J BACKHOE	16	\$57.22	\$915.52	Operator Engineer Group 6	REG.	0.0	\$70.47	\$0.00
			\$0.00	\$0.00		OT	0.0		\$0.00
			\$0.00	\$0.00	Project Manager (Ordering, Setting up Delivery)	REG.	1.0	\$55.00	\$55.00
			\$0.00	\$0.00		OT	0.0		\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
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			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
			\$0.00	\$0.00		REG.			\$0.00
			\$0.00	\$0.00		OT			\$0.00
		158.0		\$2,843.08		REG.			\$0.00
						OT			\$0.00

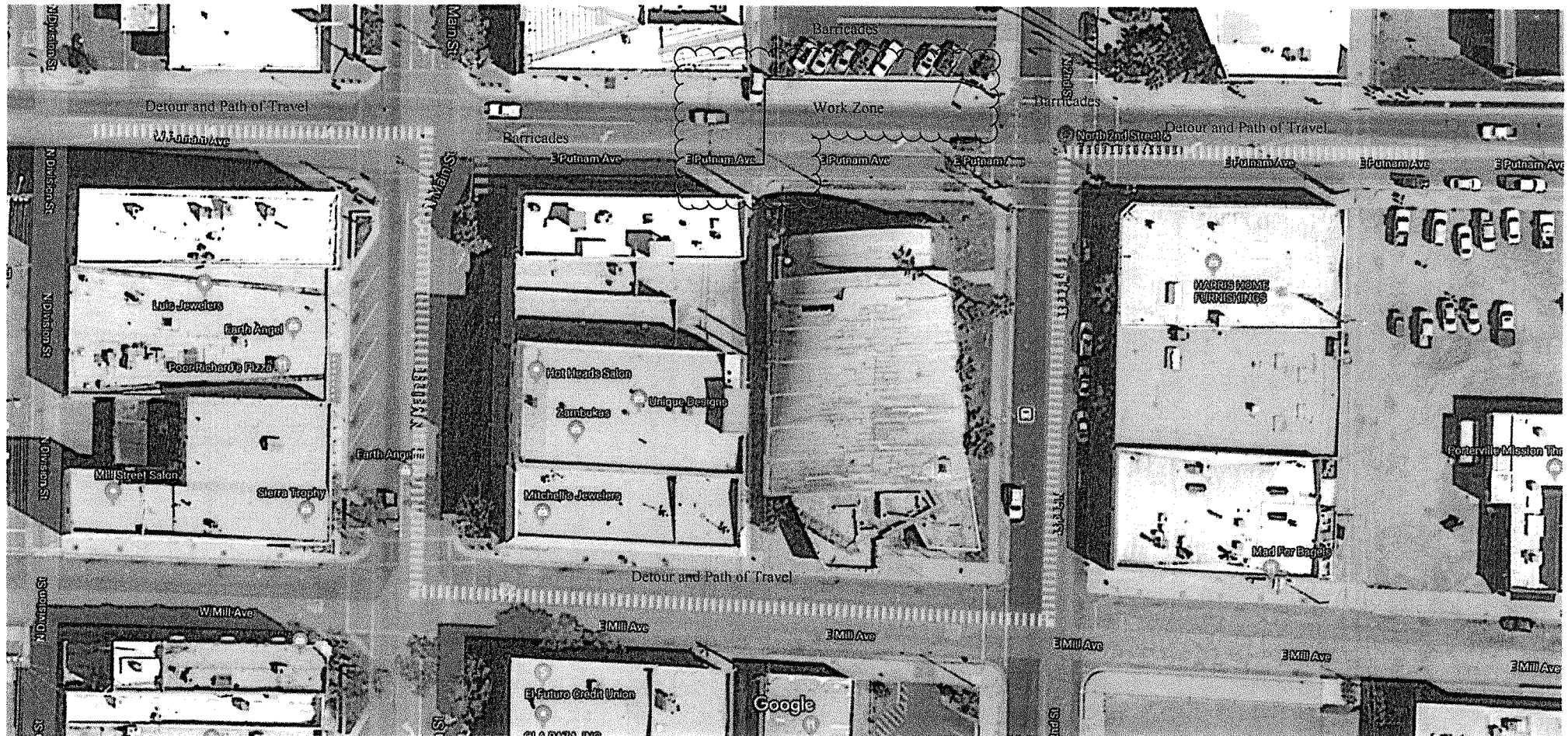
MATERIAL AND/OR WORK DONE BY SPECIALISTS							\$3,755.03
	NO. UNIT	UNIT COST		SUB-TOTAL			
3" Sch 40 PVC Conduit/10' Length	17	\$16.250	\$276.25	LABOR SURCHARGE	12 %		\$450.60
3" Sch 40 PVC Coupling	6	\$6.110	\$36.66	SUBSISTENCE	(65/DY) 3 MEN # Dys 4 @ \$195.00		\$780.00
Disposal Fees	2	\$110.000	\$220.00	TRAVEL EXPENSE	# Dys @		\$0.00
Cold Patch/Bulk Tons	3	\$45.000	\$135.00				
Ag Base/Ton	2	\$28.000	\$56.00	TOTAL COST OF LABOR			A
Trench Plate -Delivery, Rental 1 wk, Pickup	1	\$447.600	\$447.60				
3" Sch 40 PVC Sweeps 36"	4	\$11.420	\$45.68				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				
		\$0.000	\$0.00				\$4,985.63

TOTAL COST OF EQUIPMENT, MATERIALS, AND WORK					B	\$4,060.27
					(A)	\$1,744.97
CALC'S BY:		WHO	DATE	+ 35 % MARKUP ON LABOR COST		
		SR	2/9/2018			
CHECKED BY:				+ 15 % MARKUP ON EQUIPMENT, MATERIAL, AND WORK COST	(B)	\$609.04
A Total of 4 days is required. This is all contingent upon SCE Crews. CCLI is to perform the following work: Install 3" Conduit per SCE Plan 1000871. 0.01. Traffic Control. Saw Cutting across Putnam. Demo and Removal A/C.					TOTAL THIS REPORT	\$11,399.91

A Total of 4 days is required. This is all contingent upon SCE Crews. CCLI is to perform the following work: Install 3" Conduit per SCE Plan 1000871_0.01, Traffic Control, Saw Cutting across Putnam, Demo and Removal A/C Patch Back A/C, Trench Plate the Vault Area, Open Vault Area once SCE can Install the Conduit into the Vault, Patch the area Back with A/C.

TOTAL THIS REPORT	\$11,399.91
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SECOND + POTMAN



EXTRA WORK ESTIMATE FOR: Porterville Parking Lots

CONTRACT NO. 17/18 - CP 1862

DATE PERFORMED TBD

CO. Street. Sta.	Fresno, Various Locations
------------------	---------------------------

DATE OF REPORT 2/9/2018

WORK PERFORMED BY: CLEAN CUT LANDSCAPE INCORPORATED

C.C.O. NO. ? REPORT NO. 003

AMOUNT AUTHORIZED	
PREVIOUS EXPENDITURE	
TODAY	\$3,893.24

TO DATE _____

CONTRACTOR JOB NO.	DPLP
--------------------	------

DESCRIPTION OF WORK: Open up Vault Location Parking Lot 'B' for SCE work.

[illegible]

MATERIAL AND/OR WORK DONE BY SPECIALISTS

[illegible]

TOTAL COST OF EQUIPMENT, MATERIALS, AND WORK

	WHO	DATE
CALC'S BY:	SR	2/9/2018
CHECKED BY:		

+ 35 % MARKUP ON LABOR COST

+ 15 % MARKUP ON EQUIPMENT, MATERIAL, AND WORK COST

A Total of 2 days is required. This is all contingent upon SCE Crews. CCLI is to perform the following work:
Traffic Control, Saw Cut and Demo A/C, Dispose of A/C, Excavate Trench approx 5' Long and 36" Deep,
Stockpile Spoils, Cover Trench with Plate, Provide SCE with Conduit and Coupling, Reinstall Spoils and
Compact, Install Base and Compact, Install A/C to Finish Grade.

TOTAL THIS REPORT

(A)	\$530.03
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(B)	\$241.15
-----	----------

RT	\$3,893.24
----	------------

OLIVE + SECOND

EXTRA WORK ESTIMATE FOR: Porterville Parking Lots

CONTRACT NO. 17/18 - CP 1862

DATE PERFORMED TBD

CO. Street. Sta. Fresno, Putnam & 2nd, Olive & 2nd

DATE OF REPORT 2/9/2018

WORK PERFORMED BY: CLEAN CUT LANDSCAPE INCORPORATED

C.C.O. NO.	?	REPORT NO.	002
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AMOUNT AUTHORIZED _____

PREVIOUS EXPENDITURE	
TODAY	\$4 149 89

TOTAL	\$4,148.00
TO DATE	

TO DATE _____
CONTRACTOR JOB NO. _____ DPLP

CONTRACTOR JOB NO.	DT/ET
CONTRACTOR REPORT NO.	?

DESCRIPTION OF WORK: Open up Vault Location Parking Lot 'C' for SCE work.

EQUIP. NO.	EQUIPMENT	HOURS	HOURLY RATE	EXTENDED AMOUNTS	LABOR	HOURS	HOURLY RATE	EXTENDED AMOUNTS
	SERVICE BODY 2 AXLE-2500 SER.	11	\$20.29	\$223.19	Laborer Group 3	REG. 11.0	\$51.84	\$570.24
	BOBCAT T300	0	\$36.84	\$0.00		OT 0.0		\$0.00
	ARROW BOARD	11	\$2.85	\$31.35	Teamster G1	REG. 5.0	\$58.27	\$291.35
	SIGN STANDS	11	\$2.73	\$30.03		OT 0.0		\$0.00
	SIGN STANDS	11	\$2.73	\$30.03	Operator Engineer Group 4	REG. 5.8	\$73.06	\$420.10
	CONES (Per 100)	11	\$14.83	\$163.13		OT 0.0		\$0.00
	JONH DEERE 310J BACKHOE	8	\$57.22	\$457.76	Operator Engineer Group 6	REG. 0.0	\$70.47	\$0.00
			\$0.00	\$0.00		OT 0.0		\$0.00
			\$0.00	\$0.00	Project Manager (Ordering, Setting up Delivery)	REG. 0.0	\$55.00	\$0.00
			\$0.00	\$0.00		OT 0.0		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
		63.0		\$935.49		REG.		\$0.00
						OT		\$0.00

MATERIAL AND/OR WORK DONE BY SPECIALISTS

[illegible]**TOTAL COST OF EQUIPMENT, MATERIALS, AND WORK**

B	\$1,694.55
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	WHO	DATE
CALC'S BY:	SR	2/9/2018
CHECKED BY:		

+ 35 % MARKUP ON LABOR COST

(A)	\$570.67
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+ 15 % MARKUP ON EQUIPMENT, MATERIAL, AND WORK COST

(B)	\$254.18
-----	----------

A Total of 2 days is required. This is all contingent upon SCE Crews. CCLI is to perform the following work:
Traffic Control, Saw Cut and Demo A/C, Dispose of A/C, Excavate Trench approx 5' Long and 36" Deep,
Stockpile Spoils, Cover Trench with Plate, Provide SCE with Conduit and Coupling, Reinstall Spoils and
Compact, Install Base and Compact, Install A/C to Finish Grade.

TOTAL THIS REPORT

\$4,149.89

SECOND 5 MILL

EXTRA WORK ESTIMATE FOR: Porterville Parking Lots

CONTRACT NO. 17/18 - CP 1862

DATE PERFORMED TBD

CO. Street. Sta.	Fresno, Various Locations

DATE OF REPORT 2/9/2018

WORK PERFORMED BY: CLEAN CUT LANDSCAPE INCORPORATED

C.C.O. NO. ?	REPORT NO.	004
AMOUNT AUTHORIZED		
PREVIOUS EXPENDITURE		
TODAY		\$3,893.24
TO DATE		
CONTRACTOR JOB NO.		DPLP
CONTRACTOR REPORT NO.		4

DESCRIPTION OF WORK: Open up Vault Location Parking Lot 'A' for SCE work.

EQUIP. NO.	EQUIPMENT	HOURS	HOURLY RATE	EXTENDED AMOUNTS	LABOR	HOURS	HOURLY RATE	EXTENDED AMOUNTS
	SERVICE BODY 2 AXLE-2500 SER.	9	\$20.29	\$182.61	Laborer Group 3	REG. 9.0	\$51.84	\$466.56
	BOBCAT T300	0	\$36.84	\$0.00		OT 0.0		\$0.00
	ARROW BOARD	9	\$2.85	\$25.65	Teamster G1	REG. 5.0	\$58.27	\$291.35
	SIGN STANDS	9	\$2.73	\$24.57		OT 0.0		\$0.00
	SIGN STANDS	9	\$2.73	\$24.57	Operator Engineer Group 4	REG. 5.8	\$73.06	\$420.10
	CONES (Per 100)	9	\$14.83	\$133.47		OT 0.0		\$0.00
	JONH DEERE 310J BACKHOE	8	\$57.22	\$457.76	Operator Engineer Group 6	REG. 0.0	\$70.47	\$0.00
			\$0.00	\$0.00		OT 0.0		\$0.00
			\$0.00	\$0.00	Project Manager (Ordering, Setting up Delivery)	REG. 0.0	\$55.00	\$0.00
			\$0.00	\$0.00		OT 0.0		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
			\$0.00	\$0.00		REG.		\$0.00
			\$0.00	\$0.00		OT		\$0.00
		53.0		\$848.63		REG.		\$0.00
						OT		\$0.00

MATERIAL AND/OR WORK DONE BY SPECIALISTS								SUB-TOTAL		\$1,178.01	
	NO. UNIT	UNIT COST									
3" Sch 40 PVC Conduit/10' Length	1	\$16.250	\$16.25	LABOR SURCHARGE	12	%			\$141.36		
3" Sch 40 PVC Coupling	1	\$6.110	\$6.11	SUBSISTENCE	(65/DY) 3 MEN # Dys	1	@	\$195.00	\$195.00		
Disposal Fees	1	\$110.000	\$110.00	TRAVEL EXPENSE	# Dys	@			\$0.00		
Cold Patch/Bag	10	\$15.110	\$151.10	TOTAL COST OF LABOR						A	\$1,514.37
Ag Base/Ton	1	\$28.000	\$28.00								
Trench Plate -Delivery, Rental 1 wk, Pickup	1	\$447.600	\$447.60								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
		\$0.000	\$0.00								
TOTAL COST OF EQUIPMENT, MATERIALS, AND WORK										B	\$1,607.69

	WHO	DATE
CALC'S BY:	SR	2/9/2018
CHECKED BY:		

+ 35 % MARKUP ON LABOR COST

+ 15 % MARKUP ON EQUIPMENT, MATERIAL, AND WORK COST

A Total of 2 days is required. This is all contingent upon SCE Crews. CCL1 is to perform the following work:
Traffic Control, Saw Cut and Demo A/C, Dispose of A/C, Excavate Trench approx 5' Long and 36" Deep,
Stockpile Spoils, Cover Trench with Plate, Provide SCE with Conduit and Coupling, Reinstall Spoils and
Compact, Install Base and Compact, Install A/C to Finish Grade.

TOTAL THIS REPORT

(A)	\$530.03
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(B)	\$241.15
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\$3,893.24

Putnam & Hockett



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Authorization to Negotiate Service Agreements for Hazardous Material Surveys and Oversight Service for City Facilities

SOURCE: Public Works

COMMENT: Staff is working on several projects related to various city owned facilities. These projects are as follows:

Animal Shelter Facility – Remodel existing structure at 185 N. D Street.

Waste Water Treatment Facility Office – Repairs to existing structure at 555 N. Prospect Street.

Stout Building – Remodel existing structure to meet ADA requirements at 287 N. Hockett Street.

Library & Airport Restrooms – Remodel existing restrooms to meet ADA requirements at 41 W. Thurman Avenue and 1893 S. Newcomb Street.

City Hall Gym – Expansion of the existing gym within the basement of City Hall by removal of existing walls at 291 N. Main Street.

G Street Demolition – Creation of abatement specification and oversight of demolition project at 87 S. G Street.

The Environmental Protection Agency (EPA) and the Toxic Substance Control Act (TSCA) are found in Title 40 Code of Federal Regulations (CFR) 763 Subparts E, F, G, and the Asbestos Schools Hazard abatement Reauthorization Act (ASHARA) governs all asbestos removal in public and private schools (K-12) as well as the interior of all public and commercial buildings. All personnel who inspect, all persons conducting response actions and all people designing response actions must be EPA Accredited.

CalOSHA regulates the disturbance of more than 100 sq./ft (0.1% asbestos), of surfacing material in all structures, including District exempt residential structures.

The National Emissions Standard for Hazardous Pollutants (NESHAP) Regulations Title 40 Code of Federal Regulations (CFR) 61, Subpart M governs asbestos air emissions during demolition and renovation projects. Notification requirements and fees to local EPA Air Pollution Control or Air Quality

Management District's exist for most demolition, renovation, and removal projects. The NESHAP regulations have specific work practice requirements that must be followed during the removal of these materials, in addition Cal EPA and the NESHAP regulations have waste handling, transportation, and disposal requirements, which must be adhered to. These requirements can be reviewed online on the San Joaquin Valley Air Pollution Control Districts web site.

The San Joaquin Valley Air Pollution Control District is the local district in charge of enforcing the herein stated regulations by requiring that a Certified Asbestos Consultant (CAC) perform an asbestos survey prior to the demolition of a regulated facility. Following the completion of an asbestos survey, submit the asbestos survey "Asbestos Notification, Demolition Permit Release," and the proper fees to the District 10 working days prior to the removal of RACM (Regulated Asbestos Containing Material) and the demolition when no asbestos is present.

The purpose of the Asbestos Program is to protect the public from uncontrolled emissions of asbestos through enforcement of the Federal Asbestos Standard. The Program covers most renovations and demolition projects in the San Joaquin Valley air basin. Elements of the Program include Survey and Notification Requirements prior to beginning a project, as well as Work Practice Standards and Disposal Requirements.

Air Quality Compliance Solutions is EPA Accredited and has performed several inspection and oversight services for the City of Porterville over the years. These projects have complied with all applicable laws and staff have been extremely satisfied with this firm's performance. The scope of each specifically herein described projects are typically under \$5,000.

Staff is seeking City Councils authorization to negotiate project specific scope of services from Air Quality Compliance Solutions for the projects listed at the beginning of this report.

RECOMMENDATION: That City Council:

1. Authorize the Public Works Director to negotiate service agreements for each of the six (6) projects listed within this staff report; and
2. Authorize the Public Works Director to execute each agreement.

ATTACHMENTS: 1. Locator Maps

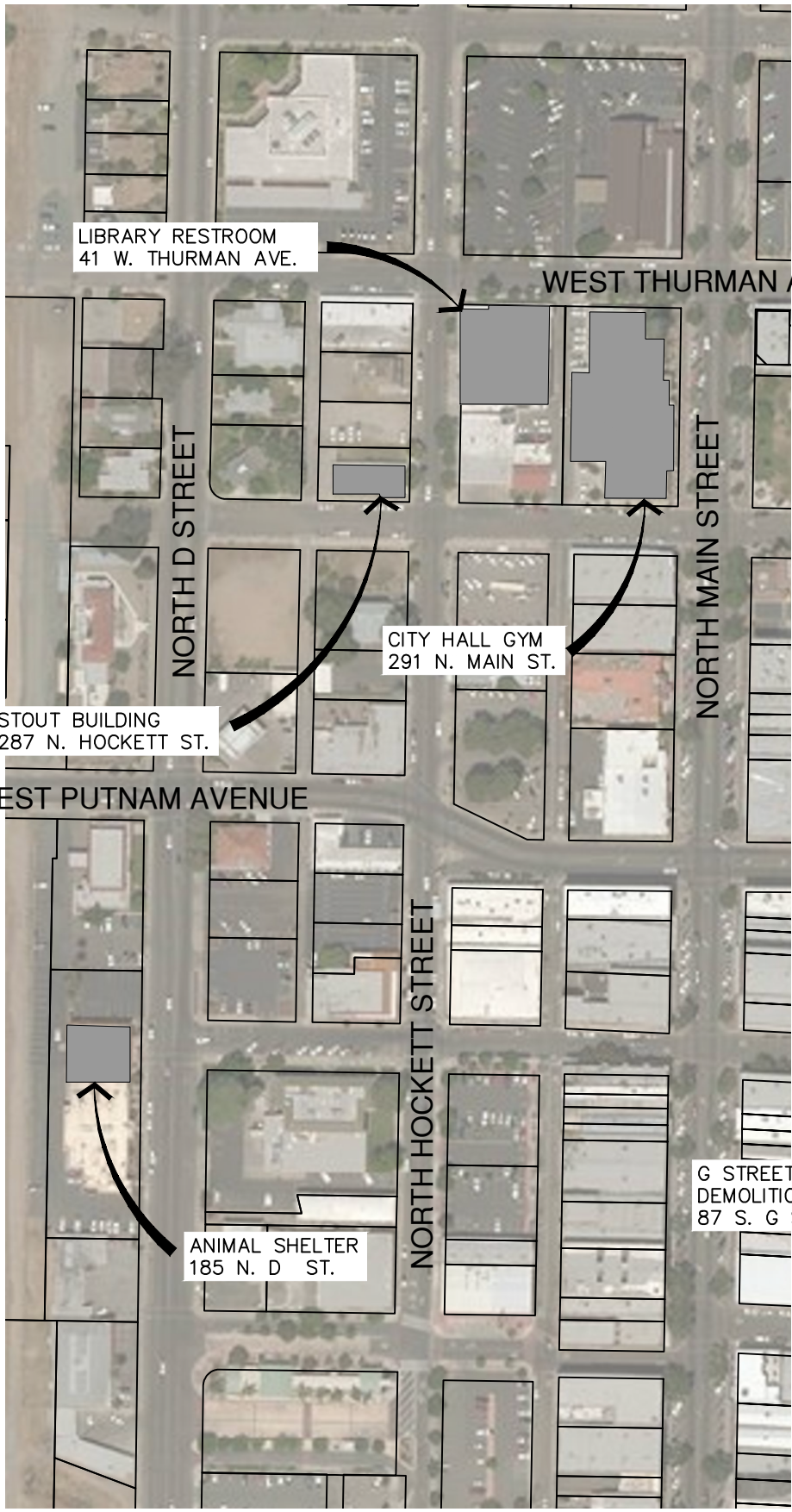
Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



LIBRARY RESTROOM
41 W. THURMAN AVE.

WEST THURMAN AVENUE

NORTH D STREET

NORTH MAIN STREET

CITY HALL GYM
291 N. MAIN ST.

STOUT BUILDING
287 N. HOCKETT ST.

WEST PUTNAM AVENUE

NORTH HOCKETT STREET

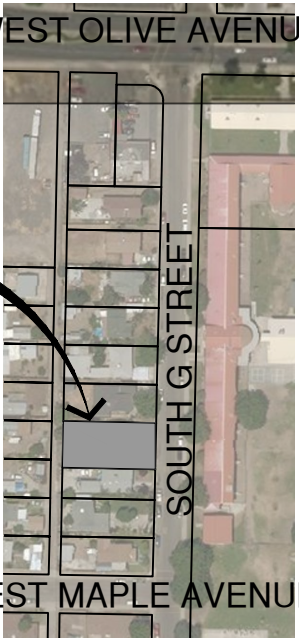
ANIMAL SHELTER
185 N. D ST.

G STREET
DEMOLITION
87 S. G ST.

WEST OLIVE AVENUE

SOUTH G STREET

WEST MAPLE AVENUE



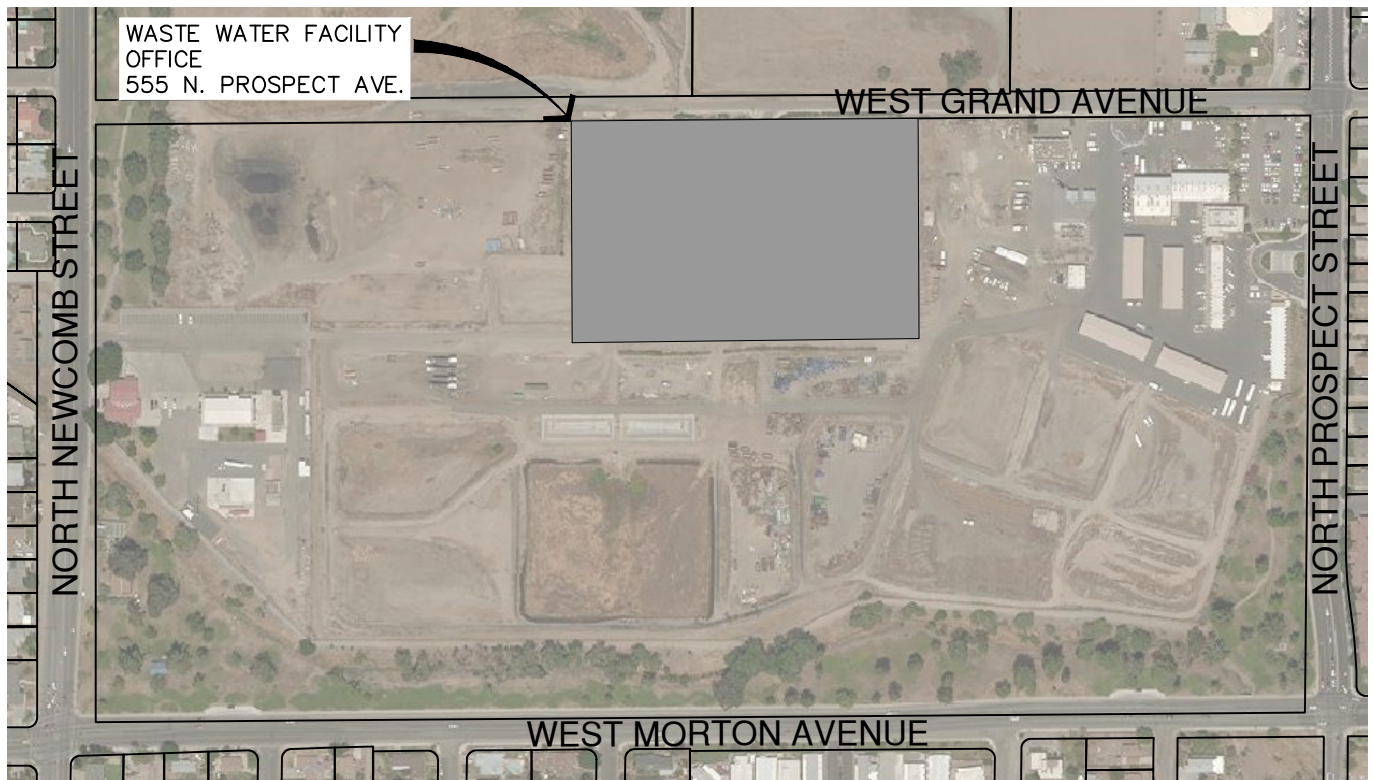
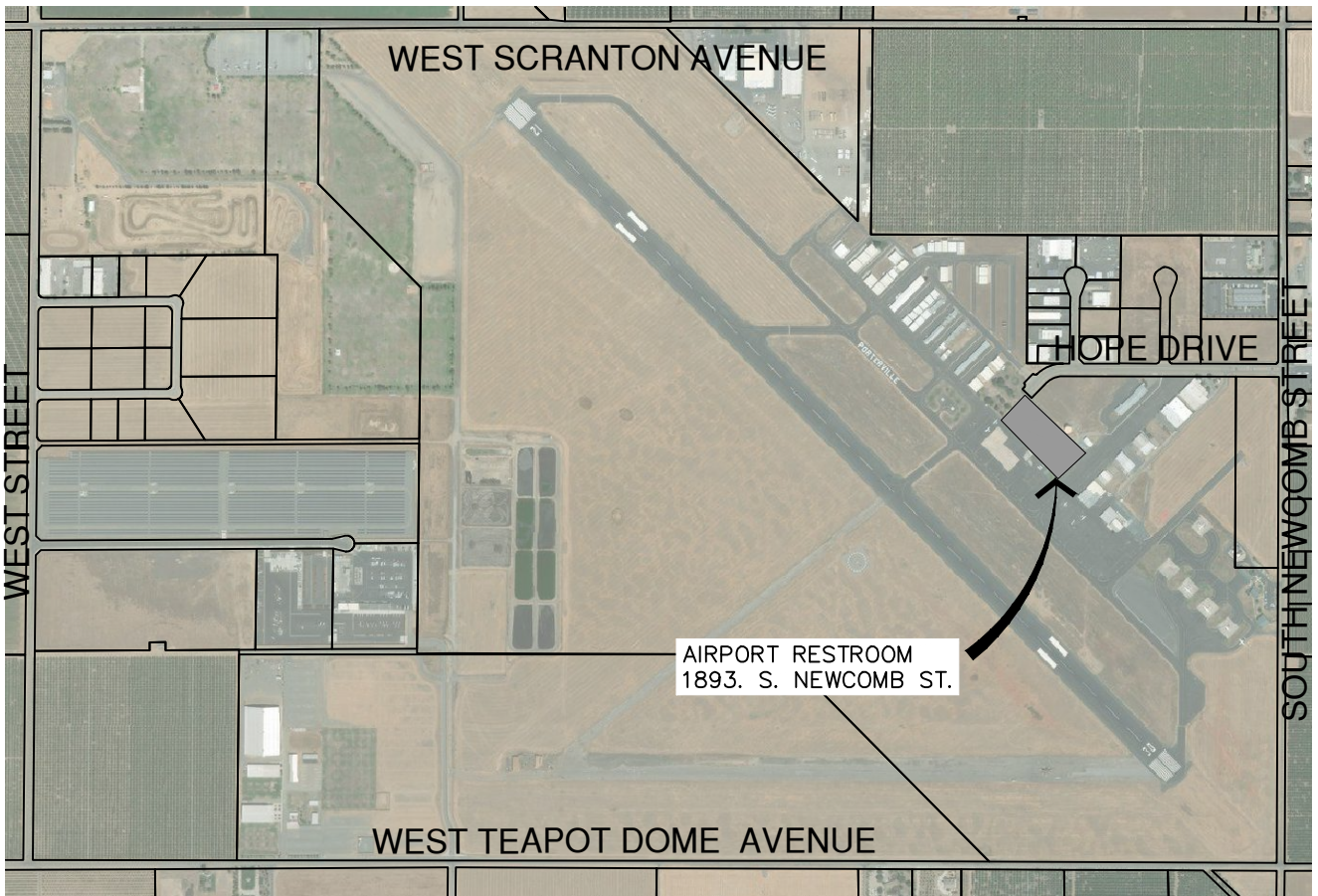
CITY OF PORTERVILLE
ENGINEERING DIVISION

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

PROJECT LOCATION MAP

DRAWN BY	CAL
CHECKED BY	
SCALE	N.T.S.
DATE	2/13/2018

SHEET
1
OF
2



CITY OF PORTERVILLE
ENGINEERING DIVISION

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

PROJECT LOCATION MAP

DRAWN BY	CAL
CHECKED BY	
SCALE	N.T.S.
DATE	2/13/2018

SHEET
2
OF
2



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Payback Agreement for Off-Site Water Main - 1800 Baker Avenue (Randle E Weldon)

SOURCE: Public Works

COMMENT: The owner of 1800 W. Baker Street (243-310-075), Randle E. Weldon, is requesting a payback agreement for costs involved with the installation of an off-site water main along W. Baker Avenue, west of Rose Street. The owner installed 471 lineal feet of six (6) inch water main, fire hydrant and related appurtenances at a total cost of \$38,744.34.

In accordance with City Code Section 25-30, a resolution for payback of improvement costs from benefiting properties has been provided herein. Said resolution describes the conditions under which the payback will be expected. Water main installation and fire hydrant cost on all effected properties are shown on Exhibit "B", attached to the resolution.

In the case of this project, there are five (5) benefited properties along Baker Avenue. The benefiting parcels and proportionate share of the construction costs are shown below:

Assessor Parcel	Address	Reimbursement Amount
APN 243-310-068	No Address Assigned	\$7,748.87
APN 243-310-073	1807 Baker Avenue	\$7,748.87
APN 243-310-074	1814 Baker Avenue	\$7,748.87
APN 243-310-076	1901 Rose Street	\$7,748.87
	Total	\$38,995.48

Before the present owners and future owners of the above listed properties will be issued a permit or other grant of approval for development of the parcel or simply request to connect to the city's water system, they must pay their share of the water infrastructure costs.

RECOMMENDATION: That City Council adopt a resolution establishing that before benefiting properties are permitted to connect to the off-site water main, their pro-rata shares of the payback agreement shall be collected. The total payback amount to be collected shall not exceed \$30,995.48.

ATTACHMENTS: 1. Draft Resolution

Item No. 5.

2. Exhibit A - Locator Map
3. Exhibit B

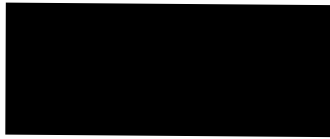
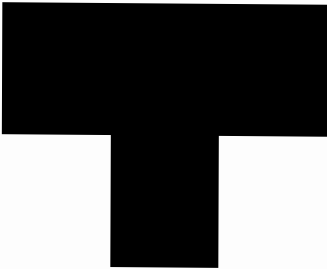
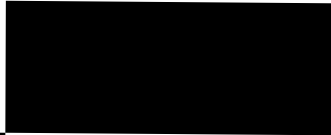
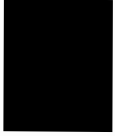
Appropriated/Funded:

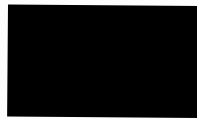
Review By:

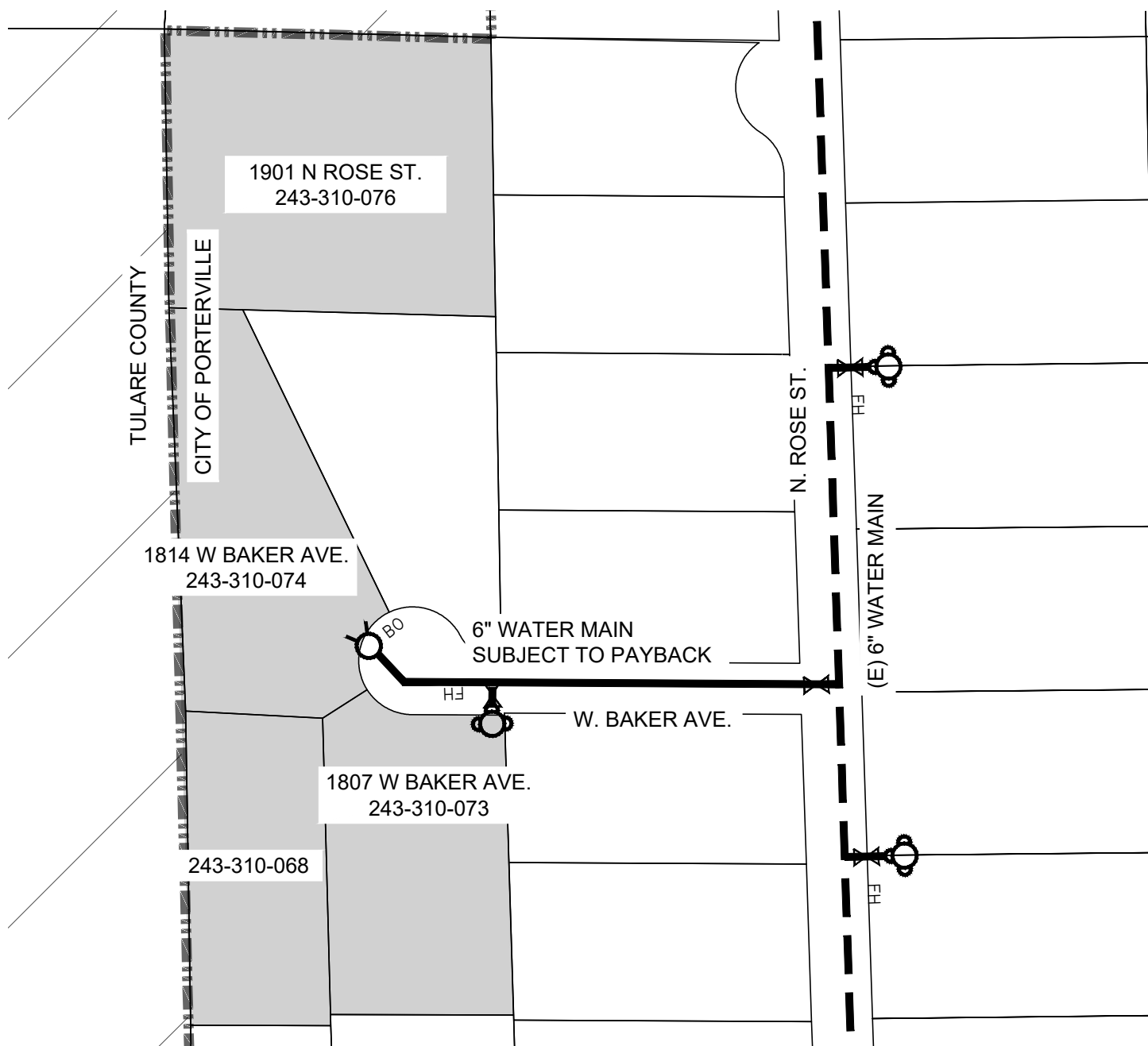
Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



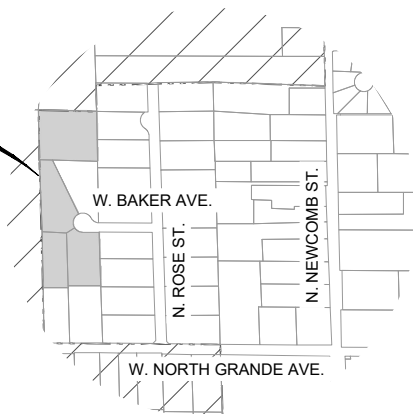




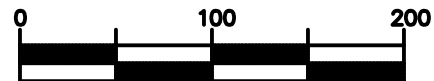
SUBJECT
LOCATION



AREA MAP
NO SCALE



PROPERTY SUBJECT
TO WATER PAYBACK



SCALE: 1"=100'

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

WATER PAYBACK AGREEMENT MAP

FOR PROPERTIES LOCATED AT 1807, 1814 W. BAKER
AVE. 1901 ROSE STREET AND PARCEL 243-310-068





CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Considering Authorization of the Filing of Certifications and Assurances and Authorized Agent Form for the California State of Good Repair Program; and Authorization to Obtain Written Price Quotations from Qualified Vendors for the Procurement of a Battery-Electric Van

SOURCE: Public Works

COMMENT: The Road Repair and Accountability Act of 2017, Senate Bill (SB) 1 (Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, includes a program that will provide additional revenues for transit infrastructure and service improvements. This investment in public transit will be referred to as the State of Good Repair program. This program provides funding of approximately \$105 million annually to the State Transit Assistance (STA) Account. These funds are to be made available for eligible transit maintenance, rehabilitation and capital projects.

SB 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation program. Therefore, in order to be eligible for State of Good Repair funding, the City of Porterville must comply with various reporting requirements. The State of Good Repair Guidelines describe the general policies and procedures in carrying out the reporting requirements and other statutory objectives of the Road Repair and Accountability Act of 2017.

In order to apply for State of Good Repair funds, the City of Porterville must have a resolution in place that authorizes the filing of applications with the California Department of Transportation. Upon Council approval of the authorizing resolution, staff will be able to apply for State of Good Repair funds as identified in the Project List. On January 31, 2018, the Tulare County Association of Governments submitted the City's FY 2017-18 project list to the state for approval. The City's FY 2017-18 project is to purchase a battery-electric paratransit van to be used for the Dial-A-Ride service. Staff is requesting authorization to obtain written price quotations from an adequate number of qualified vendors for a battery-electric paratransit van.

The Caltrans Division of Rail and Mass Transportation (DRMT) Procurement Management Branch provides subrecipient purchasing oversight to ensure that a subrecipient adequately meets federal and state procurement guidelines.

Subrecipient purchases between \$35,000 and \$150,000 are classified by the FTA as small purchases. Small purchase procedures require a subrecipient to

obtain oral or written price quotations from an adequate number of qualified vendors, typically three. Documentation for quotations must include: vendor's name and address; item description; unit price; all fees and charges; and sales or use tax.

RECOMMENDATION: That the City Council:

1. Adopt the Resolution for the execution of the certifications and assurances for the California State of Good Repair Program; and
2. Authorize staff to obtain written price quotations for the purchase of a battery-electric paratransit van.

ATTACHMENTS: 1. Transit_SGR+Resolution+2.20.18

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

RESOLUTION #_____ - 2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND
ASSURANCES FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM**

WHEREAS, the City of Porterville is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies); and

WHEREAS, the City of Porterville wishes to delegate authorization to execute these documents and any amendments thereto to the City Manager;

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Porterville, State of California, that the fund recipient agrees to comply with all conditions and requirements set forth in the Certifications and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Manager be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

NOW THEREFORE, BE IT FURTHER RESOLVED that John Lollis (City Manager) or Michael Reed (Public Works Director) or Richard Tree (Transit Manager) be hereby authorized to execute for and on behalf of the City of Porterville, and to take any actions necessary for the purpose of obtaining State Transit Assistance State of Good Repair funds provided by the California Department of Transportation, Division of Rail and Mass Transportation.

PASSED, ADOPTED AND APPROVED this 20th day of February, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: A Resolution Approving the Application for State Off-Highway Vehicle Grant Funds

SOURCE: Parks and Leisure Services

COMMENT: Staff has prepared a State Off-Highway Vehicle Grant application for the 2017/2018 grant cycle. The process entails an on-line preliminary application and the ability for the public to review and comment on the preliminary application from March 5 through April 2, 2018. Preliminary application review and comment is conducted on the State OHV website allowing the public the ability to participate. In addition, State OHV personnel review the preliminary application and provide comments on its completeness and accuracy. Staff is then given the opportunity to revise the preliminary application, only for purposes of responding to public and State comments, prior to confirming the submission of a final application.

The preliminary Ground Operations application is \$143,995.00, of which \$106,556.30 is the grant request amount and \$37,438.70 would come from a local match. The Ground Operations activity is for the annual ongoing maintenance and operational enterprise including contractual services, equipment maintenance, materials and supplies.

The Ground Operations activities are for one year commencing July 2018. The local match for the proposed grant is comprised of volunteer efforts, administrative services, gate revenues and the general fund. The final application submission must be made by May 7, 2018, and results of the competitive scoring will be known by June 4, 2018.

RECOMMENDATION: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

ATTACHMENTS: 1. OHV Grant Resolution

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE APPLICATION FOR THE STATE OF CALIFORNIA,
DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT
FUNDS**

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law Enforcement, Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application to apply for Off-Highway Motor Vehicle Grant funds; and

WHEREAS, this Project appears on, or is in conformance with, this jurisdiction's adopted general or master plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby:

1. Approves the filing of an Application(s) for an Off-Highway Vehicle Grant or Cooperative Agreement; and
2. Certifies that this agency understands its legal obligations to the State upon approval of the Grant; and
3. Certifies that this agency understands the California Public Resources Code requirement that Acquisition and Development Projects be maintained to specific conservation standards; and
4. Certifies that the Project will be well-maintained during its useful life; and
5. Certifies that this agency will implement the Project with diligence once funds are available and the Applicant has reviewed, understands, and agrees with the Project Agreement; and
6. Certifies that this agency will provide the required matching funds; and
7. Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and
8. Appoints the Director of Parks & Leisure Services as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

Passed, approved and adopted this 20th day of February, 2018.

By: _____
Milt Stowe, Mayor

Attest:

John D. Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Authorization to File Applications with the Federal Transit Administration

SOURCE: Public Works

COMMENT: Under the provisions of Fixing America's Surface Transportation Act (FAST Act) and other federal statutes, the FTA distributes a variety of transit-related funds, including FTA 5307 urbanized formula funds. The City of Porterville may apply for and receive FTA funds.

In order to apply for FTA funds, the City of Porterville must have a resolution in place that authorizes the filing of applications with the Federal Transit Administration. Upon Council approval of the authorizing resolution, staff will be able to apply for FTA funds as approved by the Council.

RECOMMENDATION: That the City Council adopt the Resolution authorizing the filing of applications with the Federal Transit Administration (FTA).

ATTACHMENTS: 1. Transit_FTA+Resolution+2.20.18

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

RESOLUTION #_____ - 2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL CITY OF
PORTERVILLE AUTHORIZING THE FILING OF APPLICATIONS WITH THE
FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF
THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL
TRANSPORTATION ASSISTANCE AUTHORIZED BY CHAPTER 53 OF TITLE 49 OF
THE UNITED STATES CODE AND ANY OTHER FEDERAL STATUTES
ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, the Federal Transit Administration has been authorized to provide funding to support public transportation under 49 U.S.C. Chapter 53; and

WHEREAS, grants or cooperative agreements for Federal Financial assistance will impose certain obligations upon the City of Porterville and may require the City of Porterville to provide the non-Federal share of transportation-related expenses supported with Federal financial assistance; and

WHEREAS, the City of Porterville is legally authorized under Federal, state, or local law to apply for and receive Federal assistance; and

WHEREAS, the City of Porterville is the Designated Recipient as defined at 49 U.S.C. 5307 (a)(2) and has authority to apply for and receive Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307; and

WHEREAS, the City of Porterville is required to provide certain certifications and assurances to the Federal Transit Administration at least annually;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

1. Authorize the City Manager or designee to execute and file applications for Federal assistance on behalf of the City of Porterville with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53 or any other Federal statutes authorizing activities administered by the Federal Transit Administration.
2. Authorize the City Manager or designee to execute and file with the Federal Transit Administration the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. Authorize the City Manager or designee to execute and file such applications, assurances or any other documents required by the Federal Transit Administration for the purpose of complying with Title VI of the Civil Rights Act of 1964.

4. Authorize the City Manager or designee to furnish such additional information as the Federal Transit Administration may require in connection with the program or projects identified in applications.
5. Authorize the City Manager or designee to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Porterville.
6. Authorize the Finance Director or designee to draw payments against available grant funding using the ECHO web system or other Federal Transit Administration automated application used to required payments from grant awards.

PASSED, ADOPTED AND APPROVED this 20th day of February, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Authorization of Low Carbon Fuel Standard Account Administrators

SOURCE: Public Works

COMMENT: Pursuant to the California Assembly Bill AB 32 and the Governor's Executive Order S-01-07, the Low Carbon Fuel Standard (LCFS) is designed to encourage the use of cleaner low-carbon fuels in California, encourage the production of those fuels, and therefore, reduce greenhouse gas emissions.

The LCFS standards are expressed in terms of the "carbon intensity" of gasoline and diesel fuel and their respective substitutes. The LCFS is performance-based and fuel-neutral, allowing the market to determine how the carbon intensity of California's transportation fuels will be reduced. The expected benefits of the LCFS program is reduced greenhouse gas emissions, transform and diversify fuel pool, and reduce petroleum dependency.

The simplified version of how the LCFS program works is that fuels above the standard generate deficits, such as refineries and other providers of high carbon petroleum fuels. Fuels below the standard generate credits, such as transit agencies, public fleets, and school districts. In order for the City to generate credits, to be sold in the market, the City must register for an individual carbon intensity pathway. The major refiners are the primary buyers in the LCFS and brokers are also available to facilitate credit transactions. Credits can be bilaterally transferred between buyers and sellers.

Approximate credit revenue for transit buses are: CNG \$.07 per mile, renewable natural gas \$.29 per mile, and electricity \$.23 per mile. Based upon annual Transit CNG bus miles driven, staff estimates additional Transit revenue of \$50,000 per year, which could potentially triple to \$150,000 with electric buses.

Staff is requesting authorization from the City Council to designate the Mayor with the authority to legally bind the City as an LCFS Reporting party, Michael Reed, Public Works Director, as the Primary Account Administrator, and Richard Tree, Transit Manager, as the Secondary Account Administrator.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to legally bind the City of Porterville as a Low Carbon Fuel Standard Reporting Party;
2. Authorize Michael Reed, Public Works Director, as the Primary Account Administrator; and

3. Authorize Richard Tree, Transit Manager, as the Secondary Account Administrator.

ATTACHMENTS: 1. Porterville-LCFS Account Registration Form

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**LOW CARBON FUEL STANDARD
ACCOUNT REGISTRATION FORM**
(Version 1.0)

Instructions: The certification must be signed and dated by the account administrators. A pdf version must be uploaded into the online LRT-CBTS. Please complete the form with all the required signatures and upload it in Step 2 and then submit the uploaded form with the Organization Registration in Step 4.

The original form with signatures must be mailed to the address below. Include a cover letter on company letterhead with the completed form as an attachment.

Mail original copy to:
California Air Resources Board
c/o Low Carbon Fuel Standard Program
P.O. Box 2815 Sacramento, CA 95812

NOTE: The form must be signed by the business owner, a managing partner, or a corporate officer.

The basis for the registration of _____ as an LCFS Reporting Party is provided below.
(Organization/Company Name)

Select one or more fuels/blendstocks from the following list for which your organization/company is a "Regulated Party" under the LCFS Program per section 95483 of the LCFS regulation:

- ☐ California reformulated gasoline blendstock for oxygenate blending ("gasoline" or "CARBOB")
- ☐ California diesel fuel ("diesel fuel" or "ULSD")
- ☐ Fossil liquefied natural gas ("Fossil LNG"), or fossil liquefied compressed natural gas ("Fossil L CNG")
- ☐ A fuel blend containing greater than 10 percent ethanol by volume
- ☐ A fuel blend containing biomass-based diesel
- ☐ Denatured fuel ethanol ("E100")
- ☐ Neat biomass-based diesel ("B100")
- ☐ Any other liquid or non-liquid fuel

Also, complete the following if your company is opting into the LCFS Program as an "Opt-In" Party per section 95483.1 of the LCFS regulation:

- ☐ A producer of one or more fuels from the following list of "opt-in" fuels specified in section 95482(b) and meets the requirements of section 95483(d), (e) or (f), whichever applies to that fuel as selected below:
 - ☐ Electricity
 - ☐ Hydrogen
 - ☐ A hydrogen blend
 - ☐ Fossil CNG derived from North American sources
 - ☐ Bio-CNG
 - ☐ Bio-LNG
 - ☐ Bio-L-CNG

☐ An out-of-state producer of oxygenate for blending with CARBOB or gasoline, or biomass-based diesel for blending with CARB diesel, who is not otherwise subject to the regulation as an importer. A credit generator under this subsection may retain the compliance obligation, for a specific volume of fuel or blendstock, only if that person sells the fuel to a regulated party.

☐ A person ("intermediate entity") who is in the distribution/marketing chain of imported fuel and is positioned on that chain between the section 95483.1(a)(2) producer and the importer. See section 95483.1(a)(3).

☐ The gas company, utility, or energy service provider that supplies natural gas ("natural gas supplier") to a person that falls within the provisions of section 95483(d). See section 95483.1(a)(4).

☐ A producer of crude oil that has an innovative production method approved by the Executive Officer under section 95489(d). See section 95483.1(a)(5).

As _____ with authority to legally bind _____
(Title) (Organization/Company)

I, _____, am designating the following individuals as account administrators.
(Type Name)

PRIMARY ACCOUNT ADMINISTRATOR

The Primary Account Administrator is: _____
(Type Name)

Account Administrator Attestation I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the primary account administrator by persons who have the legal right to control LCFS credits held in the account. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account.

Signature of Primary Account Administrator:

Signature (Ink Only) _____ Date _____

Print Name _____

SECONDARY ACCOUNT ADMINISTRATOR

The Secondary Account Administrator is: _____
(Type Name)

Account Administrator Attestation I certify under penalty of perjury under the laws of the State of California as follows: I was selected as the secondary account administrator by persons who have the legal right to control LCFS credits held in the account. I have all the necessary authority to carry out the duties and responsibilities contained in California Code of Regulations, title 17, sections 95480 et seq. on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Executive Officer or a court regarding the account.

Signature of Secondary Account Administrator:

Signature (Ink Only) _____ Date _____

Print Name _____

OWNER/ MANAGING PARTNER/ CORPORATE OFFICER*

Signature of Owner/Officer/Managing Partner:

Signature (Ink Only) _____ Date _____

Print Name _____

*Only Owners, Officers or Managing Partners responsible for the company's fuel production facilities and having authority to legally bind the company should complete and sign this form.



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Update to the City's Urban Water Management Plan

SOURCE: Public Works

COMMENT: The Urban Water Management Plan (UWMP) is a requirement of the Urban Water Management Planning Act (UWMPA) (Division 6, Part 2.6 of the California Water Code (CWC) §10610-10656). The UWMPs must be submitted to the Department of Water Resources (DWR). The submittal is a requirement of the UWMPA, including the most current amendments that have been made. The UWMPA applies to urban water suppliers with 3,000 or more connections being served or supplying more than 3,000 acre-feet (AF) of water annually; the City serves more than 17,000 connections and annually supplies more than 10,000 AF of water.

UWMPs are required of the state's urban water suppliers in an effort to assist with resource planning and to ensure adequate water supplies are available for future use. A secondary purpose of the UWMP is to provide for a plan or series of plans during water drought situations. This plan was prepared according to the requirements of the CWC, UWMPA and the UWMP Guidebook March 2016.

This latest update to the 2015 UWMP calculates the City's average water use in gallons per capita per day (GPCD), the GPCD is used to form a baseline across a ten year period; 2001 to 2010. The City's ten year baseline GPCD is 195 GPCD. The City's 2020 GPCD target of 179 GPCD is based on the hydrologic region target for the Tulare Lake region. The midpoint between the baseline and 2020 target is the 2015 interim target of 187 GPCD. The DWR Population Tool was used to calculate the City's Service Area Population in determining the City's 2015 compliance year GPCD of 130 GPCD. The City achieved its 2015 interim target GPCD using its Water Conservation Plan included in the 2010 UWMP.

Staff have incorporated comments, where appropriate, received from R. L. Schafer on the update to the 2015 UWMP.

RECOMMENDATION: That City Council:
1. Conduct Public Hearing, and receive comments, on the continued public hearing for the City's 2015 Urban Water Management Plan from February 6, 2018;

2. Adopt the City's 2015 Urban Water Management Plan;
3. Submit the 2015 Urban Water Management Plan to the Department of Water Resources, the California State Library, and Tulare County; and
4. Make the 2015 Urban Water Management Plan available to the public for review within 30 days after filing a copy of the plan with the Department of Water Resources.

ATTACHMENTS:

1. 2015 Urban Water Management Plan
2. Resolution to adopt 2015 UWMP

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE



2015 URBAN WATER MANAGEMENT PLAN OCTOBER 2017



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ABBREVIATIONS – Entities

CDP	Census-Designated Place
CDPH	California Department of Public Health
DCTRA	Deer Creek and Tule River Authority
DWR	Department of Water Resources
ID	Irrigation District
IRWMP	Integrated Regional Water Management Plan
MOU	Memorandum of Understanding
PID	Porterville Irrigation District
SGMA	Sustainable Groundwater Management Act
SWRCB	State Water Resources Control Board
USBR	United States Bureau of Reclamation
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Plan Act
UWMPGB	UWMP 2010 Guidebook
WCP	Water Conservation Plan
WMP	Water Master Plan or Water System Master Plan

ABBREVIATIONS – Terminology & Units

AB	State Assembly Bill
ac	acre
ADD	Average Daily Demand
af	acre-feet
afy	acre-feet per year
bgs	below ground surface
cfs	cubic feet per second
CWC	California Water Code
DMM	Demand Management Measures
DU	Dwelling Unit
ETo	Evapotranspiration
ft	feet
gpd	gallons per day



gpcd	gallons per capita per day
MDD	Maximum Day Demand
MG	Million Gallons
mgd	million gallons per day
µg/L	micrograms per liter
pCi/L	picocuries per liter
PHG	Public Health Goal
PKH	Peak Hour Demand
psi	pounds per square inch
SB	State Senate Bill
TCP	1,2,3-Trichloropropane
UDB	Urban Development Boundary
ULF	Ultra-Low Flush Toilet



1 INTRODUCTION AND OVERVIEW

1.1 Background and Purpose

The Urban Water Management Plan (UWMP) is a requirement of the Urban Water Management Planning Act (UWMPA) (Division 6, Part 2.6 of the California Water Code [CWC] §10610-10656). The UWMPs must be filed every five years and submitted to the Department of Water Resources (DWR). The submittal is required to meet the requirements of the UWMPA, including the most current amendments that have been made. The UWMPA applies to urban water suppliers with 3,000 or more connections being served or supplying more than 3,000 acre-feet (AF) of water annually.

UWMPs are required of the state's urban water suppliers in an effort to assist their resource planning and to ensure adequate water supplies are available for future use. A secondary purpose of the UWMP is to provide for a plan or series of plans during water drought situations. This report was prepared according to the requirements of the CWC, UWMPA and the UWMP Guidebook 2015.

1.2 Urban Water Management Planning and the California Water Code

1.2.1 Urban Water Management Planning Act

In 1983, SB797 altered Division 6 of the CWC by producing the UWMPA. Since 1983, several amendments to the original document have increased the requirements of the UWMPs submitted today. One such amendment required projections for water use to extend 20 years at 5-year intervals. Recently, this has been increased to a 25-year projection providing for a minimum 20-year projection up until the next UWMP is completed.

Various other amendments have increased requirements to include sections on recycled water use, demand management measures (DMMs), water shortage contingency plans and reporting on distribution system water losses. Recycled water use sections were added to assist in evaluation of alternate water supplies for future use when projects exceed the current water supplies. Demand management measures must be clearly described including which measures are being implemented and which are scheduled for implementation in the future. Water contingency plans are to be prepared and coordinated with other water suppliers in the area for use during times of drought. Pertinent bills that have passed are included in **Table 1-1**.



Table 1-1: Pertinent Bills

Bill	Requirements
SB610 and AB901	Consideration of water availability when reviewing new large developments
SB318	Investigate possibilities of developing desalinated water
AB105	Submit UWMP to State Library
Water Conservation Bill (2009)	Urban water suppliers to reduce the statewide average per capita daily water consumption by 20% by December 31, 2020
AB 2409 (2010)	Urban water supplier shall analyze and define water features that are artificially supplied with water.
AB 2067 (2014)	Urban water supplier shall provide a narrative description that addresses the nature and extent of each water demand measure implemented over the past five years.
SB 1036 (2014)	Urban water supplier may voluntarily report energy-related information the urban water supplier deems appropriate.
SB 1420 (2014)	Urban water supplier shall quantify water distribution system losses.

1.2.2 Applicable Changes to the Water Code since 2010 UWMPs

The City of Porterville (City) previously prepared an UWMP in 2007 and updated the plan in 2014 (2010 UWMP update). This 2015 UWMP serves as an update to the previous UWMPs and complies with all new requirements and regulations.

Summary of new requirements:

- 1 Demand management measures CWC section 10631 (f)
- 2 Submittal Date CWC section 10621 (d)
- 3 Electronic Submittal CWC section 10644 (a)
- 4 Standardized Forms CWC section 10644 (a)
- 5 Water loss CWC Section 10631 (e)
- 6 Estimating Future water savings CWC Section 10631(e)
- 7 Voluntary Reporting of Energy Intensity CWC section 10631.2 (a)
- 8 Defining Water Features CWC Section 10632 (b)

1.3 Urban Water Management Plans in Relation to Other Planning Efforts

The City has strived to maximize their existing water resources to minimize the need to import water. This has been done through conservation programs, especially metering, to minimize per capita consumption. The City's per capita demands are lower than most cities in the area. Population growth and continued development will require on going evaluations of groundwater pumping demands. Drought impacts have stressed the local



groundwater supplies and well yields reflect a decline. Consequently, the City has begun to secure surface water contracts and implement efforts of ground water recharge.

The City of Porterville and Porterville Irrigation District (PID) have entered into discussions to establish a Memorandum of Understanding (MOU) regarding cooperative water operations. In the MOU, the two parties will agree to jointly develop and conduct programs to increase surface water imports to the City and PID.

The City has historically worked with other agencies in the management of their water resources.-The City began to build closer relations with the County of Tulare and nearby irrigation and water districts during preparation of the General Plan Update in 2006 and continues to build on those relationships through the establishment and implementation of the Sustainable Ground Water Management Act.

The Sustainable Groundwater Management Act (SGMA) went into effect January 1, 2015. SGMA requires that local water agencies within all medium and high-priority sub-basins form one or more Groundwater Sustainability Agencies (GSA) to prepare a Groundwater Sustainability Plan (GSP). GSA's must be formed by June 30, 2017 and GSPs must be adopted by January 31, 2020. The Tule Sub-basin, as defined in Bulletin 118 is one such Sub-basin.

Since late 2014, the public agencies in the Tule Sub-basin have been meeting to discuss the implementation of SGMA. In order to be in compliance with SGMA, all areas in a sub-basin must be covered by a GSA. If more than one GSA covers a sub-basin, a coordination agreement must be drafted and agreed upon by the GSAs.

Since 2015, the City Of Porterville, Porterville Irrigation District, Saucelito Irrigation District, Teapot Dome Water District, Vandalia Water District, Terra Bella Irrigation District, Kern-Tulare Water District, and the County have been meeting to form the Eastern Tule GSA to cover each District. The Boards and Council of county, city and districts approved an MOU (Tulare County Agreement No. 27407) with the Eastern Tule Interested Parties on November 3, 2015 (Resolution Number 2015-0916) and the pending Joint Powers Agreement with the Eastern Tule Interested Parties.

The City has entered into an MOU with Tule sub basin members to form an Integrated Regional Water Management Plan (IRWMP).

The City has hired a consulting firm to develop a Storm Water Resource Management Plan for the City. The Storm Water Resource Management Plan will focus on capturing and diverting storm water runoff into groundwater recharge basins during the rainy season. During the dry season, the City can purchase surface water from local irrigation district and use these same basins for groundwater recharge.



2 PLAN PREPARATION

2.1 Basis for Preparing a Plan

Legal Requirements:

CWC 10617

“Urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems...

CWC 10620

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

CWC 10621

(a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero, except as provided in subdivision (d).

(d) Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.

As shown in **Standard UWMP Table 2-1**, the City has a total of 15,728 municipal water connections as of 2015 and supplied a total volume of 3,117 million gallons and therefore meets the definition of “Urban Water Supplier” and is required to update their UWMP.

Table 2-1 Retail Only: Public Water Systems

Public Water System Number	Public Water System Name	Number of Municipal Connections 2015	Volume of Water Supplied 2015
5410010	City of Porterville	15,728	3,117
TOTAL		15,728	3,117

The City of Porterville does not participate in a Regional UWMP (see **Standard UWMP Table 2-2**). Since 2015 the City has been a member of the Eastern Tule GSA.



Table 2-2: Plan Identification		
Select Only One	Type of Plan	Name of RUWMP or Regional Alliance <i>if applicable</i> <i>drop down list</i>
☒	Individual UWMP	
	☐ Water Supplier is also a member of a RUWMP	
	☐ Water Supplier is also a member of a Regional Alliance	
☐	Regional Urban Water Management Plan (RUWMP)	

The City is a retail water agency, supplying water directly to end users within its service area. The City's only source of water is from groundwater supplies. The City of Porterville has elected to use a calendar year for the development of the 2015 UWMP. Units for the 2015 UWMP will be in million gallons unless stated otherwise (see **Standard UWMP Table 2-3**).

Table 2-3: Agency Identification	
Type of Agency (select one or both)	
☐	Agency is a wholesaler
☒	Agency is a retailer
Fiscal or Calendar Year (select one)	
☒	UWMP Tables Are in Calendar Years
☐	UWMP Tables Are in Fiscal Years
If Using Fiscal Years Provide Month and Date that the Fiscal Year Begins (mm/dd)	
Units of Measure Used in UWMP (select from Drop down)	
Unit	MG



2.2 Regional Planning

Legal Requirements:

CWC 10620

(d)(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

CWC 10642

Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.

CWC 10621 (b)

Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

The efforts to prepare this UWMP were coordinated with appropriate agencies to provide the most accurate and clear representation of the water supply in the City. The City has chosen to do individual reporting for this UWMP update. **Table 2-A** below list the various agencies that were contacted concerning the City's 2015 UWMP update.

Table 2-A - Coordination with Appropriate Agencies

Coordinating Agencies	Participated in Developing the Plan	Commented on the Draft	Attended Public Meetings	Contacted for Assistance	Sent a Copy of the Draft Plan	Sent a Notice of Intention to Adopt
Porterville Irrigation District					X	X
Terra Bella ID					X	X
Saucelito ID					X	X
Lower Tule River ID					X	X
Vandalia ID					X	X
Tea Pot Dome ID					X	X
Tulare County					X	X
Tule River Association					X	X



3 SYSTEM DESCRIPTION

3.1 General Description

Legal Requirements:

CWC 10631

Describe the service area of the supplier.

3.1.1 Location and History

The city of Porterville is located in the San Joaquin Valley in central California. The city is nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. Porterville is approximately 24 miles southeast of Visalia, California, and 50 miles north of Bakersfield, California. The Friant-Kern Canal, a major conveyance facility of the Central Valley Project, passes approximately four miles to the west of the center of the city. The City is also situated approximately one mile east of the Porterville Irrigation District (PID). PID encompasses about 17,400 acres in Tulare County.

The city of Porterville covered approximately 17.6 square miles in 2010 (2010 Census). This UWMP focuses on the city, but still addresses some areas outside of the City that are within the Planning Area as defined in the Porterville 2030 General Plan update. As described in the Porterville 2030 General Plan, adopted in 2008, the Planning Area covers about 36,341 acres (56.8 square miles). Approximately 25,100 acres (39.2 square miles) or about 70 percent of the Planning Area lies outside of the existing city limits within unincorporated Tulare County. The Planning Area encompasses land that is of interest for long-term planning, including hillsides and surrounding agricultural land. However, being included within the Planning Area does not necessarily mean that the City is considering annexation.

The Porterville Development Center, home to approximately 360 residents, is in the City limits but has its own well system for potable water. The Porterville Development Center discharges its wastewater to the City's sewer collection system. Within the planning area but outside the City limits is an unincorporated area of the County known as East Porterville which has approximately 2400 residential homes which rely on individual wells as their water source. In the late 1970's the Porter Vista Public Utilities District was formed to provide sewer services to these residential homes with the wastewater collected being sent to the City's wastewater treatment facility for treatment.

The Tule River, which flows through the southern portion of the city, is one of the principal watercourses in Tulare County. The City is bisected by the Tule River, dividing the northern and southern portions of the City. Under normal conditions, discharge in the Tule River is regulated by Success Dam, located approximately five miles upstream. Tule River flood stages at the city have been reduced significantly by Success Dam, which is operated for flood control by the US Army Corps of Engineers. The 100-year floodplain for the Porterville urban area is delineated by the Federal Emergency Management Agency's (FEMA). Flood Insurance Rate Maps and these floodplains closely correspond



to the watercourses that flow through the city. The main channel of the Tule River can pass flows of about 10,000 cubic feet per second (cfs) before extensive damage occurs. Damage to urban property would occur at flows of approximately 16,000 cfs.

Porter Slough is a natural tributary of the Tule River and flows through the center of the urban area (see **Figure 3-A: Regional Location Map**). It originates from the Tule River approximately 4 miles upstream from the center of the city, and returns to the river approximately 17 miles below its point of origin. Porter Slough has a designated capacity of 450 cfs and is an officially designated floodway of Tule River, as determined by the Central Valley Flood Protection Board (known as the Reclamation Board prior to 2008). In practice, the policy has been to prevent Tule River flood flows from entering Porter Slough in order to avoid potential flooding problems in central Porterville. However, controlled flows are released into Porter Slough for groundwater recharge.

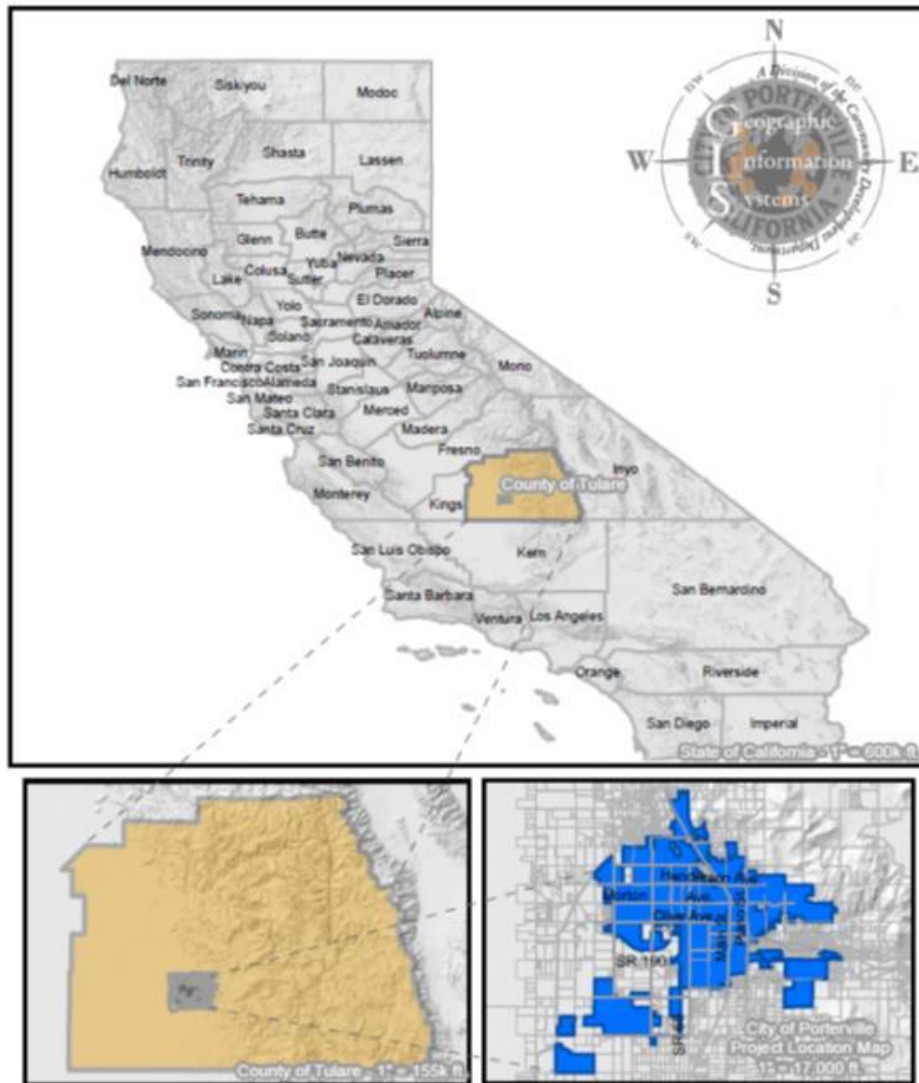
Private ditches form another major water feature in the area. Seven ditch companies divert water from points within the Planning Area: Pioneer, Campbell-Moreland, Porter Slough, Vandalia, Poplar, Hubbs-Miner, and Woods-Central. In addition to delivering water for irrigation, these ditches also provide extra capacity to carry peak flood flows and urban storm water runoff. The Friant-Kern Canal defines the western edge of the Planning Area. Water in the Canal is imported from the San Joaquin River northeast of Fresno, and distributed to the western portion of the Planning Area by the Porterville Irrigation District.



3.2 Service Area Boundary Maps

Figure 3-A shows the location of the City within the County and State.

Figure 3-A: Regional Location Map



According to the Porterville 2030 General Plan, Single-Family Residential and Public/Quasi-Public were the most significant existing land uses located within the 2005 city limits, each representing more than 20 percent of the total land use. More than 1,500 acres (17 percent) of the incorporated land was designated as vacant, with no identified land use designation. Within the Planning Area, approximately 21,270 acres (59 percent) of the total land area was being used for agriculture and other rural uses. Thirteen percent of the entire Planning Area was categorized as single family residential and 10 percent was considered vacant.

Other land uses in the Planning Area include commercial, retail, and industrial. Downtown lies near the center of the Planning Area, bordered by Morton Avenue to the north, Olive Avenue to the south, D Street to the west, and Fourth Street to the east. Main Street is the central commercial street. Other large commercial areas are located along State Route 65 (SR 65) and Olive Avenue. The majority of the industrial sites are in proximity to the intersection of SR 190 and Main Street, and in proximity to the Union Pacific Railroad. A few industrial developments are also located near the Porterville Municipal Airport. **Table 3-A** indicates the distribution of land amongst the various land use categories, as discussed in the Porterville 2030 General Plan.

Table 3-A: Land Use Categories (source: *Porterville 2030 General Plan*)

Land Use	Incorporated		Unincorporated		Total Planning Area	
	Area (acres)	Percent of Total (%)	Area (acres)	Percent of Total (%)	Area (acres)	Percent of Total (%)
Agricultural/Rural/Conservation	820	9%	20,390	75%	21,210	58%
Single-Family Residential	2,230	24%	2,525	9%	4,760	13%
Multi-Family Residential	170	2%	65	0%	240	1%
Retail Shopping	80	1%	0	0%	80	0%
Commercial	480	5%	277	1%	760	2%
Industrial	320	3%	31	0%	350	1%
Public/Quasi-Public	2,020	22%	614	2%	2,630	7%
Vacant	1,580	17%	2,009	7%	3,590	10%
Unclassified (roads, water, etc.)	1,461	16%	1,220	4%	2,680	7%
Total	9,161	100%	27,131	100%	36,300	100%

3.3 Service Area Climate

Porterville has an inland Mediterranean climate that is characterized by warm, dry summers and cooler winters. Summer high temperatures often exceed 100 degrees Fahrenheit (°F), averaging in the mid-90s. The daily summer temperature variation can be as much as 30°F. Winters are for the most part mild and humid. Average high temperatures during the winter are in the high 50s to low 60s, while the average daily low temperature is in the 40s. The average annual precipitation in the Porterville area is approximately 11 inches. Approximately 85 percent of the annual precipitation occurs between November and April. **Table 3-B** summarizes the climate data for the city.



Table 3-B: Climate Characteristics

Month	Average Eto (Inches)	Maximum Temperature °F	Minimum Temperature °F	Average Temperature °F	Average Rainfall (Inches)
January	1.04	58.5	38.6	48.5	2.10
February	1.88	64.9	42.0	53.5	1.94
March	3.65	71.1	45.7	58.4	2.00
April	5.53	77.2	49.2	63.2	1.05
May	7.20	85.9	55.5	70.7	0.41
June	8.00	93.3	61.8	77.6	0.10
July	8.40	98.8	67.6	83.2	0.02
August	7.46	97.7	65.8	81.8	0.02
September	5.56	92.6	61.0	76.8	0.16
October	3.89	82.3	52.4	67.4	0.56
November	1.89	68.4	43.3	55.8	1.15
December	1.05	58.6	38.0	48.3	1.71
Annual	55.55	79.2	51.8	65.5	11.22

Notes:

- 1) Rainfall and temperature data from Western Regional Climate Center, Porterville Station, based on data from 1981-2015.
- 2) Evapotranspiration data from California Irrigation Management Information System Porterville (#169) Station, based on data from 2000-2012.

3.4 Service Area Population and Demographics

CWC Section 10631

Describe the service area of the supplier, including current and projected population ...The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available .

The City's municipal water system serves both the residents of the City and a portion of Tulare County residents located outside the city limits but within the Urban Development Boundary (UDB). The DWR Population Tool was used to calculate the City's population served using the number of single family and multi-family residential connections, persons per connection and a GIS generated service area boundary map encompassing water service by address. The Population Tool generated a persons per connection for single family and multi-family service connections for the 2010 year. The 2010 persons per connection numbers were used to calculate the City's projected 2015 service population



using 2015 single family and multi-family residential connections. The DWR Population Tool printout is included in Appendix E.

Based on California Department of Finance population estimates over the past 30 years (1985 to 2015), the city's population has grown at an average annual rate of 2.9 percent. However, the city's population growth has slowed to an average annual rate of 2.5 percent (2000 to 2015). The City estimates that future growth will follow the most recent 15 year average and a growth rate of 2.5 percent was used to estimate future population served. Additionally, projected population served estimates are based on the assumption that the population served growth rate will approximately match the historic growth rate of the City. This growth rate leads to a service population of 95,156 by the year 2030 (see **Standard UWMP Table 3-1**), which is slightly less than what is predicted in the Porterville 2030 General Plan which estimates the population to be 107,300 by 2030. **SB X7-7 Table 3** shows the historical population trends from 2001 through 2010.

The 2010 customers served population, will serve as the baseline population for estimating the 2015 service population used within this plan. The 2015 service connections were factored by the 2010 single-family and multi-family persons per connection calculations, to establish the 2015 service population. It is anticipated that in 2020 UWMP the population served within and outside the City limits will be reevaluated using the 2020 census data.

Table 3-1 Retail: Population - Current and Projected						
Population Served	2015	2020	2025	2030	2035	2040(opt)
	65,702	74,336	84,104	95,156	107,660	121,808



SB X7-7 Table 3: Service Area Population		
Year		Population
10 to 15 Year Baseline Population		
Year 1	2001	51,365
Year 2	2002	50,569
Year 3	2003	52,322
Year 4	2004	55,343
Year 5	2005	57,568
Year 6	2006	61,643
Year 7	2007	60,977
Year 8	2008	63,637
Year 9	2009	63,748
Year 10	2010	64,827
Year 11		
Year 12		
Year 13		
Year 14		
Year 15		
5 Year Baseline Population		
Year 1	2003	52,322
Year 2	2004	55,343
Year 3	2005	57,568
Year 4	2006	61,643
Year 5	2007	60,977
2015 Compliance Year Population		
2015		65,702



4 SYSTEM WATER USE

4.1 Recycled versus Potable and Raw Water Demand

This chapter addresses potable water demand and also provides for reporting of raw water demand for the year 2015. The City did not have a raw water use in 2015 and recycled water is addressed in section 6.5 of chapter 6.

Water demands (2015 DWR Public Water System Statistics) within the City's service area are largely residential, with commercial, industrial, institutional, and City-related consumption accounting for approximately 25% of the total water demand. As of 2015, the City has 15,249 metered services, which is 97% of the total service connections.

In 2015, the City produced 3,117 MG of water from groundwater supplies to serve a population of 65,702. **Standard UWMP Table 4-1** details the deliveries for 2015 in terms of use type.

The city's water use increased in a fairly linear fashion through 2007. Beginning in 2008, water use began to decline due to economic conditions and water conservation measures. It is anticipated that overall use will continue to increase, but at a slower pace due to growth policies and conservation measures being implemented.

Table 4-1 Retail: Demands for Potable and Raw Water - Actual			
Use Type (Add additional rows as needed)	2015 Actual		
Drop down list <i>May select each use multiple times</i> <i>These are the only Use Types that will be recognized by the WUEdata online submittal tool</i>	Additional Description (as needed)	Level of Treatment When Delivered <i>Drop down list</i>	Volume
Single Family		Drinking Water	1,786
Multi-Family		Drinking Water	356
Commercial	and Institutional	Drinking Water	424
Industrial		Drinking Water	17
Landscape		Drinking Water	156
Other		Drinking Water	129
Losses		Drinking Water	191
TOTAL			3,061

Approximately 97% of the City of Porterville and surrounding communities served by the City water supply system are metered. All new construction will be metered, and meters will be installed on existing unmetered services by 2025.



4.2 Water Uses by sector

CWC 10631

(e)(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential;*
- (B) Multifamily;*
- (C) Commercial;*
- (D) Industrial;*
- (E) Institutional and governmental;*
- (F) Landscape;*
- (G) Sales to other agencies;*
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof;*
- (I) Agricultural.*

(e)(2) The water use projections shall be in the same 5-year increments described in subdivision (a).

Since 2010, new connections to the water system have been added at an average annual rate of 0.7% with an overall water demand decrease of 5.0% per year. Approximately 97% of the system is metered, which intrinsically commands a water use efficiency characteristic within the community, promoting conservation. Although the system is largely metered such a decrease in total water use can only be attributed to the recent back to back years of drought, requiring the city to implement strict water conservations measures (see section 8). If over the next five years precipitation trends towards average and away from our current drought situation, then future water deliveries will likely be higher on a per capita basis than we experienced in 2015 due to a reduced level of conservation required by the city. In such a case, the city will closely monitor the per capita usage, adjusting the conservation level as needed, to insure per capita usage is at or below the city's 2020 goal of 179 gpcpd.

Standard UWMP Table 4-2 illustrates the projected water demand by use type from 2020 to 2040 in million gallons per year. These projections are based on an average gpcpd use of 179. **Standard UWMP Table 4-3** shows the total yearly projected potable and recycled water demand from 2020 to 2040.



Table 4-2 Retail: Demands for Potable and Raw Water - Projected						
Use Type <i>(Add additional rows as needed)</i>	Additional Description <i>(as needed)</i>	Projected Water Use <i>Report To the Extent that Records are Available</i>				
<u>Drop down list</u> <i>May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool</i>		2020	2025	2030	2035	2040-opt
Single Family		2,835	3,208	3,629	4,104	4,645
Multi-Family		565	639	723	819	926
Commercial		673	762	862	975	1,102
Industrial	and Institutional	28	31	35	40	45
Landscape		248	280	317	359	406
Other		205	232	263	298	337
Losses		303	343	388	439	497
TOTAL		4,857	5,495	6,217	7,034	7,958

Table 4-3 Retail: Total Water Demands						
	2015	2020	2025	2030	2035	2040 (opt)
Potable and Raw Water <i>From Tables 4-1 and 4-2</i>	3,061	4,857	5,495	6,217	7,034	7,958
Recycled Water Demand* <i>From Table 6-4</i>	861	974	1,102	1,247	1,411	1,596
TOTAL WATER DEMAND	3,922	5,831	6,597	7,464	8,445	9,554
<i>*Recycled water demand fields will be blank until Table 6-4 is complete.</i>						



4.3 Distribution System Water Losses

CWC 10631

(e)(1) Quantify, to the extent records are available, past and current water use over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses: ...

(J) Distribution system water loss

(3)(A) For the 2015 urban water management plan update, the distribution system water loss shall be quantified for the most recent 12-month period available. For all subsequent updates, the distribution system water loss shall be quantified for each of the five years preceding the plan update.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

The 2015 UWMP requires the distribution losses be quantified over the most recent 12-month period. Distribution losses shall be reported in accordance with the water system balance methodology developed by the American Water Works Association (AWWA). The results of that analysis are shown below in **Standard UWMP Table 4-4**. The AWWA system loss methodology estimates system losses at 191 MG for 2015. This equates to approximately 6% of the total production for that year,

Table 4-4 Retail: 12 Month Water Loss Audit Reporting	
Reporting Period Start Date (mm/yyyy)	Volume of Water Loss*
01/2015	191
* Taken from the field "Water Losses" (a combination of apparent losses and real losses) from the AWWA worksheet.	



4.4 Estimating Future Water Savings

CWC 10631

(e)(4)(A) If available and applicable to an urban water supplier, water use projections may display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following: (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections. (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

In 2015 the City adopted landscape ordinance 1830 that limited the type and quantity of landscaping allowed within the City. The landscape ordinance limits the amount of turf that could be installed based on zoning type and restricts plants to largely native or drought tolerant species. Although this ordinance was put in place with the intent to reduce outdoor water usage, the extent of the savings has not been quantified at this time.

4.5 Water Use for Lower Income Households

CWC 10631.1

(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

California Health and Safety Code 50079.5

(a) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families... In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.

The City of Porterville 2030 General Plan references the Housing Element, which is included in a separate volume and was adopted in March 2004. The Housing Element has since been updated twice, with the current Housing Element adopted on December 15th, 2015. The Housing Element contains the Regional Housing Needs Allocation (RHNA) and the assumptions used to develop the allocations. The RHNA identified the



need to construct 312 extremely-low income, 311 very-low income, and 576 low income housing units by 2023.

The Housing Element states that 59% of Porterville households earned less than 80% of the City's median income in 2013. The water use for low income households was calculated using the 2015 residential connection count and 3.39 persons per occupied household (Housing Element Rpt. Page 30-32) and the interim demand target of 190 gpcd for 2015, and the 2020 target of 179 gpcd for the years 2020 through 2035.

Figure 4-1: Low Income Projected Water Demands

Low Income Water Demands	2015	2020	2025	2030	2035
Residential	1913	2068	2068	2068	2068
Total	1913	2068	2068	2068	2068
Units : MG					

Standard UWMP Table 4-5 show that future water savings were not included in future water use projections.

Table 4-5 Retail Only: Inclusion in Water Use Projections	
Are Future Water Savings Included in Projections? (Refer to Appendix K of UWMP Guidebook) <i>Drop down list (y/n)</i>	No
If "Yes" to above, state the section or page number, in the cell to the right, where citations of the codes, ordinances, etc... utilized in demand projections are found.	
Are Lower Income Residential Demands Included In Projections? <i>Drop down list (y/n)</i>	Yes



5 SB X7-7 BASELINES AND TARGETS

5.1 Guidance for Wholesale Agencies

The UWMP requires retail water agencies that receive wholesale water to report the projected water demand data sent to each wholesaler. The City of Porterville does not provide wholesale water to other water retail agencies.

CWC 10608.36

Urban wholesale water suppliers shall include in the urban water management plans... an assessment of their present and proposed future measures, programs, and policies to help achieve the water use reductions required by this part.

For purposes of identifying baselines and targets, the following definition applies:

CWC 10608.12

(r) "Urban wholesale water supplier" means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

5.2 Updating Calculations from 2010 UWMP

With the adoption of the Water Conservation Act of 2009 (SB X7-7) the State is required to set a goal of reducing urban water use by 20 percent by the year 2020. The City used the 10-year baseline period 2001 to 2010 to calculate its water use targets. The City's water use target for 2020 is 179 gpcd, while the interim 2015 target is 187 gpcd (based on 50% of the target conservation below the 10-year baseline). The 2020 target was determined using Method 3, 95% of the regional water conservation goal. According to DWR guidelines, this target is valid because it is less than the target confirmation. The City is not updating its water use targets as part of the 2015 UWMP update.

5.3 Baseline Periods

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010... the baseline daily per capita water use... along with the bases for determining those estimates, including references to supporting data.

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

SB X7-7 Table -1 shows the 5 and 10 year baseline year ranges used to calculate the baseline and target GPCD values. The City did not update its 2020 urban use water target in this 2015 plan update.



5.3.1 Determination of the 10-15 year Baseline Period (Baseline GPCD)

CWC 10608.12

(b) "Base daily per capita water use" means any of the following:

- (1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.
- (2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

The baseline years used to calculate the City's average water use in GPCD for the 5 year and 10 year baseline periods are the same as determined in the 2010 UWMP update. These baseline periods are tabulated in SB X7-7 Table-1 below. No recycled water was delivered to users as part of the City's water deliveries.

SB X7-7 Table-1: Baseline Period Ranges

Baseline	Parameter	Value	Units
10- to 15-year baseline period	2008 total water deliveries	4,436	Million Gallons
	2008 total volume of delivered recycled water	-	Million Gallons
	2008 recycled water as a percent of total deliveries	0.00%	Percent
	Number of years in baseline period ^{1, 2}	10	Years
	Year beginning baseline period range	2001	
	Year ending baseline period range ³	2010	
5-year baseline period	Number of years in baseline period	5	Years
	Year beginning baseline period range	2003	
	Year ending baseline period range ⁴	2007	

¹If the 2008 recycled water percent is less than 10 percent, then the first baseline period is a continuous 10-year period. If the amount of recycled water delivered in 2008 is 10 percent or greater, the first baseline period is a continuous 10- to 15-year period. ²
The Water Code requires that the baseline period is between 10 and 15 years. However, DWR recognizes that some water suppliers may not have the minimum 10 years of baseline data.

³The ending year must be between December 31, 2004 and December 31, 2010.

⁴The ending year must be between December 31, 2007 and December 31, 2010.



5.4 Service Area Population

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010...the baseline per capita water use,...along with the bases for determining those estimates, including references to supporting data.

(f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.

CWC10644

(a)(2) The plan...shall include any standardized forms, tables or displays specified by the department.

The City's service area population was determined using the DWR Population Tool and is discussed in section 3.4 of this Plan.

SB X7-7 Table 2: Method for Population Estimates	
Method Used to Determine Population (may check more than one)	
☐	1. Department of Finance (DOF) DOF Table E-8 (1990 - 2000) and (2000-2010) and DOF Table E-5 (2011 - 2015) when available
☐	2. Persons-per-Connection Method
☒	3. DWR Population Tool
☐	4. Other DWR recommends pre-review
NOTES:	



5.5 Gross Water Use

CWC 10608.12

(g) “Gross Water Use” means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

- (1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier
- (2) The net volume of water that the urban retail water supplier places into long term storage
- (3) The volume of water the urban retail water supplier conveys for use by another urban water supplier
- (4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

California Code of Regulations Title 23 Division 2 Chapter 5.1 Article

Section 596 (a) An urban retail water supplier that has a substantial percentage of industrial water use in its service area is eligible to exclude the process water use of existing industrial water customers from the calculation of its gross water use to avoid a disproportionate burden on another customer sector.

Gross Water Use is the total volume of water entering the distribution system of the water supplier with the following exceptions:

1. Recycled water delivered within the service area.
2. The net volume of water the retail supplier puts into long term storage.
3. The volume of water transferred to another water supplier.
4. The volume of water delivered for agricultural use.
5. Process water

The gross water use for each year in the baseline years is tabulated in SB X7-7 Table 5. The City has not deducted any indirect recycled water or process water from its annual gross water production.

5.6 Baseline Daily per Capita Water use

The first step in baseline calculations is to determine the daily per capita water use in each of the baseline years. This is done in SB X7-7 Table 5 below.



SB X7-7 Table 5: Gallons Per Capita Per Day (GPCD)				
Baseline Year <i>Fm SB X7-7 Table 3</i>		Service Area Population <i>Fm SB X7-7 Table 3</i>	Annual Gross Water Use <i>Fm SB X7-7 Table 4</i>	Daily Per Capita Water Use (GPCD)
10 to 15 Year Baseline GPCD				
Year 1	2001	51,365	3,641	194
Year 2	2002	50,569	4,072	221
Year 3	2003	52,322	4,021	211
Year 4	2004	55,343	4,169	206
Year 5	2005	57,568	3,972	189
Year 6	2006	61,643	4,160	185
Year 7	2007	60,977	4,488	202
Year 8	2008	63,637	4,436	191
Year 9	2009	63,748	4,287	184
Year 10	2010	64,827	4,036	171
Year 11	0	-	-	
Year 12	0	-	-	
Year 13	0	-	-	
Year 14	0	-	-	
Year 15	0	-	-	
10-15 Year Average Baseline GPCD				195
5 Year Baseline GPCD				
Baseline Year <i>Fm SB X7-7 Table 3</i>		Service Area Population <i>Fm SB X7-7 Table 3</i>	Gross Water Use <i>Fm SB X7-7 Table 4</i>	Daily Per Capita Water Use
Year 1	2003	52,322	4,021	211
Year 2	2004	55,343	4,169	206
Year 3	2005	57,568	3,972	189
Year 4	2006	61,643	4,160	185
Year 5	2007	60,977	4,488	202
5 Year Average Baseline GPCD				199
2015 Compliance Year GPCD				
2015		65,702	3,117	130
NOTES:				



5.7 2015 and 2020 Targets

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010. . . urban water use target, interim urban water use target, ...along with the bases for determining those estimates, including references to supporting data (10608.20(e)).

CWC 10608.20

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan...

The Water Conservation Act of 2009 (SB X7-7) governs water conservation in California and requires water suppliers to increase water efficiency by decreasing per-capita consumption by a State mandated 20% by the year 2020 with 2015 being an interim year to measure progress.

The DWR has devised four different methods to determine water conservation targets. The City used Method #3 in its 2010 UWMP and will keep the same method and target values for this 2015 UWMP update.

5.7.1 Select and Apply a Target Method

Method 1 is based upon the determined base daily per capita use as determined by the water supplier. The base daily per capita use is 195 gallons per capita per day (gpcd). Method 1 requires that this usage be reduced to by 20%, yielding a target use of 156 gpcd.

Method 2 uses commercial, industrial, institutional, indoor residential, and landscape water usage quantities to calculate a water use target. The City's data is deficient of landscape water usage, therefore making this method impractical for use in calculating a target water use.

Method 3 is based upon the hydrologic region target, which is reduced by 5% to obtain the 95% target. According to the 20x2020 Water Conservation Plan, the region-specific conservation goal is 188 gpcd for the Tulare Lake region. With this information, Method 3 yields a target use of 179 gpcd.

Method 4 identifies water savings through identified practices and subtracts them from the base daily per capita use value determined by the water supplier. The water savings in certain categories can be used to reduce the base daily per capita use value.



5.7.2 5-Year Baseline – 2020 Target Confirmation

CWC 10608.22

Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

SB X7-7 Table 7-F calculates the target daily per capita water use per Method 3 and confirms the Calculated 2020 target is less than 95% of the 5 year baseline GPCD.

SB X7-7 Table 7-F: Confirm Minimum Reduction for 2020 Target			
5 Year Baseline GPCD From SB X7-7 Table 5	Maximum 2020 Target ¹	Calculated 2020 Target ²	Confirmed 2020 Target
199	189	179	179
¹ Maximum 2020 Target is 95% of the 5 Year Baseline GPCD except for suppliers at or below 100 GPCD. ² 2020 Target is calculated based on the selected Target Method, see SB X7-7 Table 7 and corresponding tables for agency's calculated target.			
NOTES:			

5.7.3 Calculate the 2015 Interim Urban water Use Target

The 2015 Interim Target is the value halfway between the 10- to 15-year Baseline GPCD (from SB X7-7 Table 5) and the confirmed 2020 Target (SB X7-7 Table 7).

The Interim 2015 Target is 189 GPCD which is the midpoint between the 10- to 15-year Baseline and the 2020 Target GPCD.



SB X7-7 Table 7-E identifies the Hydrologic Region where the City is located and the Method 3 Regional target used.

SB X7-7 Table 7-E: Target Method 3				
Agency May Select More Than One as Applicable	Percentage of Service Area in This Hydrological Region	Hydrologic Region	"2020 Plan" Regional Targets	Method 3 Regional Targets (95%)
☐		North Coast	137	130
☐		North Lahontan	173	164
☐		Sacramento River	176	167
☐		San Francisco Bay	131	124
☐		San Joaquin River	174	165
☐		Central Coast	123	117
☒		Tulare Lake	188	179
☐		South Lahontan	170	162
☐		South Coast	149	142
☐		Colorado River	211	200
Target <i>(If more than one region is selected, this value is calculated.)</i>				0
NOTES:				



5.7.4 Baselines and Target Summary

Table 5-1 is a summary of the baseline and target calculations.

Table 5-1 Baselines and Targets Summary Retail Agency or Regional Alliance Only					
Baseline Period	Start Year	End Year	Average Baseline GPCD*	2015 Interim Target *	Confirmed 2020 Target*
10-15 year	2001	2010	195	187	179
5 Year	2003	2007	199		
*All values are in Gallons per Capita per Day (GPCD)					

5.8 2015 Compliance Daily per Capita Water Use (GPCD)

CWC 10608.12

(e) "Compliance daily per-capita water use" means the gross water use during the final year of the reporting period...

CWC 10608.24

(a) Each urban retail water supplier shall meet its interim urban water use target by December 31, 2015.

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010 . . . compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.



SECTION FIVE

SB X7-7 Table 9 calculates actual gallons per capita per day using actual 2015 data and shows that the City achieved the 2015 interim GPCD target. No adjustments were made to the calculated 2015 GPCD.

SB X7-7 Table 9: 2015 Compliance

Actual 2015 GPCD	2015 Interim Target GPCD	Optional Adjustments <i>(in GPCD)</i>					2015 GPCD <i>(Adjusted if applicable)</i>	Did Supplier Achieve Targeted Reduction for 2015?
		Enter "0" if Adjustment Not Used			TOTAL Adjustments	Adjusted 2015 GPCD		
		Extraordinary Events	Weather Normalization	Economic Adjustment				
130	187	<i>From Methodology 8 (Optional)</i>	<i>From Methodology 8 (Optional)</i>	<i>From Methodology 8 (Optional)</i>	-	130	130	YES

NOTES:

5.9 Regional Alliance

The City is not in a Regional Alliance for complying with Sb X7-7 requirements.



6 SYSTEM SUPPLIES

6.1 Purchased or Imported water

The City does not import water for distribution into its water system however the City does purchase surface water for groundwater recharge.

6.2 Groundwater

CWC 10631

(b) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater

UWMP requirements state the water supplier must describe their existing and planned water supply sources for the next 20 years. The following description includes information such as water rights, an overdraft summary, any adjudication decrees and other pertinent information.

6.2.1 Basin Description

The city is located within the Tule Sub-basin of the San Joaquin Valley Groundwater Basin. The Tule Sub-basin is not presently adjudicated but is considered to be in a state of overdraft. The area is underlain by an unconfined aquifer which receives groundwater recharge from the Sierra Nevada Mountains and seepage from the Tule River and irrigation ditches. The alluvial fans of the Tule River provide highly permeable area in which groundwater is readily replenished. Annual rainfall in Porterville usually ranges from eight to 12 inches; however, there is no estimate of what percentage of rainfall reaches the groundwater supply.

Groundwater quality in the Porterville area is generally good. Groundwater quality and quantity is generally better on the western edge of town, which is why most of the production wells are located in that area. A few wells have been shut down due to water quality problems. Wells adjacent to Porter Slough have been closed due to Tetrachloroethylene (PCE) contamination, and a few wells in the downtown area and eastern portion of town have nitrate problems (originating from citrus orchards). All active wells produce water that meets State and Federal drinking water quality standards. The City does not currently treat any groundwater supply well.

More detailed information on the groundwater conditions within the city of Porterville area is provided in an October 2009 report prepared by Kenneth Schmidt and Associates, entitled *Groundwater Conditions within the City of Porterville Urban Area Boundary*.



6.2.2 Groundwater Management

CWC 10631

(b) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier...or any other specific authorization for groundwater management.

(2) ...For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

The City does not currently have a Groundwater Management Plan (GMP). The Deer Creek and Tule River Authority (DCTRA) is a joint powers authority comprised of five local irrigation districts in the vicinity of Porterville. The DCTRA adopted a new Groundwater Management Plan (GMP) in the summer of 2006. The City may consider becoming a partial or full member of the DCTRA and signatory to the GMP, or the City may develop their own GMP. The City is a member of the Eastern Tule GSA which has been formed under SGMA to develop a groundwater management plan for the Tule sub-basin. The Tule sub-basin is not an adjudicated groundwater basin.

6.2.3 Overdraft Conditions

The Tule Sub-basin is considered to be in a state of overdraft as groundwater levels have declined an average of 0.75 feet per year on well hydrographs completed by the Department of Water Resources. In addition, well yields have decreased substantially in the past 10 years. Some City wells have had capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm. New wells typically have capacities of 500 gpm or less (Porterville 2030 General Plan).

According to a 2009 Ken Schmidt report regarding groundwater conditions within the city of Porterville,

“The decreases in specific capacities and pumping rates for a number of City wells are not indicative of an overall long-term overdraft, or that the City may ‘run out of water’ within a few years. Rather, they are indicative of short-term decreases in saturated thickness during droughts, and for some flo-path wells, of well plugging.”



6.2.4 Historical Groundwater Pumping

CWC 10631

(b) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

((3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

The City of Porterville has historically relied on groundwater to supply municipal water to its residents. In addition to groundwater, the City has purchase rights for about 900 AF annually of surface water from the Pioneer Ditch Company and Porter Slough Ditch Company (Porterville 2030 General Plan). Some of this surface water is used for a small pond at Murry Park in Porterville, but historically most of this water has not been used by the City. In 2015 the City began to purchase its allotted surface water and began a ground water recharge program.

The City's Public Works Department operates and maintains the City's water distribution system. The system provides potable water to customers within the City limits and some customers outside the city limits but within the Urban Development Boundary. The City also owns and operates a small water system west of the City and outside the Urban Development Boundary. This small system, known as Jones Corner, consists of one main well and one backup well and services 118 customers.

The City currently has 35 active wells serving the Planning Area. Water is distributed from the wells through approximately 200 miles of pipeline operated and maintained by the Public Works Department. The City has approximately 15728 metered connections, of which approximately 13,792 are residential meters.

The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue. The area east of Plano Avenue is considered water deficient. The City currently operates and maintains six hillside reservoirs, including three 3.0 million gallon reservoirs, one 550,000 gallon reservoir, and two 300,000 gallon reservoirs.

The City of Porterville expects to update their Water System Master Plan in 2018. This will include a water balance study as well as analysis of the distribution facilities needed to accommodate population growth, potential need for a surface water treatment plant, and the facilities needed to accept and recharge surface water. After completion of the Master Plan, several new projects will likely be identified to improve the distribution system and provide greater assurance that the City can meet peak water demands.



The groundwater volumes pumped in the last five years are listed in Table 6-1.

Table 6-1 Retail: Groundwater Volume Pumped						
☐	Supplier does not pump groundwater. The supplier will not complete the table below.					
Groundwater Type <i>Drop Down List</i> <i>May use each category multiple times</i>	Location or Basin Name	2011	2012	2013	2014	2015
<i>Add additional rows as needed</i>						
Alluvial Basin	Tule Sub-basin	3955	4220	4276	3877	3117
TOTAL		3,955	4,220	4,276	3,877	3,117

6.3 Surface Water

The Porterville Irrigation District, located west of the City, has appropriate water rights on the Tule River and Central Valley Project Friant Division water rights. Due to the seasonal nature of water supplies and demands, the Porterville Irrigation District sometimes has more water available to its landowners than they can reasonably use at the time. It is during these periods that PID would be able to sell some of their water to the City. The City and PID have held several meetings to discuss surface water purchases and both sides are committed to holding future discussions in hope to ultimately negotiate a surface water purchase agreement.

The City has purchase rights for about 900 AF annually of surface water from the Pioneer Ditch Company and Porter Slough Ditch Company (Porterville 2030 General Plan). This surface water is currently used for groundwater recharge within the city's detention basins. The City does not use surface water for its supply source.

The City has established a goal of gradually reducing groundwater pumping to match the aquifer safe yield by 2020 (UWMP 2007). The City anticipates purchasing surface water and implementing water conservation programs to meet the remaining demands.



6.4 Storm Water

The City currently owns and operates approximately 25 storm water detention basins, which allow for incidental groundwater recharge. The City will consider additional water detention basins, which could serve as both storm water detention and groundwater recharge. Some of the best topsoil for groundwater recharge are located along the present or ancestral channels of the Tule River (Porterville 2030 General Plan).

6.5 Wastewater and Recycled Water

CWC 10633

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.

The City owns and operates a wastewater treatment plant that provides secondary level treatment of all of the city's wastewater.

Since 1977 the City has received and treated wastewater from the Porter Vista Public Utility District (PVPUD) which services the unincorporated East Porterville area. It is estimated that PVPUD discharged 102 MG of wastewater to the City's Wastewater Treatment Facility for treatment in 2015. This estimate is based on an average daily discharge of 117 gallons per day from 2400 housing units. The Porterville Development Center has their own well system but discharges its wastewater to the City's wastewater treatment facility for treatment. There is no estimate of the quantity of wastewater discharged from this facility.

Table 6-2 shows the wastewater collected within the City's service area and from the PVPUD. The City's wastewater collection system services approximately 86% of City's service area based on the percentage of service population residing within the City limits. The 14% of the service area not in the city limits are still using septic tanks.



Table 6-2 Retail: Wastewater Collected Within Service Area in 2015

☐		There is no wastewater collection system. The supplier will not complete the table below.				
		Percentage of 2015 service area covered by wastewater collection system <i>(optional)</i>				
		Percentage of 2015 service area population covered by wastewater collection system <i>(optional)</i>				
Wastewater Collection			Recipient of Collected Wastewater			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated? <i>Drop Down List</i>	Volume of Wastewater Collected from UWMP Service Area 2015	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area? <i>Drop Down List</i>	Is WWTP Operation Contracted to a Third Party? <i>(optional)</i> <i>Drop Down List</i>
<i>Add additional rows as needed</i>						
City of Porterville	Metered	1,480	City of Porterville	City of Porterville Waste Water Treatment Facility	Yes	No
PVPUD	Estimated	102	City of Porterville	COP WWTF	Yes	No
Total Wastewater Collected from Service Area in 2015:		1,582				

In 2015, the city treated approximately 4.3 million gallons (MG) of wastewater each day (1,582 MG for 2015). In 2015 wastewater generation has averaged about 50.8% of total water used. The difference between the water demand and effluent is considered the outside water use. Accordingly, the wastewater generation will increase to an estimated 10 MG/day (annual average) by 2030. Table 6-3 identifies the volume of wastewater either recycled or disposed of within the service area.



Table 6-3 Retail: Wastewater Treatment and Discharge Within Service Area in 2015										
☐	No wastewater is treated or disposed of within the UWMP service area. The supplier will not complete the table below.									
Wastewater Treatment Plant Name	Discharge Location Name or Identifier	Discharge Location Description	Wastewater Discharge ID Number (optional)	Method of Disposal <i>Drop down list</i>	Does This Plant Treat Wastewater Generated Outside the Service Area?	Treatment Level <i>Drop down list</i>	2015 volumes			
							Wastewater Treated	Discharged Treated Wastewater	Recycled Within Service Area	Recycled Outside of Service Area
Add additional rows as needed										
City of Porterville Waste Water Treatment Facility	City of Porterville	Adjacent to and southwest of the Porterville Airport		Land disposal	Yes	Secondary, Undisinfected	1,582	1,510	861	0
Total							1,582	1,510	861	0

The City currently uses wastewater treatment plant effluent (recycled water) for groundwater recharge and crop irrigation per its Waste Discharge Requirement (WDR) permit. Six ponds are used to percolate treated wastewater effluent during fall and winter then in spring and summer the effluent is used to irrigate crops such as alfalfa, oat hay, sudan grass and corn. Crops are irrigated with recycled water on agricultural land located about five to six miles from the city's center. The City has annexed this land so they can keep it under agricultural production and ensure that there is always a demand for the effluent. This is considered a beneficial use of the recycled wastewater. Table 6-4 shows the current and projected recycled water use within the City's service area.



SECTION SIX

Table 6-4 Retail: Current and Projected Recycled Water Direct Beneficial Uses Within Service Area									
☐	Recycled water is not used and is not planned for use within the service area of the supplier. The supplier will not complete the table below.								
Name of Agency Producing (Treating) the Recycled Water:		City of Porterville							
Name of Agency Operating the Recycled Water Distribution		City of Porterville							
Supplemental Water Added in 2015		None							
Source of 2015 Supplemental Water		N/A							
Beneficial Use Type	General Description of 2015 Uses	Level of Treatment <i>Drop down list</i> Secondary, Undisinfected	2015	2020	2025	2030	2035	2040 (opt)	
Agricultural irrigation	Agricultural irrigation		861	974	1,102	1,247	1,411	1,596	
Landscape irrigation (excludes golf courses)									
Golf course irrigation									
Commercial use									
Industrial use									
Geothermal and other energy production									
Seawater intrusion barrier									
Recreational impoundment									
Wetlands or wildlife habitat									
Groundwater recharge (IPR)*									
Surface water augmentation (IPR)*									
Direct potable reuse									
Other (Provide General Description)									
Total:			861	974	1,102	1,247	1,411	1,596	
*IPR - Indirect Potable Reuse									

Due to water conservation efforts in 2015 the City produced less source water and therefore had less wastewater to treat resulting in less water being recycled in 2015 than projected in the 2010 UWMP. See Table 6.5.

The City has not actively involved other agencies in determining the best uses for recycled water, partly because all of the water is already being used for beneficial purposes. The City has been encouraged by several parties to consider other uses for the water, such as landscape irrigation, dual distribution systems, and industrial water supply, but tertiary level treatment would need to be added to the wastewater treatment plant. If opportunities arise to use recycled water for other uses, then a public hearing will be used to solicit comments from the public and other agencies.



Table 6-6 Retail: Methods to Expand Future Recycled Water Use			
☒	Supplier does not plan to expand recycled water use in the future. Supplier will not complete the table below but will provide narrative explanation.		
	Provide page location of narrative in UWMP		
Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use
<i>Add additional rows as needed</i>			
Total			0

6.6 Desalinated Water Opportunities

There are no opportunities to develop desalination of ocean water or brackish ocean water since the city of Porterville is located in the Central San Joaquin Valley. In addition, the groundwater is of adequate quality and desalination is not necessary.

6.7 Exchanges or Transfers

The City of Porterville presently has limited water supplies that could be transferred or exchanged. Groundwater constitutes all of the City's water supply and cannot be transferred or exchanged. The City has rights to 900 AF of Tule River water with the Pioneer Ditch Company and Porter Slough Ditch Company. The City will not likely transfer or exchange these supplies, but envisions using them directly for groundwater recharge, landscape irrigation, or as treated surface water.

6.8 Future Water Projects

§10631(g)

The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.



This section provides a description of planned water supply projects that could directly increase water supplies. Although the City is planning to complete the projects described below, their success will be dependent on staff and funding availability, and in some cases cooperation from other agencies. Planned water supply projects include the following:

Construct Surface Water Treatment Plant. The City plans to review a cost benefit analysis to design and construct a surface water treatment plant. The plant will allow the City to directly deliver surface water to customers. The size of the plant is currently unknown and will depend on several factors including available funding and the volume of surface water the City can secure through long-term purchase agreements.

Water Distribution System Improvements. Porterville expects to update their Water System Master Plan in 2018. This will include an analysis of the distribution facilities needed to accommodate population growth, a surface water treatment plant, and the facilities needed to accept surface and recharge ground water. After completion of the Master Plan a number of new projects will likely be identified. These projects will improve the distribution system and provide greater assurance that the City can meet peak water demands.

New Well Constructions. In the past the City has typically installed one new well each year with capacities ranging from 500 to 1,500 gpm. The City will continue to install new wells at a rate necessary to keep up with demands. Due to the unreliable nature of surface water, well capacities will need to have sufficient capacity to meet almost 100% of City demands. Planned groundwater recharge will help to ensure that the wells can provide the same yield in normal, single dry, and multiple dry years.

Water Conservation. The City has established a goal of reducing per capita water demands as discussed in Section 5.2. This will be accomplished through a variety of demand management measures as described in Section 9 of this UWMP. The water savings are essentially equivalent to securing a water source of the same volume.



Table 6-7 Retail: Expected Future Water Supply Projects or Programs						
☒		No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.				
☐		Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.				
		Provide page location of narrative in the UWMP				
Name of Future Projects or Programs	Joint Project with other agencies?		Description (if needed)	Planned Implementation Year	Planned for Use in Year Type <i>Drop Down List</i>	Expected Increase in Water Supply to Agency <i>This may be a range</i>
	<i>Drop Down List (y/n)</i>	<i>If Yes, Agency Name</i>				
<i>Add additional rows as needed</i>						

6.9 Summary of Existing and Planned Sources of Water

CWC 10631

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision 10631(a).

(4) (Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

The City's existing water source is from groundwater in the Tule sub-basin and although the City is looking at possible sources and the practicality of using surface water as a source of water the projections in Table 6-9 are for ground water as the City's sole source of water. A population growth rate of 2.5% was used for each projection.



Table 6-8 shows the actual volume of water used for the year 2015.

Table 6-8 Retail: Water Supplies — Actual				
Water Supply	Additional Detail on Water Supply	2015		
Drop down list <i>May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool</i>		Actual Volume	Water Quality <i>Drop Down List</i>	Total Right or Safe Yield (optional)
Add additional rows as needed				
Groundwater		3,117	Drinking Water	
Recycled Water		861	Recycled Water	
Total		3,978		0

Table 6-9 projects the available source water supplies needed in 5 year increments over the next 20 years.

Table 6-9 Retail: Water Supplies — Projected											
Water Supply	Additional Detail on Water Supply	Projected Water Supply <i>Report To the Extent Practicable</i>									
<i>Drop down list</i> <i>May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool</i>		2020		2025		2030		2035		2040 (opt)	
		Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)
<i>Add additional rows as needed</i>											
Groundwater		4,857		5,495		6,217		7,034		7,958	
Recycled Water		974		1,102		1,247		1,411		1,596	
Total		5,831	0	6,597	0	7,464	0	8,445	0	9,554	0



6.10 Climate Change Impacts to Supply

California currently enjoys a Mediterranean climate, which is not expected to change with climate change projections in the future. The climate consists of cool, wet winters and hot, dry summers typically.

Increases in global greenhouse gas levels are changing climate patterns around the world and, it is speculated, may begin to change at an accelerated pace from what has occurred in the past. This accelerated rate of change could result in impacts to the local climate of the city in the form of higher temperatures, increased droughts and floods, decreased snow pack amounts and durations and other extreme variations in weather patterns. As the UWMP projects until 2035, these changes could be expected to manifest themselves over that period. The climate variations could affect the availability and volume of water resources.

In the past, the amount of rainfall has been fairly consistent, with periods of drought and periods of excess precipitation spaced relatively far apart. With climate change, the rainfall levels could begin to vary more from year to year, incurring droughts followed by excesses with less time between them. Typically, climate change predicts a decrease in average rainfall for the area, while temperatures are expected to increase. However, increased temperatures could intensify the El Nino Southern Oscillation cycle (ENSO), possibly resulting in very wet, wet years and drought level dry years.

For areas that rely on surface water deliveries, this weather pattern change could mean less dependable surface water deliveries, as the snow pack diminishes in some years. Increasing temperatures could start the snow pack spring melting period earlier and at an increased rate, which will increase the need for capacity in storage facilities and open channel conveyance facilities (i.e. canals). The increased melting rate could also lead to extensive flooding in lower lying areas due to lack of storage infrastructure.

To respond to the climate change predictions, the City's response must be two-fold: mitigation and adaptation. Mitigation consists of reducing the amount of greenhouse gas emissions. Adaptation is the process of modifying behaviors in response to the warming climate and related changes.

In relation to water management, emission reduction can be achieved by reducing the amount of water usage, thereby decreasing the energy used to move, treat, and discharge water supplies. As the City implements the DMMs discussed above, their usage will decrease and by association so will their energy use. DMMs that conserve water but utilize excess energy supplies to do so will need to be considered seriously to determine if they are desirable.

Adaptation is generally considered a local principle and, as such, must be contemplated in a very specific manner for each area. Adaptation can consist of more extensive master



planning, enhanced management and storage of surface water supplies, increased usage of recycled water, and investment in infrastructure to support the previously stated measures.



7 WATER SUPPLY RELIABILITY ASSESSMENT

7.1 Constraints on Water Sources

CWC 10631

(c)(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

CWC 10634

The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

This section discusses constraints on the City's water supply and its vulnerability to seasonal and climatic shortages. Seasonal shortages are based on precipitation patterns of individual watersheds. The City considers estimated impacts due to climate change or climate fluctuations to be highly speculative and has chosen not to rely on them. The City does recognize that they exist and will reassess their water supply adequacy regularly to address climate changes. The City will also design their system with some redundancy so that some adverse impacts from climate change can be accommodated.

The City has historically used groundwater to meet all of their water demands. The City's groundwater quality is discussed in section 6.2.1 page 30. Groundwater supplies have not significantly been impacted, and, as a result, there is no history of any water supply deficiencies for the City water system. However, groundwater levels have declined about 0.75 feet/year over the last 20 years based on Department of Water Resources' well hydrographs. This decline in groundwater levels, however, is not consistent with the decline in well yields, which has been more serious. Some City wells have seen capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm (although well rehabilitation may be able to restore these wells to their previous performance levels). In addition, some new wells have capacities of 500 gpm or less, although this might be improved by drilling wells in different locations.

Surface water is less reliable than groundwater since its availability depends on precipitation. The reliability of surface water sources for the City cannot be determined until specific water sources and water sellers are identified. The reliability will also depend on details in any surface water purchase agreements. The City may acquire some firm water sources that would be guaranteed or almost guaranteed each year. This water would be used for groundwater recharge or possibly in the future be treated at a new surface water treatment plant. The City could also buy surplus or floodwaters that are only available during wet years and use it to recharge the aquifer. The City Council has approved the purchase of surface water to be used for groundwater recharge. Existing retention facilities and the Porter Slough are available for groundwater recharge.



Surface water could potentially be utilized from the Pioneer Water Company (PWC, of which the City currently owns 468 shares, approximately 12.94%) and the city would like to increase their holdings and water rights. City Council has subsequently authorized the Public Works Director, at his discretion, to purchase surface water for groundwater recharge and purchase or bid on PWC shares.

Another potential surface water partner is Porterville Irrigation District (PID). PID has several surface water supplies including appropriative water rights on the Tule River and Central Valley Project Friant Division water. PID has stated that due to the seasonal nature of water there are points in time when more water is available than their landowners can reasonably use. It is during these times that PID would be able to sell water to the City.

It should also be noted that other surface water supplies could be available to the City, if needed. With access to the Friant-Kern Canal, the City can potentially buy water from anywhere in the State through an exchange. In addition, the City could feasibly purchase canal company stock from the various stockholders. This would be a relatively simple way to transfer water supplies. These water sources will be pursued in the future if necessary, but it is believed that groundwater pumping, surface water purchases from PWC, and water conservation efforts will allow the City to meet their water demands through 2040.

Although the City's aquifer is in a state of overdraft they could still meet their water demands for several more years solely with groundwater. The City recognizes the need to address any water shortage issues as soon as possible, the need to secure surface water sources, additional sources could be secured incrementally as demands increase.

Groundwater quality is discussed in chapter 6 page 28.

7.2 Reliability by Type of Year

CWC 10631

(c)(1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (A) an average water year,
- (B) a single dry water year,
- (C) multiple dry water years.

An average year is defined as an average range of years that most closely represents the average water supply available to the agency.

A single-dry year is the year that represents the lowest water supply available to the agency.

The multiple dry year period is the period that represents the lowest average water supply availability to the agency for a consecutive multiple year period (three years or more). This is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903.



SECTION SEVEN

Historical rainfall data available for the city of Porterville from the Western Regional Climate Center (WRCC)¹ were examined to establish a basis of water year for average, single dry, and multiple dry years. As shown in Table 7-1, the year 2001 is classified as an “average” year, the year 1989 is classified as a “single dry” year, and the years 1988 to 1990 are classified as “multiple dry” years.

Table 7-1 Retail: Basis of Water Year Data			
Year Type	Base Year <i>If not using a calendar year, type in the last year of the fiscal, water year, or range of years, for example, water year 1999-2000, use 2000</i>	Available Supplies if Year Type Repeats	
		☐	Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP. Location _____
		☒	Quantification of available supplies is provided in this table as either volume only, percent only, or both.
		Volume Available	% of Average Supply
Average Year	2001		100%
Single-Dry Year	1989		100%
Multiple-Dry Years 1st Year	1988		100%
Multiple-Dry Years 2nd Year	1989		100%
Multiple-Dry Years 3rd Year	1990		100%
Multiple-Dry Years 4th Year <i>Optional</i>			
Multiple-Dry Years 5th Year <i>Optional</i>			
Multiple-Dry Years 6th Year <i>Optional</i>			
Agency may use multiple versions of Table 7-1 if different water sources have different base years and the supplier chooses to report the base years for each water source separately. If an agency uses multiple versions of Table 7-1, in the "Note" section of each table, state that multiple versions of Table 7-1 are being used and identify the particular water source that is being reported in each table.			

¹ Source <http://www.wrcc.dri.edu/>. Data was examined for the Porterville Station (period of record: 1948-2006).

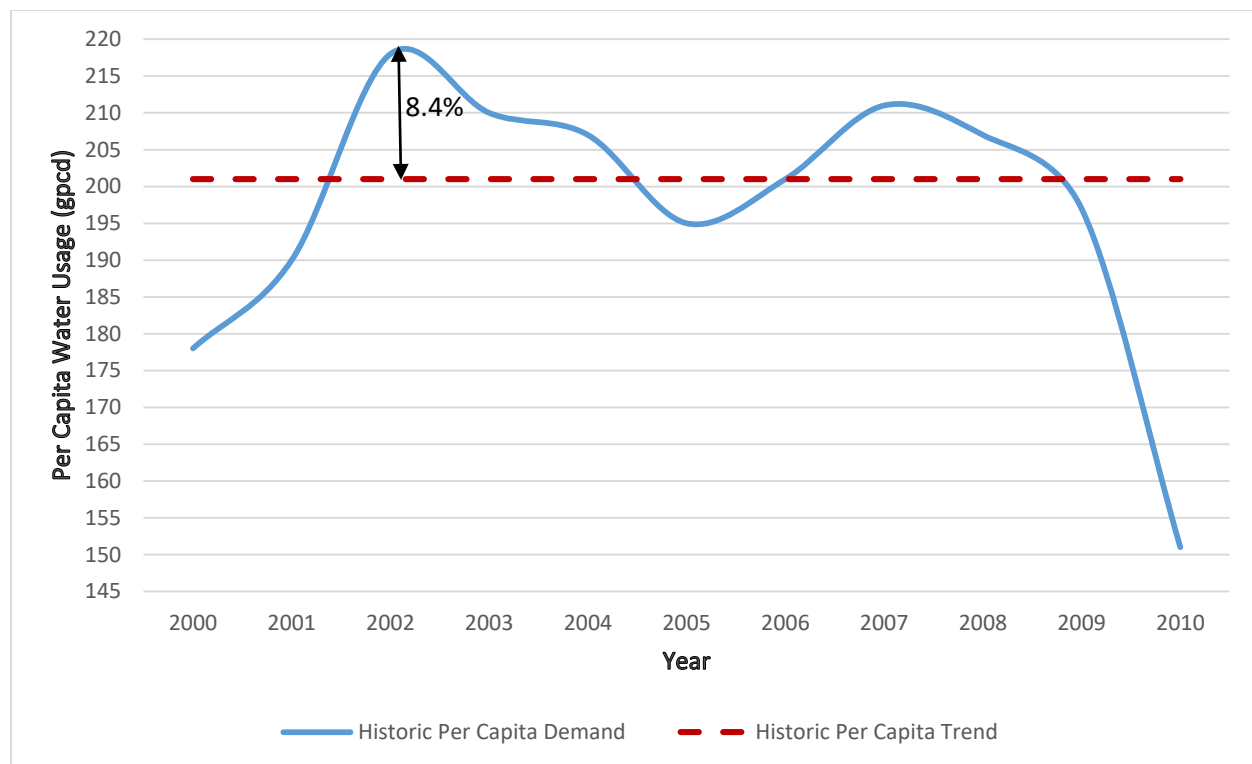


During drought years, water use patterns typically change. Outdoor water use will typically increase as irrigation is used to replace the decrease in precipitation. However, the increase in outdoor use can be offset, in part, by increasing mandatory conservation measures.

In order to assess the impact of drought years on the City's annual demands, the City's historical per capita water usage was calculated. By dividing the City's service area population into the total water consumed on an annual basis, consumption in gallons per capita per day (gpcd) was determined. This method of annual consumption, based on current population, eliminates the impact of growth changes. The historical per capita consumption from 2000 to 2010 is shown in **Figure 7-1**.

The historic per capita demand has been variable over the past 10 years, with an overall increase from 2000 through 2004, a dip in 2005, and a recent downward trend since 2007. As shown, the per capita consumption in 2002 was about 8 percent above the 10-year average of 201 gpcd calculated in Section 5, Table SB X7-7 Table 5. The 10-year Historic Per Capita Demand is considered to be indicative of the maximum potential variation in water demands on an annual basis. As shown in **Figure 7-1**, the year 2002 represents the largest increase in water demand above the Historic Per Capita Trend. For purposes of calculating the impact of dry years, water demands will be increased by 8 percent for single dry and multiple dry hydrologic years.

Figure 7-1: Historic Per Capita Demand



7.3 Supply and Demand Assessment

CWC 10635

(a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional or local agency population projections within the service area of the urban water supplier.

The source of the City's water supply is the Tule sub-basin which is not in the process of adjudication nor the subject of any new legislation limiting it. However, that could change in the future; in which case those supplies could be diminished from their current volume.

The status of environmental regulation in California is routinely changing due to new legislation, endangered species status, et cetera. Should new environmental legislation come into existence it could potentially cause a lack of supply. The recent water supply reductions in the Delta are an example of environmental water needs versus community water supplies. It is anticipated that alterations to the water supply could be made to accommodate these changes, should they occur. The Sustainable Groundwater Management Act, signed by the Governor in September 2014 provides for regulation of critically over-drafted groundwater basins by Groundwater Sustainability Agencies (GSA's) or by the State if a local GSA is not established. The City is a member of the Eastern Tule GSA which is tasked with managing the Eastern portion of the Tule sub-basin.

Water quality standards are fairly stable but can still experience periods of modification as new constituents are deemed to be 'of concern' and MCLs are created or made more stringent.

As climate change becomes more quantifiable and potentially affects the local water conditions, alterations in the water supply planning area will likely be required. Climate change elements, such as drought or severe flooding, could strongly affect supply reliability, therefore requiring the City to make modifications to their water supplies. The City is purchasing surface water for groundwater recharge when available to ensure a readily available water supply during multiple drought years.



Table 7-2 Retail: Normal Year Supply and Demand Comparison					
	2020	2025	2030	2035	2040 (Opt)
Supply totals (autofill from Table 6-9)	5,831	6,597	7,464	8,445	9,554
Demand totals (autofill from Table 4-3)	5,831	6,597	7,464	8,445	9,554
Difference	(0)	(0)	0	0	(0)
NOTES:					

Table 7-2 shows the Normal year Supply and Demand for the next 20 years in 5 year increments. **Table 7-3**, Single dry year, and **Table 7-4**, Multiple dry years, show the projected supply and demand data for the same time period.

Table 7-3 Retail: Single Dry Year Supply and Demand Comparison					
	2020	2025	2030	2035	2040 (Opt)
Supply totals	4,857	5,495	6,217	7,034	7,958
Demand totals	4,857	5,495	6,217	7,034	7,958
Difference	0	0	0	0	0
NOTES:					



Table 7-4 Retail: Multiple Dry Years Supply and Demand Comparison						
		2020	2025	2030	2035	2040 (Opt)
First year	Supply totals	4,857	5,495	6,127	7,034	7,958
	Demand totals	4,857	5,495	6,127	7,034	7,958
	Difference	0	0	0	0	0
Second year	Supply totals	4,857	5,495	6,127	7,034	7,958
	Demand totals	4,857	5,495	6,127	7,034	7,958
	Difference	0	0	0	0	0
Third year	Supply totals	4,857	5,495	6,127	7,034	7,958
	Demand totals	4,857	5,495	6,127	7,034	7,958
	Difference	0	0	0	0	0
Fourth year (optional)	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Fifth year (optional)	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Sixth year (optional)	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
NOTES:						

As shown, both supply and demand are expected to increase from 2020 to 2035. The supply totals reflect using groundwater only to the extent required to meet potable demands.



7.4 Regional Supply Reliability

CWC 10620

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

The Sustainable Groundwater Management Act (SGMA) provides the City with a legal frame work to participate in decisions affecting the Tule sub basin, which is the sole source of the City's water deliveries. The effects of the Act, and the impacts on the regional supply reliability is discussed in Chapter 8.



8 WATER SHORTAGE CONTINGENCY PLANNING

CWC 10632

(a) The plan shall provide an urban water storage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

8.1 Stages of Action

CWC 10632

(a) 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.

The City has an existing Water Conservation Plan (WCP) updated in August of 2015 that outlines policies and procedures to help reduce water demands during droughts. The WCP addresses the following stages of action.

The Water Conservation Plan includes five phases of implementation. Actions in each phase would be undertaken by the City or the general public. When staff determines that water supply conditions warrant a phase change they present the request to the City Council for their approval. The production capacity will be monitored to determine recommendations for moving from one phase to the next. Any decision to change phases will be based on a combination of surface water supplies, weather conditions, and trends in water usage, groundwater levels, and well yields.

Conservation measures gradually increase with each phase. The public are given opportunities to voluntarily reduce consumption in Phase I. If these efforts are not sufficient, then Phase II is implemented, which includes mandatory measures with a target reduction of 10%. If these are not sufficient then Phase III is implemented, which includes more stringent mandatory regulations with a target reduction of 10-25%. If these are not sufficient then Phase IV is implemented, which includes more increasingly stringent, mandatory regulations with a target reduction of 25-50%. Table 8-1 shows the stages of the water shortage contingency plan.

Historically, the City has pumped groundwater to meet all water supply demands. While there may be less water infiltrating from rainfall, snowfall, runoff and irrigation during dry years, it does not adversely impact groundwater supplies in the short term. As a result, the City has had fairly consistent water supplies during different hydrologic years. Although well yields are gradually declining each year, it is expected that there would be no water shortages during the current planning period.



Table 8-1 Retail Stages of Water Shortage Contingency Plan		
Stage	Complete Both	
	Percent Supply Reduction ¹ <i>Numerical value as a percent</i>	Water Supply Condition <i>(Narrative description)</i>
<i>Add additional rows as needed</i>		
1	0%	Normal Water supply
2	10%	Water supply shortage
3	10-25%	Significant water supply shortage
4	25-50%	Critical water supply shortage
5	50+%	Emergency water supply shortage
¹ One stage in the Water Shortage Contingency Plan must address a water shortage of 50%.		
NOTES:		

8.2 Prohibitions on End Uses

CWC 10632

(a)(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, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

Descriptions of the prohibitions, penalties and consumption reduction methods in each phase of the Water Conservation Plan are provided below:

Phase I

Phase I applies during periods when a normal water supply is available. Water conservation efforts include the following actions.

- 1 A public information program on water conservation and awareness.
- 2 Coordination of public information with the local news media.
- 3 Lawn and landscape watering guides are made available upon request.



- 4 Coordination with local schools to encourage young people to become aware of local water issues and conditions.
- 5 Advise against watering within 48 hours of measurable rainfall.

Phase II

Phase II applies during periods when there is a water supply shortage. All of the conservation measures in Phase I will continue to be implemented along with the following as mandatory regulations.

Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phase I.
2. The City of Porterville will enforce a mandatory odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited.
3. Per Chapter 25, Article I, Division 6, Section 25-32A.27 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
4. Public Information Program. The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.
5. Water System Pressure Reduction. The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.
6. City Landscapes and Watering Schedules. All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.
7. Leak Detection - Water Waste. The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.
8. Waste of Water Notices. City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.

Actions by the General Public:

1. Watering Schedule. Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday and Sunday. There is no watering on Monday.



2. Lawn and Landscaping Watering. All residential, commercial and industrial landscape watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.
3. Conservation Efforts. The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.
4. Restaurants. Notices will be sent to all restaurants within the city limits requesting support of water conservation efforts by serving water to customers upon request only.
5. Vehicle Washing and Sidewalk Hosing. The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.

Phase III

Phase III applies during periods when there is a significant water shortage and the following mandatory regulations will apply:

Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phases I and II.
2. The City of Porterville will enforce a two day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited.
3. Per Chapter 25, Article I, Division 6, Section 25-32A.27 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
4. Public Information Program. The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.
5. City Landscapes and Watering Schedules. All City parks, median islands and public facility landscapes will adopt a two-day watering schedule. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

Actions by the General Public:

1. Watering Schedule. Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water



- on Wednesday and Sunday. There is no watering on Monday, Thursday, or Friday.
2. Landscape Watering. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.
 3. Vehicle Washing and Sidewalk Hosing. The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.

Phase IV

Phase IV applies during periods when there is a severe water shortage and the following mandatory regulations will apply:

- 1 Continuation of all Conservation Programs and Regulations Established in Phases I, II, and III.
- 2 The City will enforce a one day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive runoff is prohibited, as is outdoor watering within forty-eight (48) hours of a measurable rainfall. Measurable rainfall is defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) as 1/100th of one inch.
- 3 Per Chapter 25, Article I, Division 6, Section 25-32A.27 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
- 4 Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."

Actions by the General Public:

1. Watering Schedule. Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Sunday. There is no watering on Monday through Friday.
2. Landscape Watering. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.
3. Excessive runoff is prohibited.



Phase V

Phase V applies during periods when there is a severe water shortage as determined by California State mandate, City Manager, system outage, equipment failure, contamination of water supply, or other emergency and the following mandatory regulations will apply:

Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phases I, II, III, and IV.
2. Rate Structure Enhancement. A 20% rate increase on all residential and landscape water accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.
3. City Landscapes and Watering Schedules. Watering of City parks and median islands will be suspended and evaluated each day.

Actions by the General Public:

1. Landscape Watering. Lawn and landscaping watering is prohibited.
2. Vehicle Washing and Sidewalk Hosing. The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.



Table 8-2 Retail Only: Restrictions and Prohibitions on End Uses			
Stage	Restrictions and Prohibitions on End Users <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>Drop Down List</i>
Add additional rows as needed			
2	Landscape - Limit landscape irrigation to specific days		
2	Other - Require automatic shut of hoses		
3	Landscape - Limit landscape irrigation to specific days		Yes
3	Landscape - Limit landscape irrigation to specific times		Yes
3	Other - Prohibit use of potable water for washing hard surfaces		Yes
4	Landscape - Prohibit all landscape irrigation		Yes
5	Landscape - Prohibit all landscape irrigation		Yes
NOTES:			

8.3 Penalties, Charges, Other Enforcement of Prohibitions

The City bills most of its customers on a volumetric basis. As a result, conservation measures, which aim to reduce water consumption, can also reduce revenue for the City. Significant water conservation during droughts can have a major impact on City revenues. Although the City would have lower water purchase and pumping costs with lower water deliveries, they also have considerable fixed and overhead costs that are the same for any volume of water delivered. As a result, conservation measures need to be coupled with rate adjustments to ensure that the water system is financially sustainable.

The City has developed a Water Conservation Plan that raises water rates by 20% during droughts. The higher unit rate is intended to discourage use, but it will also help to offset the revenue lost from selling a lower volume of water. The suitability of this 20% increase



is not yet known and it needs to be tested during a single-year and multi-year drought. If, in the future, the 20% price increase is found to be inadequate the City will again reevaluate the WCP and modify it accordingly.

Implementation of the WCP will not have a large impact on expenditures or revenues. No additional costs are expected for billing or operations. Existing City staff will provide the personnel needed to implement the plan and enforce water conservation measures. It is likely that higher expenditures will be needed for public information programs, but these will probably be small compared to the total City water budget. Fines for water waste are a source of revenue and they typically increase during droughts. However, the revenues from fines are also small compared to the overall City water budget.

Chapter 25, Article I, Division 6, Section 25-32A.27 of the City Municipal Code states that Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.

8.4 Consumption Reduction Methods

CWC 10632

(a)(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, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

The implementation of reduced landscape watering days and time restrictions on landscape watering will reduce water consumption. Water system pressure reduction will help deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings. The increase in water waste patrols and fines will also help reduce consumption. Table 8-3 lists some of the methods the City can use to reduce water consumption. More public outreach will be used in times of extreme water shortage.



Table 8-3 Retail Only: Stages of Water Shortage Contingency Plan - Consumption Reduction Methods		
Stage	Consumption Reduction Methods by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	Additional Explanation or Reference (optional)
Add additional rows as needed		
2	Expand Public Information Campaign	
3	Increase Water Waste Patrols	
4	Increase Water Waste Patrols	
4	Other	Reduced line pressure
5	Implement or Modify Drought Rate Structure or Surcharge	
NOTES:		

8.5 Determining Water Shortage Reductions

CWC 10632

(a)(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

Water meters are read monthly, but during a drought the water consumption must be tracked more frequently. Reading customer meters more frequently would be costly and impractical, however, the City will be able to closely track groundwater pumping and surface water deliveries on a daily basis. This data will be evaluated weekly to determine if the WCP is effective in reducing water consumption.



8.6 Revenue and Expenditure Impacts

CWC 10632

(a)(9) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), 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..

The City has developed a Water Conservation Plan that raises water rates by 20% during droughts. The higher unit rate is intended to discourage use, but it will also help to offset the revenue lost from selling a lower volume of water. The suitability of this 20% increase is not yet known and it needs to be tested during a single-year and multi-year drought. If, in the future, the 20% price increase is found to be inadequate the City will again reevaluate the WCP and modify it accordingly.

Implementation of the WCP will not have a large impact on expenditures or revenues. City staff will provide the personnel needed to implement the plan and enforce water conservation measures. It is likely that higher expenditures will be needed for public information programs, but these will probably be small compared to the total City water budget. Fines for water waste are a source of revenue and they typically increase during droughts. However, the revenues from fines are also small compared to the overall City water budget.

Financial reserves could be used to cover revenue shortfalls during single year droughts but would need to look at an alternative rate structure for longer periods of drought. The City did raise rates in 2015 to cover revenue shortfalls.

8.7 Resolution or Ordinance

CWC 10632

(a)(8) A draft water shortage contingency resolution or ordinance

The City has added Section 25-32A.1 to Chapter 25, Article 1, Division 6 of the Porterville Municipal Code. This section adopts by resolution the City's Water Conservation Plan which is also deemed to be the City's Water Shortage Contingency Plan. The ordinance is included in Appendix A, and the Water Conservation Plan is included in Appendix D.



8.8 Catastrophic Supply Interruption

CWC 10632

(a)(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.

The City does not have a formal written plan to address a catastrophic non-drought related interruption in water supply (i.e. power outage, system failure, natural disaster, etc.). However, the WCP could be used to reduce consumption after a catastrophic supply interruption. The City has back-up generators in the event of a power outage. Lastly, the City recognizes the need for more contingency plans to address non-drought related events and plans to investigate other alternatives.

8.9 Minimum Supply Next Three Years

CWC 10632

(a)(3) 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..

Table 8-4 Retail: Minimum Supply Next Three Years			
	2016	2017	2018
Available Water Supply	3,217	3,217	3,217
NOTES: Based on 2016 dry year actual usage.			

The above table reflects the minimum expected delivery demands under State ordered mandatory conservation measures. The City has no expectation of their being any shortage of actual water in the underground aquifer over the next three years even under a complete lack of rainfall in the watershed because of the current depth of groundwater levels.



9 DEMAND MANAGEMENT MEASURES

9.1 Demand Management Measures for Wholesale Agencies

Legal Requirements:

CWC 10631

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1)(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(ii) Metering.

(iv) Public education and outreach.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

(2) For an urban wholesale water supplier, as defined in Section 10608.12, (provide) a narrative description of the items in clauses (ii), (iv), (vi), and (vii) of subparagraph (B) of paragraph (1), and a narrative description of its distribution system asset management and wholesale supplier assistance programs.

The City does not wholesale water supplies to other retailers.

9.2 Demand Management Measures for Retail Agencies

CWC 10631

(f)(A)... The narrative shall describe the water demand management measure that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.



9.2.1 Water Waste Prevention Ordinances

According to Section 25-32A.26 of the City Municipal Code, “The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.”

The City has a Water Conservation Plan (WCP) that is implemented during droughts (see Section 8.1). When a drought is declared the WCP moves from Phase I to Phase II, Phase III, Phase IV and then Phase V, depending on the severity of the drought. During droughts, City staff will be more diligent in enforcing the water waste prohibition and if necessary will issue notices and fines.

The effectiveness of this policy is difficult to determine and quantify since it is a deterrent and prevents waste before it can occur. Nonetheless, the City will track the number of warnings and violations, especially during droughts.

9.2.2 Metering

CWC 526

(a) Notwithstanding any other provisions of law, an urban water supplier that, on or after January 1, 2004, receives water from the federal Central Valley Project under a water service contract or subcontract... shall do both of the following:

(1) On or before January 1, 2013, install water meters on all service connections to residential and nonagricultural commercial buildings... located within its service area.

CWC 527

(a) An urban water supplier that is not subject to Section 526 shall do both the following:

(1) Install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

The City has implemented many demand management measures (DMM) to reduce per capita water consumption. Metering has probably had the greatest impact on conserving water. In 2015 about 97% of the City’s deliveries were metered. In addition, all new connections in the city are required to be metered. All metered customers are billed on a volumetric basis and therefore have incentives to conserve water. The City has also established a goal to increase water conservation efforts with education being the cornerstone of the City’s water conservation program. The City also recognizes that a diversified water conservation portfolio is necessary since different programs have varying impacts on different groups. As a result, the City’s water conservation efforts include a variety of programs and measures.

Implementation Schedule: The City has permanently incorporated this program into its ordinances.



Meter Retrofits and Replacements

The City is in the process of installing radio read water meters on all unmetered services and plans to complete the project by 2025. A meter replacement program with radio read meters is currently planned, therefore providing more efficiency and the ability to audit meter consumption while checking for accuracy. As meters age, the City will consider replacement and upgrade to radio read meters.

Landscape Metering

The City requires all commercial landscaping to be on a separate water meter.

Water Bills

City water bills show the amount of water used each billing period, and compares that value to water used during the same billing period in the previous year. This information allows water users to evaluate the effectiveness of their own conservation programs.

9.2.3 Conservation Pricing

Currently, about 97% of the water used in the City is metered. In addition, all new connections in the City are required to be metered and billed by volume of use. All potable water users are charged the same volumetric rate regardless of the volume used or purpose of use. Water users are also charged a fixed monthly fee based on the size of their flowmeter. In July 2015, the volumetric rate for water was raised to \$0.90/100 cubic feet. The unit rate, however, can be increased by 20% during droughts. The City is not considering a tiered rate structure that increases volumetric water fees as water usage increases. The current rate structure (volumetric pricing and increases during droughts) appears to encourage water conservation, and additional water conservation will be sought through various voluntary and mandatory programs (education, water surveys, watering restrictions, etc.). If these measures are not successful in reducing demands, then the City will consider tiered pricing when the UWMP is revised in five years.

Residential sewer rates are assessed a fixed monthly fee for sewer services. Commercial, industrial and institutional customers are charged sewer fees based on volume of wastewater, but the rate also varies for different customer types (restaurants, car washes, schools, etc.) since the chemistry of their wastewater varies. Some customers, such as retail stores, have two meters, one for indoor use and one for landscaping, since the landscaping accounts are not billed for sewerage.

9.2.4 Public Education and Outreach

Education programs are the most common form of conservation measures in most cities. Likewise, the City would like to make public education the centerpiece of their conservation efforts.



Current

Current public information programs on water conservation include the following:

1. City participation in Water Awareness Month (May);
2. Bill stuffers on water conservation;
3. News programs;
4. Radio commercials in English and Spanish;
5. Booth at the Porterville City Fair;
6. Water bills that compare current water usage to the previous year's usage.
7. Facility tours of the City's wastewater treatment plant for students.
8. Advertising on City Transit Buses.

These efforts are typically implemented during the high water use period of April to September. These efforts are also intensified during droughts.

Planned

If funding and staff time permit, the City will add the following to their public information program during the next five years:

1. Booths at public events such as neighborhood association meetings and garden clubs.
2. Expand facility tours (such as the wastewater treatment plant) to civic groups and students.
3. City Council Meetings may be broadcast on television in the future. This would provide the public more opportunities to listen to discussions on water issues.

Evaluations

Evaluating the effectiveness of public education programs is difficult. The impacts from water conservation education are long term and benefits may not be immediately realized. Logically, water conservation education should reduce per capita consumption over time. However, per capita consumption can also vary with many other factors such as weather, development trends, and other demand management measures. Nevertheless, the effectiveness of the public education programs will be measured by trends in per capita water consumption. In addition, public comments on and demand for the information programs will also be considered.

Implementation Schedule: The City will continue to provide public information to remind the public about water issues, as detailed above.

The City has identified education as one of the major elements of their conservation program and therefore will maintain a proactive school educational program in the City's schools. The City's Water Conservation Coordinator currently directs educational field trips with community schools and during the visit, students are educated in Water Conservation, Storm Drain and Recycling. School Education Programs will continue to be evaluated similar to Public Information Programs.

Each school presentation will be given to multiple grade assemblies of about 350 to 400 students. Educational materials that meet state education framework requirements will be given to the students at these assemblies. Currently there are no plans to give teacher workshops.



Implementation Schedule: The City will continue to provide this program in the manner described above.

9.2.5 Program to Assess and Manage Distribution System Real Loss

Water system audits include an evaluation of the City's distribution system for leaks and other losses. The system losses (water input minus water metered) are a good indication of the system integrity. In 2006, Johnson Controls performed a water system audit and was able to account for 95% of the City's water. This result was better than expected considering the age of the system and meters. In addition, the Porterville Finance Department prepares annual reports showing water production versus water sales. These reports show that system losses ranged between 4% and 10% between 2001 and 2005. Losses are actually lower because the records do not account for fire hydrant flushing or the water delivered to unmetered accounts, which is estimated at 2% of total water usage. In addition, water that is lost through pipeline leakage usually seeps to the groundwater table where it is available to the City through well pumping, so it is not considered a true loss.

The City's distribution system is operated under pressure, and, as a result, leaks are usually apparent. Only a small number of leaks are repaired each year. A physical system audit is not performed every year, mainly because the system appears to be in good condition and the current losses are considered reasonable. However, all new water lines are pressure tested to verify that leakage is minimal. Data is not readily available on the miles of pipeline repaired or replaced annually, or the expenditures for this work. These records will be tracked more closely in future years.

The effectiveness of the water system audits will be measured by the losses calculated annually. Increasing losses would indicate the leaks have increased and/or flowmeters are not accurate.

Water surveys involve an on-site assessment of water uses on a customer's property to identify area of high water usage or water waste.

The City has not developed or implemented a targeting/marketing strategy for single-family or multi-family home water surveys. However, the City does perform water surveys at the request of water users. Typically the City is asked to perform a water survey if a customer feels that their water bill is too high. Often the customer asks to have their meter tested or recalibrated. In most cases the meters are functioning properly and City staff then perform a water survey to determine where the customer has high water usage. The water survey includes the following:

1. Check indoor and outdoor plumbing for leaks
2. Check irrigation system timers
3. Evaluate irrigation watering schedule
4. Recommend various water conservation measures to the customer, such as modifications to their irrigation schedule and retrofitting with water efficient fixtures and appliances



Outdoor water consumption accounts for a large proportion of total water sold and offers the biggest target for water savings, so the surveys tend to focus on improving landscape irrigation efficiencies.

9.2.6 Water Conservation Program Coordination and Staffing Report

The City's water conservation program is an ongoing program of public education and being proactive in monitoring and repairing the water supply. The City also actively monitors new industrial and commercial customers to ensure they conform to the City's water efficient landscape ordinance and other water saving requirements.

The City of Porterville has one designated part-time Water Conservation Coordinator (WCC). The person is employed full time with the City as a Water Systems Specialist and devotes part of their time to water conservation, recycling and storm water education efforts.

The City plans to increase water conservation efforts, particularly education, over the next five years. At this time it is anticipated that the current WCC can accommodate this additional workload. It should also be noted that many other staff in the Public Works Department and Community Development Department spend time supporting and assisting the WCC.

Evaluating the effectiveness of the WCC's efforts is difficult. The WCC performs a wide array of tasks, but many of them are related to water conservation education. Therefore, the effectiveness of the WCC will be evaluated similar to the public information programs

9.2.7 Other demand management measures

The City does not have any additional demand management measures at this time but continues to look opportunities to reduce water consumption.

9.3 Implementation over the past Five Years

CWC 10631

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1)(A) ... a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years.

The City's Water Conservation Plan (WCP) was implemented during the 2012 to 2016 drought. This involved implementing the WCP through phase IV which include one day a week landscape watering and restricted vehicle washing. The city was more diligent in



looking for water wasters and fines were issued. The city increased its public education of the drought situation through local newspapers and radio commercials.

Implimenting the Water Conservation plan to phase IV lowered water consumption from the average baseline 195 GPCD to a 130 GPCD in 2015. This shows that implimenting the Water Conservation Plan over the next 5 years will enable the City to achieve its 2020 water use target of 179 GPCD.



10 PLAN ADOPTION, SUBMITTAL, AND IMPLEMENTATION

10.1 Inclusion of all 2015 Data

All the water use and planning data for the 2015 calendar year is included in the UWMP Tables spreadsheet.

10.2 Notice of Public Hearing

The City will hold a public hearing and adopt the 2015 UWMP on or about February 6, 2018. A copy of the adopting resolution is included in Appendix A. Prior to the public hearing, a notice will be published notifying the public of the pending hearing.

10.2.1 Notice to Cities and Counties

CWC 10621

(b) Every urban water supplier required to prepare a plan shall... at least 60 days prior to the public hearing on the plan ... notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

CWC 10642

...The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area...

Once the UWMP has been adopted, a copy of the UWMP and amendments will be submitted to DWR and the State Library. Once submitted to DWR, a copy will be made available for public review within 30 days and submitted to Tulare County within 60 days.



Table 10-1 Retail: Notification to Cities and Counties		
City Name	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
City of Porterville	☒	☒
Tulare County	☒	☒
	☐	☐
County Name <i>Drop Down List</i>	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
	☐	☐
	☐	☐

10.2.2 Notice to the Public

A copy of the Notice to the Public is included in Appendix B.

10.3 Public Hearing and Adoption

CWC 10642

...Prior to adopting a plan, the urban water supplier shall hold a public hearing thereon.

CWC 10608.26

- (a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:
- (1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.
 - (2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.
 - (3) Adopt a method, pursuant to subdivision (b) of Section 10608.20 for determining its urban water use target.

Chapter 5, Baselines and Targets, contains the baseline values and methodology used to calculate the City's water use targets and implementation plan required in the Water Conservation Act of 2009.



10.3.1 Adoption*CWC 10642**...After the hearing, the plan shall be adopted as prepared or as modified after the hearing.***10.4 Plan Submittal***CWC 10621**(d) An urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.**CWC 10644**(a)(1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption.**CWC 10635**(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.*

The City submitted the UWMP to the DWR on _____.

Plan adoption, submittal, and implementation



11 BIBLIOGRAPHY/REFERENCES

- Boyle Engineering Corporation, *Surface Water Treatment Guidelines*, February 2005.
- California Department of Water Resources, *California's Groundwater, Bulletin 118*, October 2003.
- California Department of Water Resources, *Guidebook to Assist Water Suppliers in the Preparation of a 2010 Urban Water Management Plan*, March 2011.
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- Hart, T., Naugle, A., Rudd, N., *Conjunctive Use Model for the Tule Groundwater Sub-basin Area in the Southern-Eastern San Joaquin Valley, California*, February 2003.
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- Provost & Pritchard Engineering Group, Inc., *Analysis of Groundwater Resources – Southern Tulare and Northern Kern County CVP Districts*, January 2001.
- Schmidt, Kenneth D. and Associates, *Groundwater Conditions within the City of Porterville Urban Area Boundary*, October 2009.
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- United States Bureau of Reclamation, *Porterville Irrigation District, Geology Chapter III*, 1954.
- Water Resources & Information Management Engineering, Inc. (WRIME), *Upper Kings Basin Integrated Regional Water Management Plan*, July 2007.



APPENDIX A RESOLUTIONS AND ORDINANCES



ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING SECTION 25-5.1 TO CHAPTER 25, ARTICLE I, DIVISION 1 OF THE
PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF
ADOPTED WATER CONSERVATION PLAN

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. Code Amendment. Section 25-5.1 IS hereby added to Chapter 25, Article I, Division 1 of the Porterville Municipal Code, to read as follows:

Section 25-5.1. City Water Conservation Plan.

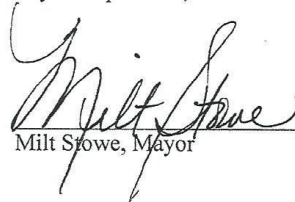
The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Chapter 1, Sections 1-9 and 1-10; Chapter 2, Article XIV; and/or Chapter 25, Article I. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" per applicable State law.

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

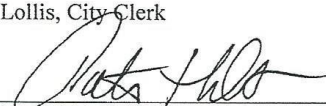
Section 3. Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this 2nd day of September, 2014.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk



RESOLUTION NO. ____-____**A RESOLUTION ADOPTING THE CITY OF PORTERVILLE 2015
URBAN WATER MANAGEMENT PLAN**

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which requires all urban water suppliers providing municipal water directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and submit an Urban Water Management Plan (Plan), the primary objective of which is to plan for the conservation and efficient use of water; and

WHEREAS, the City of Porterville (City) is an urban supplier of water providing water to over 3,000 customers; and

WHEREAS, the Plan shall be periodically reviewed at least once every five years, and that the City shall make any amendments or changes to its plan which are indicated by the review; and

WHEREAS, the City has therefore, prepared and circulated for public review a draft 2015 Urban Water Management Plan, and properly noticed public hearing regarding said Plan was held by the City Council on February 20, 2018; and

WHEREAS, the City of Porterville did prepare and shall file said Plan with the California Department of Water Resources within 30 days of adoption;

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Porterville City Council does hereby adopt the 2015 Urban Water Management Plan (Plan) as presented to this Council February 20, 2018;
2. That copies of said Plan be forwarded to the State of California, Department of Water Resources, Tulare County, and the California State Library for filing within 30 days of this date;
3. The Public Works Director is hereby authorized and directed to implement the demand management measures as set forth in the 2015 Urban Water Management Plan, which includes water shortage contingency analysis and recommendations to the City Council regarding necessary procedures, rules, and regulations to carry out effective and equitable water conservation and water recycling programs;
4. In a water shortage, the Public Works Director shall recommend to the City Council the appropriate phase of water conservation as indicated in the Plan and implement necessary elements of the Plan;



5. The Public Works Director shall recommend to the City Council additional procedures, rules, and regulations to carry out effective and equitable allocation of water resources.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Porterville held on February 20, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



**APPENDIX B
PUBLIC NOTIFICATION**



PUBLIC NOTICE**NOTICE OF PUBLIC HEARING and AVAILABILITY OF DRAFT URBAN WATER MANAGEMENT PLAN 2015 UPDATE FOR PUBLIC REVIEW CITY OF PORTERVILLE URBAN WATER MANAGEMENT PLAN (UWMP)**

Pursuant to the California Water Code section 10642 and 10608, the City Council of the City of Porterville will conduct a public hearing to take testimony regarding the adoption of the 2015 Urban Water Management Plan (UWMP) for the City of Porterville. The Public hearing is scheduled for the following public meeting:

Porterville City Council Meeting at 6:30 p.m. Tuesday, February 6, 2018, City Council Chambers, located at 291 North Main Street Porterville, California.

Any interested person may

THE PORTERVILLE RECORDER**Public Notices**

present written comments concerning the proposed UWMP up to the date of the hearing. Inquiries concerning the proposed UWMP should be directed to Michael K. Reed, Public Works Director at (559) 782-7462. The draft report may be reviewed during regular business hours at: Office of the City Clerk, 291 North Main Street, Porterville, CA 93257.

If any person challenges the decision of the City in this matter in court, he or she may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior, the public hearing. All interested persons are invited to be present at aforesaid hearing and be heard thereon. The meeting facility is accessible to the handicapped. Auxiliary aides will be made available, upon request in advance, for persons with hearing or vision disabilities.

Dated: November 17, 2017
John Lollis, City Clerk
00071824
Nov 17, 1-t



SATURDAY-SUNDAY, FEB 3-4, 2018

Public Notices

PUBLIC NOTICE**NOTICE OF PUBLIC
HEARING and
AVAILABILITY OF DRAFT
URBAN WATER MAN-
AGEMENT PLAN 2015
UPDATE FOR PUBLIC
REVIEW CITY OF
PORTERVILLE URBAN
WATER MANAGEMENT
PLAN (UWMP)**

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Any interested person may present written comments concerning the proposed UWMP up to the date of the hearing. Inquiries concerning the proposed

Public Notices

UWMP should be directed to Michael K. Reed, Public Works Director at (559) 782-7462. The draft report may be reviewed during regular business hours at: Office of the City Clerk, 291 North Main Street, Porterville, CA 93257.

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John Lollis, City Clerk
00072274
Feb 3, 9, 14





November 21, 2017

Eric Limas
Teapot Dome Irrigation District
105 W. Teapot Dome Avenue
Porterville, CA 93257

Dear Mr. Limas,

Subject: City of Porterville Urban Water Management Plan – Notification Letter

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

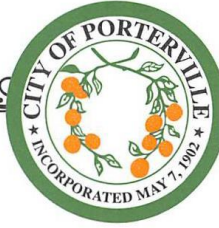
Please use this link to a draft of the UWMP 2015 update for your review and comment. <http://www.ci.porterville.ca.us/documents/2015UWMPUpdate-Final.pdf> Comment submittals are requested no later than January 30, 2018, and should be sent to Michael L Knight, Deputy Public Works Director/Field Services Manager at 291 N. Main St., Porterville, CA 93257 or to mknight@ci.porterville.ca.us. Once received, the comments will be reviewed and incorporated as much as possible. The final version of the UWMP will be brought to City Council February 6, 2018, for adoption. We welcome your participation in the revision of the Porterville UWMP.

If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

Eric Limas
Lower Tule River Irrigation District
357 E. Olive Avenue
Tipton, CA 93272

Dear Mr. Limas,

Subject: **City of Porterville Urban Water Management Plan – Notification Letter**

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

Please use this link to a draft of the UWMP 2015 update for your review and comment. <http://www.ci.porterville.ca.us/documents/2015UWMPUpdate-Final.pdf> Comment submittals are requested no later than January 30, 2018, and should be sent to Michael L Knight, Deputy Public Works Director/Field Services Manager at 291 N. Main St., Porterville, CA 93257 or to mknight@ci.porterville.ca.us. Once received, the comments will be reviewed and incorporated as much as possible. The final version of the UWMP will be brought to City Council February 6, 2018, for adoption. We welcome your participation in the revision of the Porterville UWMP.

If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

Denise England, Director
Tulare County Resource Mgmt. Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Mrs. England,

Subject: **City of Porterville Urban Water Management Plan – Notification Letter**

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

Please use this link to a draft of the UWMP 2015 update for your review and comment. <http://www.ci.porterville.ca.us/documents/2015UWMPUpdate-Final.pdf> Comment submittals are requested no later than January 30, 2018, and should be sent to Michael L Knight, Deputy Public Works Director/Field Services Manager at 291 N. Main St., Porterville, CA 93257 or to mknight@ci.porterville.ca.us. Once received, the comments will be reviewed and incorporated as much as possible. The final version of the UWMP will be brought to City Council February 6, 2018, for adoption. We welcome your participation in the revision of the Porterville UWMP.

If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

R.L. Schafer
Tule River Association
2904 W. Main Street
Visalia, CA 93291

Dear Mr. Schafer,

Subject: **City of Porterville Urban Water Management Plan – Notification Letter**

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

Please use this link to a draft of the UWMP 2015 update for your review and comment. <http://www.ci.porterville.ca.us/documents/2015UWMPUpdate-Final.pdf> Comment submittals are requested no later than January 30, 2018, and should be sent to Michael L Knight, Deputy Public Works Director/Field Services Manager at 291 N. Main St., Porterville, CA 93257 or to mknight@ci.porterville.ca.us. Once received, the comments will be reviewed and incorporated as much as possible. The final version of the UWMP will be brought to City Council February 6, 2018, for adoption. We welcome your participation in the revision of the Porterville UWMP.

If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

Steve Drumright
Vandalia Irrigation District
2032 South Hillcrest Street
Porterville, CA 93257

Dear Mr. Drumright,

Subject: City of Porterville Urban Water Management Plan – Notification Letter

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

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If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

Sean Geivet
Porterville, Terra Bella, and Saucelito Irrigation Districts
22086 Avenue 160
Porterville, CA 93257

Dear Mr. Geivet,

Subject: **City of Porterville Urban Water Management Plan – Notification Letter**

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

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If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager





November 21, 2017

Keith Norris
Teapot Dome Irrigation District
105 W. Teapot Dome Avenue
Porterville, CA 93257

Dear Mr. Norris,

Subject: **City of Porterville Urban Water Management Plan – Notification Letter**

The City of Porterville is in the process of reviewing and updating its 2015 Urban Water Management Plan (UWMP). As an urban water supplier, Porterville is required, pursuant to Section 10620(d)(2) of the UWMP Act, to coordinate with water management agencies, relevant public agencies, and other water suppliers on the preparation of the UWMP.

Please use this link to a draft of the UWMP 2015 update for your review and comment. <http://www.ci.porterville.ca.us/documents/2015UWMPUpdate-Final.pdf> Comment submittals are requested no later than January 30, 2018, and should be sent to Michael L Knight, Deputy Public Works Director/Field Services Manager at 291 N. Main St., Porterville, CA 93257 or to mknight@ci.porterville.ca.us. Once received, the comments will be reviewed and incorporated as much as possible. The final version of the UWMP will be brought to City Council February 6, 2018, for adoption. We welcome your participation in the revision of the Porterville UWMP.

If you have any questions, I may be reached at (559) 782-7514.

Sincerely,

Michael L Knight
Deputy Public Works Director/Field Services Manager



APPENDIX C

GROUNDWATER BASIN INFORMATION



Tulare Lake Hydrologic Region



Figure 37 Tulare Lake Hydrologic Region

Basins and Subbasins of Tulare Lake Hydrologic Region

Basin/subbasin	Basin name
5-22	San Joaquin Valley
5-22.08	Kings
5-22.09	Westside
5-22.10	Pleasant Valley
5-22.11	Kaweah
5-22.12	Tulare Lake
5-22.13	Tule
5-22.14	Kern County
5-23	Panoche Valley
5-25	Kern River Valley
5-26	Walker Basin Creek Valley
5-27	Cummings Valley
5-28	Tehachapi Valley West
5-29	Castaic Lake Valley
5-71	Vallecitos Creek Valley
5-80	Brite Valley
5-82	Cuddy Canyon Valley
5-83	Cuddy Ranch Area
5-84	Cuddy Valley
5-85	Mil Potrero Area

Description of the Region

The Tulare Lake HR covers approximately 10.9 million acres (17,000 square miles) and includes all of Kings and Tulare counties and most of Fresno and Kern counties (Figure 37). The region corresponds to approximately the southern one-third of RWQCB 5. Significant geographic features include the southern half of the San Joaquin Valley, the Temblor Range to the west, the Tehachapi Mountains to the south, and the southern Sierra Nevada to the east. The region is home to more than 1.7 million people as of 1995 (DWR, 1998). Major population centers include Fresno, Bakersfield, and Visalia. The cities of Fresno and Visalia are entirely dependent on groundwater for their supply, with Fresno being the second largest city in the United States reliant solely on groundwater.

Groundwater Development

The region has 12 distinct groundwater basins and 7 subbasins of the San Joaquin Valley Groundwater Basin, which crosses north into the San Joaquin River HR. These basins underlie approximately 5.33 million acres (8,330 square miles) or 49 percent of the entire HR area.

Groundwater has historically been important to both urban and agricultural uses, accounting for 41 percent of the region's total annual supply and 35 percent of all groundwater use in the State. Groundwater use in the region represents about 10 percent of the State's overall supply for agricultural and urban uses (DWR 1998).

The aquifers are generally quite thick in the San Joaquin Valley subbasins with groundwater wells commonly exceeding 1,000 feet in depth. The maximum thickness of freshwater-bearing deposits (4,400 feet) occurs at the southern end of the San Joaquin Valley. Typical well yields in the San Joaquin Valley range from 300 gpm to 2,000 gpm with yields of 4,000 gpm possible. The smaller basins in the mountains surrounding the San Joaquin Valley have thinner aquifers and generally lower well yields averaging less than 500 gpm.

The cities of Fresno, Bakersfield, and Visalia have groundwater recharge programs to ensure that groundwater will continue to be a viable water supply in the future. Extensive groundwater recharge programs are also in place in the south valley where water districts have recharged several million acre-feet for future use and transfer through water banking programs.

The extensive use of groundwater in the San Joaquin Valley has historically caused subsidence of the land surface primarily along the west side and south end of the valley.

Groundwater Quality

In general, groundwater quality throughout the region is suitable for most urban and agricultural uses with only local impairments. The primary constituents of concern are high TDS, nitrate, arsenic, and organic compounds.

The areas of high TDS content are primarily along the west side of the San Joaquin Valley and in the trough of the valley. High TDS content of west-side water is due to recharge of stream flow originating from marine sediments in the Coast Range. High TDS content in the trough of the valley is the result of concentration of salts because of evaporation and poor drainage. In the central and west-side portions of the valley, where the Corcoran Clay confining layer exists, water quality is generally better beneath the clay than above it. Nitrates may occur naturally or as a result of disposal of human and animal waste products and fertilizer. Areas of high nitrate concentrations are known to exist near the town of Shafter and other isolated areas in the San Joaquin Valley. High levels of arsenic occur locally and appear to be associated with lakebed areas. Elevated arsenic levels have been reported in the Tulare Lake, Kern Lake and Buena Vista Lake bed areas. Organic contaminants can be broken into two categories, agricultural and industrial. Agricultural pesticides and herbicides have been detected throughout the valley, but primarily along the east side where soil permeability is higher and depth to groundwater is shallower. The most notable agricultural contaminant is DBCP, a now-banned soil fumigant and known carcinogen once used extensively on grapes. Industrial organic contaminants include TCE, DCE, and other solvents. They are found in groundwater near airports, industrial areas, and landfills.

Water Quality in Public Supply Wells

From 1994 through 2000, 1,476 public supply water wells were sampled in 14 of the 19 groundwater basins and subbasins in the Tulare Lake HR. Evaluation of analyzed samples shows that 1,049 of the wells, or 71 percent, met the state primary MCLs for drinking water. Four-hundred-twenty-seven wells, or 29 percent, exceeded one or more MCL. Figure 38 shows the percentages of each contaminant group that exceeded MCLs in the 427 wells.

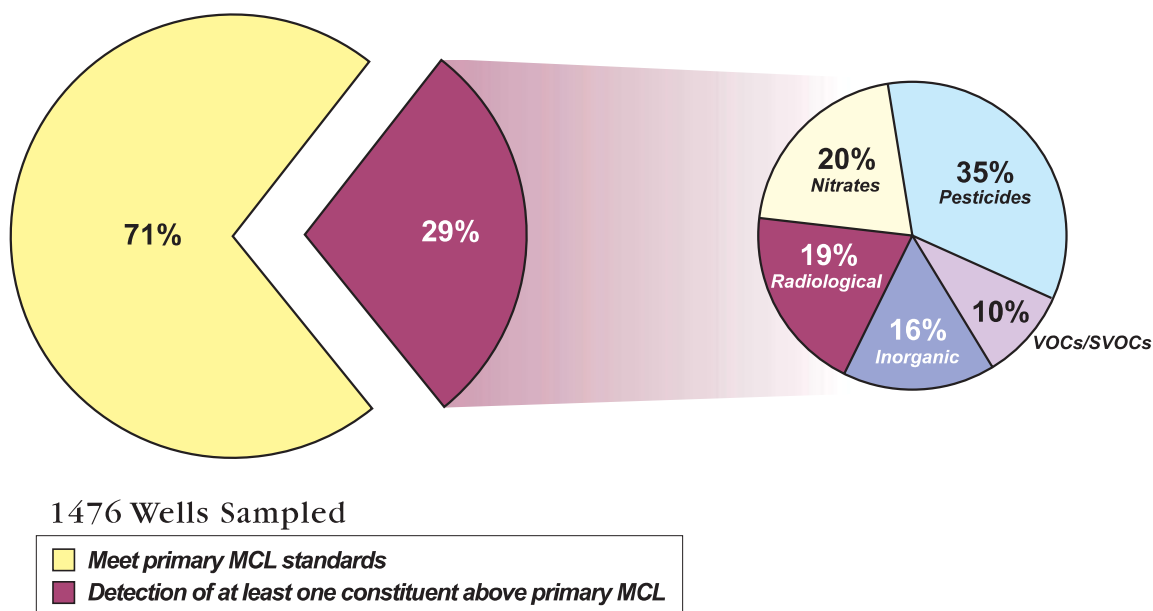


Figure 38 MCL exceedances by contaminant group in public supply wells in the Tulare Lake Hydrologic Region

Table 31 lists the three most frequently occurring contaminants in each of the six contaminant groups and shows the number of wells in the HR that exceeded the MCL for those contaminants.

Table 31 Most frequently occurring contaminants by contaminant group in the Tulare Lake Hydrologic Region

Contaminant group	Contaminant - # of wells	Contaminant - # of wells	Contaminant - # of wells
Inorganics - Primary	Fluoride – 32	Arsenic – 16	Aluminum – 13
Inorganics - Secondary	Iron – 155	Manganese – 82	TDS – 9
Radiological	Gross Alpha – 74	Uranium – 24	Radium 228 – 8
Nitrates	Nitrate(as NO ₃) – 83	Nitrate + Nitrite – 14	Nitrite(as N) – 3
Pesticides	DBCP – 130	EDB – 24	Di(2-Ethylhexyl)phthalate – 7
VOCs/SVOCs	TCE – 17	PCE – 16	Benzene – 6 MTBE – 6

DBCP = Dibromochloropropane
EDB = Ethylenedibromide
TCE = Trichloroethylene
PCE = Tetrachloroethylene
VOC = Volatile organic compound
SVOC = Semivolatile organic compound

Changes from Bulletin 118-80

There are no newly defined basins since Bulletin 118-80. However, the subbasins of the San Joaquin Valley, which were delineated as part of the 118-80 update, are given their first numeric designation in this report (Table 32).

Table 32 Modifications since Bulletin 118-80 of groundwater basins and subbasins in Tulare Lake Hydrologic Region

Subbasin name	New number	Old number
Kings	5-22.08	5-22
Westside	5-22.09	5-22
Pleasant Valley	5-22.10	5-22
Kaweah	5-22.11	5-22
Tulare Lake	5-22.12	5-22
Tule	5-22.13	5-22
Kern County	5-22.14	5-22
Squaw Valley	deleted	5-24
Cedar Grove Area	deleted	5-72
Three Rivers Area	deleted	5-73
Springville Area	deleted	5-74
Templeton Mountain Area	deleted	5-75
Manache Meadow Area	deleted	5-76
Sacator Canyon Valley	deleted	5-77
Rockhouse Meadows Valley	deleted	5-78
Inns Valley	deleted	5-79
Bear Valley	deleted	5-81

Several basins have been deleted from the Bulletin 118-80 report. In Squaw Valley (5-24) all 118 wells are completed in hard rock. Cedar Grove Area (5-72) is a narrow river valley in Kings Canyon National Park with no wells. Three Rivers Area (5-73) has a thin alluvial terrace deposit but 128 of 130 wells are completed in hard rock. Springville Area (5-74) is this strip of alluvium adjacent to Tule River and all wells are completed in hard rock. Templeton Mountain Area (5-75), Manache Meadow Area (5-76), and Sacator Canyon Valley (5-77) are all at the crest of mountains with no wells. Rockhouse Meadows Valley (5-78) is in wilderness with no wells. Inns Valley (5-79) and Bear Valley (5-81) both have all wells completed in hard rock.

Table 33 Tulare Lake Hydrologic Region groundwater data

Basin/Subbasin	Basin Name	Area (acres)	Groundwater Budget Type	Well Yields (gpm)		Types of Monitoring			TDS (mg/L)	
				Maximum	Average	Levels	Quality	Title 22	Average	Range
5-22	SAN JOAQUIN VALLEY									
5-22.08	KINGS	976,000	C	3,000	500-1,500	909	-	722	200-700	40-2000
5-22.09	WESTSIDE	640,000	C	2,000	1,100	960	-	50	520	220-35,000
5-22.10	PLEASANT VALLEY	146,000	B	3,300	-	151	-	2	1,500	1000-3000
5-22.11	KAWEAH	446,000	B	2,500	1,000-2,000	568	-	270	189	35-580
5-22.12	TULARE LAKE	524,000	B	3,000	300-1,000	241	-	86	200-600	200-40,000
5-22.13	TULE	467,000	B	3,000	-	459	-	150	256	200-30,000
5-22.14	KERN COUNTY	1,950,000	A	4,000	1,200-1,500	2,258	249	476	400-450	150-5000
5-23	PANOCHE VALLEY	33,100	C	-	-	48	-	-	1,300	394-3530
5-25	KERN RIVER VALLEY	74,000	C	3,650	350	-	-	92	378	253-480
5-26	WALKER BASIN CREEK VALLEY	7,670	C	650	-	-	-	1	-	-
5-27	CUMMINGS VALLEY	10,000	A	150	56	51	-	15	344	-
5-28	TEHACHAPI VALLEY WEST	14,800	A	1,500	454	64	-	19	315	280-365
5-29	CASTAC LAKE VALLEY	3,600	C	400	375	-	-	3	583	570-605
5-71	VALLECITOS CREEK VALLEY	15,100	C	-	-	-	-	0	-	-
5-80	BRITE VALLEY	3,170	A	500	50	-	-	-	-	-
5-82	CUDDY CANYON VALLEY	3,300	C	500	400	-	-	3	693	695
5-83	CUDDY RANCH AREA	4,200	C	300	180	-	-	4	550	480-645
5-84	CUDDY VALLEY	3,500	A	160	135	3	-	3	407	325-645
5-85	MIL POTRERO AREA	2,300	C	3,200	240	7	-	7	460	372-657

gpm - gallons per minute

mg/L - milligram per liter

TDS -total dissolved solids

APPENDIX D WATER CONSERVATION PLAN





WATER CONSERVATION PLAN

EVERY DROP COUNTS.

PRESENTED BY: FIELD SERVICES DIVISION
PUBLIC WORKS DEPARTMENT

CITY OF PORTERVILLE
555 N. PROSPECT ST., PORTERVILLE, CA 93257



REVISED BY:

**JOHN LOLLIS,
CITY MANAGER**

**MICHAEL K. REED,
ACTING PUBLIC WORKS DIRECTOR**

**BRYAN B. STYLES,
DEPUTY PUBLIC WORKS DIRECTOR
& FIELD SERVICES MANAGER**

**MICHAEL KNIGHT,
WATER UTILITIES SUPERINTENDENT**

**ROMAN FERRO,
WATER SYSTEMS SPECIALIST**

**DENYS THOMPSON,
ADMINISTRATIVE AIDE**



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PREFACE

The City of Porterville water system is municipally-owned with more than 15,299 service connections, 97% of which are metered, serving a population of 55,490, with approximately 1,100 service connections outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the city, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to the recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

Storage capacity represents over ten million gallons within the distribution system and five hillside reservoirs, three with a capacity of three million gallons, one with a capacity of three hundred and five thousand gallons, one with the capacity of five hundred and fifty thousand gallons.

A telemetry system controls the operation of 23 of the City's 35 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in five phases with each phase defined in terms of the available water supply.



Well Storage Levels and Drought Phase Triggers

Water Conservation Phase I	Water Conservation Phase I: Applies during periods when a normal water supply is available.
Drought Response Phase II	Drought Response Phase II: Applies during period when there is a water supply storage.
Drought Response Phase III	Drought Response Phase III: Applies during period when there is a significant water supply storage.
Drought Response Phase IV	Drought Response Phase IV: Applies during period when there is a more significant water supply storage.
Emergency Response Phase V	Emergency Response Phase V: Applies during periods when there is a critical water supply shortage.

Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the city of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program.

CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City's water resource management program. Efforts to that end include:

- **NEW WELLS:**

Over the past five years new wells have been added to the City water system in order to serve the needs of the community. Additional wells are planned for completion within the next few years.

- **TELEMETRY SYSTEM:**

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off peak usage hours for later use by consumers. This system was designed to



operate the City wells in the most efficient and productive way possible with additional benefits of energy cost savings.

- **RESERVOIRS:**

The City currently operates and maintains five (5) hillside reservoirs, three (3) with a capacity of three million gallons, one (1) with a capacity of 305,000 gallons, and one (1) with a capacity of 550,000. The three largest reservoirs are usually filled during off peak hours and then release water during the high usage hours. There is also a 300,000 gallon reservoir located at the Airport which is also part of the City system. The reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations.

- **METERIZATION PROGRAM:**

With over 97% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

- **UTILITY BILLING NOTICE:**

The City's computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (i.e. additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.

- **WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:**

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

- **NEW WATER LINE TESTING:**

The City requires full pressure and leak testing of all newly constructed water lines.

- **FIRE HYDRANT TESTING:**

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.



CONSERVATION PHASING

The effectiveness of any voluntary plan ultimately depends on the public's awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City's Water Conservation Plan.

● WATER CONSERVATION PHASE I: NORMAL WATER SUPPLY

The Water Conservation Phase I applies during periods when a normal water supply is available.

ACTIONS BY THE CITY:

Public Information Program	• Distribution of suggestions for residential, commercial, and industrial water conservation and awareness. • Coordination of public information with the local news media. • City participation in Water Awareness Month (May). • Lawn and Landscape Watering Guides will be made available upon request. • City staff will coordinate with local nurseries to compile a list of low water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents. • Coordination with local schools to encourage young people to become aware of local water issues and conditions. • Advise against outdoor watering within forty-eight (48) hours of a measurable rainfall. Measurable rainfall is defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) as 1/100th of one inch.
Project Review Committee	• The City's Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project. • City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high water use landscapes.
City Landscapes and Watering Schedules	• City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible. • All new landscaping projects undertaken by the City will incorporate conservation design.



APPENDIX D

CITY OF PORTERVILLE 2015 UWMP

Retrofit Bathroom Facilities	Water saving kits which contain toilet water conservation and low flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.
Fire Hydrant Testing	The City's fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City's fire protection service.

ACTIONS BY THE GENERAL PUBLIC:

Mindful Water Use	The general public will be encouraged to utilize those water conservation measures contained within the City's Public Information Program.
Voluntary Odd/Even Watering Schedule	- This schedule is encouraged, but not mandated. This plan is designed to minimize water usage and requests that the public water their lawn and shrubs according to their street address, per Exhibit 1 below. - Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday, and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday, and Sunday. There is no watering on Monday. Watering should be avoided between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

Voluntary Odd/Even Water Schedule

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

Odd Address
 Even Address

Exhibit 1



● DROUGHT RESPONSE PHASE II: WATER SUPPLY SHORTAGE

Drought Response Phase II applies during periods when there is a water supply shortage. When water supply conditions start to deteriorate, the City is mandated to implement more stringent water conservation provisions for the benefit of its community. In addition to upholding the programs and provisions outlined in Phases I, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Adoption and Enforcement of Stricter Water Regulations and Restrictions	- The City of Porterville will enforce an odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited, as is outdoor watering within forty-eight (48) hours of a measurable rainfall. Measurable rainfall is defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) as 1/100th of one inch. - Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense. - Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
Public Information Program	The City will pursue a more aggressive distribution of information than its efforts initiated in the initial Water Conservation Phase to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.
Water System Pressure Reduction	The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.
City Landscapes and Watering Schedules	All City parks, median islands, and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.
Leak Detection Water Waste	The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of



APPENDIX D

CITY OF PORTERVILLE 2015 UWMP

	leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.
"Waste of Water" Notices	City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.
Mandatory Odd/Even Watering days	Increase public education on the mandatory watering schedule program. Public outreach will emphasize changes from the Water Conservation Phase I (Voluntary) to Phase II (Mandatory).
Continuation of all Conservation Programs Established in Phase I	See Phase I

ACTIONS BY THE GENERAL PUBLIC:

Mandatory Odd/Even Watering Schedule	- Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday and Sunday. There is no watering on Monday. See Exhibit 2 below. - Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. - Excessive runoff is prohibited.
Ornamental Water Features	- Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life. - The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.
Conservation Efforts	The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.
Restaurants	Notices will be sent to all restaurants within the city limits requesting support of water conservation efforts by serving water to customers upon request only.
Lawn and Landscaping Watering	Mandatory implementation of the Odd/Even Watering Program initiated in the Water Conservation Phase I, all residential, commercial, and industrial landscape watering scheduled times.



Vehicle Washing and Sidewalk Hosing	• The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. • The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done either by automatic car washes that recycle water or with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses. • Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
---	--

Mandatory Odd/Even Water Schedule

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

Odd Address
 Even Address

Exhibit 2



● DROUGHT RESPONSE PHASE III: SIGNIFICANT WATER SUPPLY SHORTAGE

Drought Response Phase III applies during periods when there is a significant water supply shortage. In addition to upholding the programs and provisions outlined in Phases I and II, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Adoption and Enforcement of Stricter Water Regulations and Restrictions	- The City of Porterville will enforce a two day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited, as is outdoor watering within forty-eight (48) hours of a measurable rainfall. Measurable rainfall is defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) as 1/100th of one inch. - Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense. - Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
Public Information Program	The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.
City Landscapes and Watering Schedules	All City parks, median islands, and public facility landscapes will adopt a two-day watering schedule. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.
Continuation of all Conservation Programs and Regulations Established in Phases I and II	See Phases I and II

ACTIONS BY THE GENERAL PUBLIC:



Mandatory Reduction in Watering Days Durations	- Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday and Sunday. There is no watering on Monday, Thursday, or Friday. See Exhibit 3 below. - Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. - Excessive runoff is prohibited.
Ornamental Water Features	- Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life. - The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.
Vehicle Washing and Sidewalk Hosing	- The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. - The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses. - Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
Water Leaks	All leaks must be treated as a priority upon discovery and repaired at the safest scheduled opportunity.

Mandatory Odd/Even Water 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

Exhibit 3



● DROUGHT RESPONSE PHASE IV: SIGNIFICANT WATER SUPPLY SHORTAGE

Drought Response Phase IV applies during periods when there is a significant water supply shortage. In addition to upholding the programs and provisions outlined in Phases I, II and III, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Adoption and Enforcement of Stricter Water Regulations and Restrictions	- The City of Porterville will enforce a one day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited, as is outdoor watering within forty-eight (48) hours of a measurable rainfall. Measurable rainfall is defined by the National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) as 1/100th of one inch. - Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense. - Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
Public Information Program	The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.
City Landscapes and Watering Schedules	All City parks, median islands, and public facility landscapes will adopt a two-day watering schedule. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.
Continuation of all Conservation Programs and Regulations Established in Phases I, II and III	See Phases I, II and III

ACTIONS BY THE GENERAL PUBLIC:



Mandatory Reduction in Watering Days Durations	- Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Sunday. There is no watering Monday through Friday. See Exhibit 3 below. - Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. - Excessive runoff is prohibited.
Ornamental Water Features	- Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life. - The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.
Vehicle Washing and Sidewalk Hosing	- The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. - The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses. - Per Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."
Water Leaks	All leaks must be treated as a priority upon discovery and repaired at the safest scheduled opportunity.

Mandatory Odd/Even Water Schedule

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

Odd Address
 Even Address

Exhibit 4



● EMERGENCY RESPONSE PHASE V: CRITICAL WATER SUPPLY SHORTAGE

Applies during periods when there is a severe water supply shortage as determined by California State mandate, City Manager, system outage, equipment failure, contamination of water supply, or other emergency. In addition to upholding the programs and provisions outlined in Phases I, II, III and IV, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Rate Structure Enhancement	A 20% water rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.
City Landscapes and Watering Schedules	Watering of City parks and median islands will be suspended and evaluated each day.
Continuation of all Conservation Programs and Regulations Established in Phases I, II, III and IV	See Phases I, II, III and IV

ACTIONS BY THE GENERAL PUBLIC:

Lawn and Landscaping Watering	Lawn and landscaping watering is prohibited.
Vehicle Washing	Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.
Continuation of all Conservation Programs and Regulations Established in Phases I, II, III and IV	See Phases I, II, III and IV



APPENDIX E

DWR POPULATION TOOL PRINTOUT



9/28/2017

WUEdata Main Menu

WUEdata - Porterville City Of



Please print this page to a PDF and include as part of your UWMP submittal.

Confirmation Information

Generated By Michael Knight	Water Supplier Name Porterville City Of	Confirmation # 2630475699	Generated On 9/28/2017 3:12:19 PM
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Boundary Information

Census Year	Boundary Filename	Internal Boundary ID
1990	convexHull3.kml	1333
2000	convexHull3.kml	1333
2010	convexHull3.kml	1333
1990	convexHull3.kml	1333
2000	convexHull3.kml	1333
2010	convexHull3.kml	1333

Baseline Period Ranges

10 to 15-year baseline period

Number of years in baseline period: 10 ▼

Year beginning baseline period range: 2001 ▼

Year ending baseline period range¹: 2010

5-year baseline period

Year beginning baseline period range: 2003 ▼

Year ending baseline period range²: 2007

¹ The ending year must be between December 31, 2004 and December 31, 2010.

² The ending year must be between December 31, 2007 and December 31, 2010.

Persons-Per-SF Connection and Persons-Per-MF/GQ Connection

Year	Census Block Group Level	Census Block Level			# SF Connections	# MF/GQ Connections	Persons per SF Connection	Persons per MF/GQ Connection
	% Population in SF Housing	Service Area Population	Population in SF Housing (calculated)	Population in MF/GQ Housing (calculated)				
1990	75.79%	43,304	32,818	10,486	9177	458	3.58	22.90
1991	-	-	-	-	-	-	3.59	21.53
1992	-	-	-	-	-	-	3.61	20.15
1993	-	-	-	-	-	-	3.62	18.78
1994	-	-	-	-	-	-	3.64	17.40
1995	-	-	-	-	-	-	3.65	16.03
1996	-	-	-	-	-	-	3.66	14.66
1997	-	-	-	-	-	-	3.68	13.28
1998	-	-	-	-	-	-	3.69	11.91
1999	-	-	-	-	-	-	3.71	10.53
2000	76.68%	55,050	42,214	12,836	11333	1401	3.72	9.16
2001	-	-	-	-	-	-	3.74	9.92
2002	-	-	-	-	-	-	3.76	10.67
2003	-	-	-	-	-	-	3.78	11.43
2004	-	-	-	-	-	-	3.80	12.18
2005	-	-	-	-	-	-	3.82	12.94
2006	-	-	-	-	-	-	3.83	13.70
2007	-	-	-	-	-	-	3.85	14.45
2008	-	-	-	-	-	-	3.87	15.21
2009	-	-	-	-	-	-	3.89	15.96
2010	78.03%	64,827	50,581	14,246	12939	852	3.91	16.72
2015	-	-	-	-	-	-	4.00 *	20.50 *



9/28/2017

WUEdata Main Menu

Population Using Persons-Per-SF Connection and Persons-Per-MF/GQ Connection								
Year		# SF Connections	# MF/GQ Connections	Persons per SF Connection	Persons per MF/GQ Connection	SF Population	MF/GQ Population	Total Population
10 to 15 Year Baseline Population Calculations								
Year 1	2001	11852	711	3.74	9.92	44,315	7,050	51,365
Year 2	2002	11497	690	3.76	10.67	43,206	7,364	50,569
Year 3	2003	11759	692	3.78	11.43	44,414	7,908	52,322
Year 4	2004	12371	688	3.80	12.18	46,960	8,383	55,343
Year 5	2005	12356	806	3.82	12.94	47,138	10,430	57,568
Year 6	2006	12470	1010	3.83	13.70	47,810	13,833	61,643
Year 7	2007	12739	823	3.85	14.45	49,083	11,894	60,977
Year 8	2008	12700	951	3.87	15.21	49,174	14,463	63,637
Year 9	2009	12896	850	3.89	15.96	50,178	13,569	63,748
Year 10	2010	12939	852	3.91	16.72	50,581	14,246	64,827
5 Year Baseline Population Calculations								
Year 1	2003	11759	692	3.78	11.43	44,414	7,908	52,322
Year 2	2004	12371	688	3.80	12.18	46,960	8,383	55,343
Year 3	2005	12356	806	3.82	12.94	47,138	10,430	57,568
Year 4	2006	12470	1010	3.83	13.70	47,810	13,833	61,643
Year 5	2007	12739	823	3.85	14.45	49,083	11,894	60,977
2015 Compliance Year Population Calculations								
2015		13498	773	4.00 *	20.50 *	54,038	15,848	69,885
Hide Print Confirmation								

QUESTIONS / ISSUES? CONTACT THE WUEdata HELP DESK



RESOLUTION NO. ____ - ____

**A RESOLUTION ADOPTING THE CITY OF PORTERVILLE 2015
URBAN WATER MANAGEMENT PLAN**

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which requires all urban water suppliers providing municipal water directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and submit an Urban Water Management Plan (Plan), the primary objective of which is to plan for the conservation and efficient use of water; and

WHEREAS, the City of Porterville (City) is an urban supplier of water providing water to over 3,000 customers; and

WHEREAS, the Plan shall be periodically reviewed at least once every five years, and that the City shall make any amendments or changes to its plan which are indicated by the review; and

WHEREAS, the City has therefore, prepared and circulated for public review a draft 2015 Urban Water Management Plan, and properly noticed public hearing regarding said Plan was opened by the City Council on February 20, 2018; and

WHEREAS, the City of Porterville did prepare and shall file said Plan with the California Department of Water Resources within 30 days of adoption;

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Porterville City Council does hereby adopt the 2015 Urban Water Management Plan (Plan) as presented to this Council February 20, 2018;
2. That copies of said Plan be forwarded to the State of California, Department of Water Resources, Tulare County, and the California State Library for filing within 30 days of this date;
3. The Public Works Director is hereby authorized and directed to implement the demand management measures as set forth in the 2015 Urban Water Management Plan, which includes water shortage contingency analysis and recommendations to the City Council regarding necessary procedures, rules, and regulations to carry out effective and equitable water conservation and water recycling programs;
4. In a water shortage, the Public Works Director shall recommend to the City Council the appropriate phase of water conservation as indicated in the Plan and implement necessary elements of the Plan;

5. The Public Works Director shall recommend to the City Council additional procedures, rules, and regulations to carry out effective and equitable allocation of water resources.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Porterville held on February 20, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Spring Expressions Chalk Art Contest

SOURCE: Community Development

COMMENT: In October, 2010, by Ordinance 1767, the Arts Commission was established. The primary duties are identified as making recommendations to the City Council regarding development and promotion of practices and policies pertaining to the arts and fostering the development and enjoyment of visual, cultural, performing, and other arts in the City of Porterville. In 2016, the Arts Commission completed the Patriotic Pride Art Contest, resulting in the fire hydrants on Main Street from Morton Avenue to Olive Avenue being painted in a Patriotic Americana theme.

On January 17, 2018, the Arts Commission directed staff to present an item before the City Council recommending that a chalk art contest take place during the Iris Festival on April 28, 2018. Many art mediums were discussed, but chalk art was selected as the commission intends the contest to be open to all levels of art experience to help create an awareness for art in our community. The commission is recommending that the chalk art contest be named “Spring Expressions”, and entails the contestants creating art with chalk on 18”x24” charcoal paper (Rules and Registration form is attached). This will provide a smooth surface for the art, allow the art work to be saved after the event and reduce the cleanup effort required after the event.

The Porterville Chamber of Commerce has agreed to partner with the Arts Commission on the project and provide two booth spaces, free of charge, should the project be approved. The estimated cost of the project is \$350 to be used for supplies.

RECOMMENDATION: That the City Council:

1. Direct the Arts Commission to proceed with the Spring Expressions Chalk Art Project; and
2. Appropriate the amount of \$350 to the Arts Commission for the Spring Expressions Chalk Art Project from the 2017-2018 Community Promotions operating budget.

ATTACHMENTS:

1. Draft Contest Flyer
2. Draft Contest Rules/Registration Form

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

City of Porterville Arts Commission presents



Spring Expressions Chalk Art Contest

April 28th Porterville Iris Festival Main Street

**Draw from 8am to 12 pm
Voting 10 am to 2 pm
Winners announced
@ May 15th City Council**

Two Categories
• **12/under**
• **All Ages**

Pre-Register at City Hall or Porterville Library.

Pre-Registration Closes April 24, 2018 @ 5p.m.

First 15 to pre-register get a chalk holder!

A set of non-toxic pastels (chalk) and paper will be provided. Artists will draw on paper that will be affixed to the street with blue masking tape. Artists are free to take home their artwork after the judging.

See Rules and Regulations for drawing guidelines.

For more information call (559) 782-7460





Spring Expressions Chalk Art Contest

April 28, 2018

Porterville Iris Festival

Main Street

Contest Rules

Registration is FREE and pre-registration is preferred. Spaces are limited to pre-registrations only. Pre-Registration closes Tuesday, April 24, 2018 at 5:00 p.m. Pre-Registration Forms may be submitted to City Hall and Porterville Library.

No one will be able to participate without a signed Registration Form. Parents of minors (under 18 years of age) must sign for them. Minors must be accompanied by parent/guardian.

The Arts Commission reserves the right to revoke/refuse space at any time, without recourse by the participant. The Arts Commission shall not be liable to anyone for this action.

Participants are provided with a set of non-toxic pastels (chalk) and 18x24 paper at check-in. Participants must turn in chalk at the end of the event.

Participants are responsible for the security of their own belongings. The Arts Commission accept not responsibility for stolen or damaged property, accidents, or injury.

Assignment of space with 18x24 paper taped to the street will be assigned at the discretion of the Arts Commission. Participants must remain "within the lines" of their assigned space and not damage surrounding paintings. No chalking directly on the street or sidewalk.

The Arts Commission reserves the right to deem and remove a painting inappropriate for a family-themed event. Art must be family-friendly.

Commercial advertising messages, business logos, alcohol/tobacco themes, nudity, vulgar/explicit language or expressed will not be allowed.

Digital photos may be taken and used for publicity purposes. Artists agree to permit their artwork to be displayed on the City of Porterville Website and social media pages.

Artists must check in at 8:00 a.m. at the day of the event. If you have not checked in by 10:00, your assigned space may be disqualified. Artists may begin creating their work at 8:00 a.m. Artists are encouraged to begin promptly to ensure they have time to complete quality work before the voting window.

Voting will begin at 10:00 a.m. Voters will receive one ticket. Two categories will be awarded for most votes (12/under & All Ages). Winners will be announced at May 15, 2018 City Council Meeting at 6:30 p.m. After voting window ends, participants may take their work home. Winning artwork may be displayed following the contest if the artist wishes to participate in the program.



Spring Expressions Chalk Art Contest

April 28, 2018

Porterville Iris Festival

Main Street

Pre-Registration Form

Name (Please Print): _____

Address: _____

Phone Number: _____

Email: _____

Age on Event Day: _____

DOB: / /

Gender: ☐ Male ☐ Female

Please provide a brief description of your concept (abiding by Contest Rules): _____

In consideration of the City of Porterville accepting me as a participant in this program, I understand and agree to the following:

A. Agreement/General Provisions

I understand and grant the City of Porterville, its successors, assigns, and licensees, the perpetual right to photograph, film, use and reproduce, as the City desires, photographs and videotapes taken of me and/or my children during any activity of this program. I understand that I will not receive any compensation for my participation, or my children's participation, in the photographs and/or videotapes; and the City of Porterville shall own all rights, title and interest to the photographs and/or videotapes, including the portions that contain the images and voices of me and/or my children.

B. Waiver, Hold Harmless and Indemnity

I fully understand and agree to assume all risks of injury associated as a participant in this program for the City of Porterville. I understand that the City of Porterville is not responsible for any losses, medical or otherwise, incurred or arising out of participation in this program. I hereby waive any and all claims against the City of Porterville, its elected officials, employees, appointed committee and commission members, and/or agents for bodily injury or death arising out of, or in any manner connected with, participation in this program. I will defend, indemnify, keep and hold harmless the City of Porterville, its elected officials, employees, appointed committee and commission members, and/or agents from all damages, judgments, expenses (including reasonable attorney fees) suffered because of the injury or the death of any person or persons, or because of damage to property that may arise out of, or as a consequence of my or my family's participation, in this program. I understand that the City of Porterville reserves the right to paint over any hydrant at any time it deems necessary, within its sole discretion.

C. Rules

I have read, understand, and agree to follow the Spring Expression Chalk Art Contest "Contest Rules." I understand that if I do not follow the rules, my application may be rejected, or any submission may be ineligible.

(Signature of Participant)

(Signature of Parent/Guardian for Minors)

*I am representing that I have authority to sign this release.

Partial submissions will not be accepted. Please submit form to City Hall or Porterville Library by Tuesday, April 24, 2018 by 5:00 p.m. The first 15 pre-registered participants will receive an incentive. Participants will check in at the event at 8:00 a.m. If you have not checked in before 10:00 a.m. your space may be disqualified. Please see Contest Rules for event details.



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Consideration of Legal Services Agreement

SOURCE: City Manager's Office

COMMENT: For the City Council's consideration, attached please find the proposed Legal Services Agreement between the City of Porterville and McCormick, Kabot, Jenner & Lew, and Julia M. Lew. The Agreement provides for a three (3) year term, commencing March 1, 2018 and extending through February 28, 2021. The only proposed change from the previous contract is an increase by \$5.00 in the hourly rate for legal services provided by attorneys (from \$170.00 to \$175 per hour) and for services provided by law clerks and paralegals (from \$75 to \$80 per hour).

RECOMMENDATION: That the City Council:

1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

ATTACHMENTS: 1. Legal Services Agreement

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of February, 2018, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter referred to as CITY, and McCORMICK, KABOT, JENNER & LEW, a professional law corporation, and JULIA M. LEW, hereinafter referred to as ATTORNEYS, and based upon the exchange of mutual promises hereinafter contained, the parties agree as follows:

1. The CITY hereby hires JULIA M. LEW as its City Attorney, to serve as such municipal officer at the pleasure of the City Council of the City of Porterville. The compensation to be paid JULIA M. LEW for her services as City Attorney shall be included in and made a part of the compensation arrangement herein provided for as it relates to other legal services to be performed for and on behalf of the CITY:

2. The CITY hereby hires McCORMICK, KABOT, JENNER & LEW, a professional law corporation, to do and perform legal services for and on behalf of the CITY, together with such legal services as may be required of the City Attorney for the City of Porterville.

3. This Agreement may be terminated by either party upon thirty (30) days written notice to the other. The term of this Agreement shall begin on March 1, 2018, and extend through February 28, 2021. Furthermore, this Agreement shall terminate should JULIA M. LEW permanently leave the firm or her position as City Attorney.

4. CITY shall pay ATTORNEYS the sum of ONE HUNDRED SEVENTY FIVE DOLLARS (\$175.00) per hour, and shall pay the sum of EIGHTY DOLLARS (\$80.00) per hour for law clerks and/or paralegals for each hour of services, in one

tenth hour increments. ATTORNEYS shall bill CITY monthly for their services rendered in the CITY's behalf during the prior month. ATTORNEYS shall categorize the billings by City department and/or projects, as specified by the City Manager.

5. The services to be provided by the ATTORNEYS for the CITY shall include all legal services rendered at the request of the CITY, to include but not be limited to the following: Appearances at all necessary staff meetings, board or commission meetings; conferences with any staff member who might call for assistance; drafting of ordinances, leases, contracts, and other normal and customary legal documents; attendance at City Council meetings; attendance at other meetings in which the CITY has a vital interest; litigation which requires representation of the CITY, City officers or City Council persons in any trial or Appellate Court; representation of the CITY's interest in connection with eminent domain and condemnation proceedings; representation of the CITY's interest at necessary public hearings, meetings and legislative meetings conducted outside of the CITY limits of the City of Porterville; representation of the CITY's interest with regard to labor relations; labor negotiations (if requested) or labor litigation; prosecution of violations of the City Code of the City of Porterville; representation in personnel matters in any administrative hearing procedure and/or litigation; representation of the CITY in all Pitchess motions before trial court; and other legal services not described above.

6. By specifying the areas of representation in the immediately preceding paragraph, it is not the intention of the parties to preclude the CITY from hiring or engaging other attorneys to act on its behalf in any area of concern to CITY.

7. The ATTORNEYS shall provide all reasonable and necessary facilities, equipment, books, supplies, stenographic and secretarial services, insurance policies and other property or services necessary to carry out and provide the required legal services pursuant to this Agreement.

8. It is understood that this Agreement provides for the services by the ATTORNEYS as the City Attorney for the City of Porterville on a contractual basis and not upon an employer/employee basis.

9. From time to time, the individual named in this Agreement as the City Attorney may designate other attorneys within the Law Firm to act in her place or stead in matters relating to affairs of the CITY.

10. The CITY agrees to reimburse the ATTORNEYS for any and all out-of-pocket expenses incurred on behalf of the CITY, including but not limited to, court reporter fees and charges, title company fees and charges, court costs, costs of outside investigators or experts pertaining to CITY litigations, telephone expenses, travel expenses (including meals and lodging outside the corporate limits of the County of Tulare), and membership fees in the League of California Cities Municipal Attorney's Section. Use of personal automobiles shall be reimbursed at the rate permitted under the US Internal Revenue Code. Copying charges shall be at the rate of Twenty Cents (.20) per page and it is expressly understood that said charges shall be kept to an absolute minimum and that CITY facilities shall be utilized for such services whenever possible. All such costs and expenses to be reimbursed by CITY shall be billed from time to time and paid by CITY in due course after receipt of billing.

11. It is further understood that in the interest of the City of Porterville the City Attorney and members of the appointed law firm shall keep abreast of rapidly changing developments of municipal law and the City Attorney will be expected to attend appropriate conferences of the League of California Cities, and such other courses and seminars on municipal law as may be mutually deemed necessary to maintain current proficiency. The City Attorney shall be reimbursed for reasonable out-of-pocket expenses for travel, lodging and incidental expenses in connection with attendance at such conferences, courses and seminars. The City Attorney will be expected to attend at least one of the above referenced conferences, courses or seminars without being reimbursed on an hourly basis as provided for in this Agreement.

12. The City Attorney and law firm shall not accept private cases or clients which will or in the reasonable exercise of their judgment may, in the future, create conflicts of interest between the CITY and such clients or cases and shall not be involved in legal matters which, by reason of this Agreement, violate any state law or court holding.

13. To the extent that any of the terms and conditions of this agreement could be construed to provide for paid leave to the City Attorney by the local agency pending investigation, or to provide for a legal defense fund for criminal legal defense, or to provide for any cash settlement related to the termination of the City Attorney's services, any such payments or funds are required to be reimbursed if the City Attorney is convicted of a crime involving an abuse of her office or position, as set forth per AB 1344 (effective January 1, 2012). Said reimbursements are required if such payments

are made, even if the payments were made by the City in the absence of any contractual requirement to do so.

14. The City Council shall annually meet, in closed session, with the City Attorney, to review the performance of the services provided under this Agreement. Said review shall occur on or before the first Council meeting in the month of February of each year.

CITY OF PORTERVILLE
A Municipal Corporation

By: _____
Milt Stowe, Mayor

McCORMICK, KABOT, JENNER & LEW
A Professional Law Corporation

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Consideration of Forming Lighting Districts in Annexed Areas

SOURCE: City Manager's Office

COMMENT: At the City Council meeting of January 16, 2018, Vice Mayor Ward requested that the Council consider the formation of lighting districts in areas annexed into the city, which at its meeting of February 6, 2018, the Council approved its consideration as a Scheduled Matter at this meeting.

Since 2015, the City has annexed approximately 556 acres of generally developed residential property, primarily to address issues of drought and dry wells in the permanent connection to City water service. Given these residential areas were previously developed under County of Tulare development standards, these areas are generally deficient of supportive infrastructure, including curb/gutter/sidewalks, sewer, street lights, and storm water drainage. To address sewer deficiencies in similar areas, the City has formed special benefit districts for the City to install the lacking infrastructure and for the residents to reimburse costs through property tax payments over a duration of time.

As previously mentioned, these annexed areas are generally lacking street lighting, which can be implemented similar to sewer as special benefit districts. Using the recent annexation of the area generally south of Olive Avenue and west of State Route 65 as an example, the annexation area was approximately 88 acres. There is approximately 13,000 feet of existing street, which City standards specify street lights be installed at 160 foot intervals, equating to approximately 80 street lights to be installed. At a cost of approximately \$10,000 per street light, the estimated cost of installing street lights in the area would be approximately \$800,000, which could be constructed and apportioned to each property owner, should they approve the formation of a special benefit lighting district. In addition, the annual cost of electricity for each street light is currently \$105 per year, adding an additional \$8,400 for annual assessment.

As an alternative, street light arms can be added to existing wood power poles. Approximately half of the existing poles in the area are within the public right of way and could support the addition of a street light arm, for a total of approximately 40 street lights, which would generate an annual assessment of \$4,200 per year.

The City generally pays the electrical cost of street lighting on its arterials and collector streets, while neighborhood street lighting is paid through established

lighting districts. Total street light expenditures for the 2016-2017 was \$490,904, and \$507,421 is budgeted in the current fiscal year.

RECOMMENDATION: That the City Council consider the formation of Lighting and/or Special Benefit Districts.

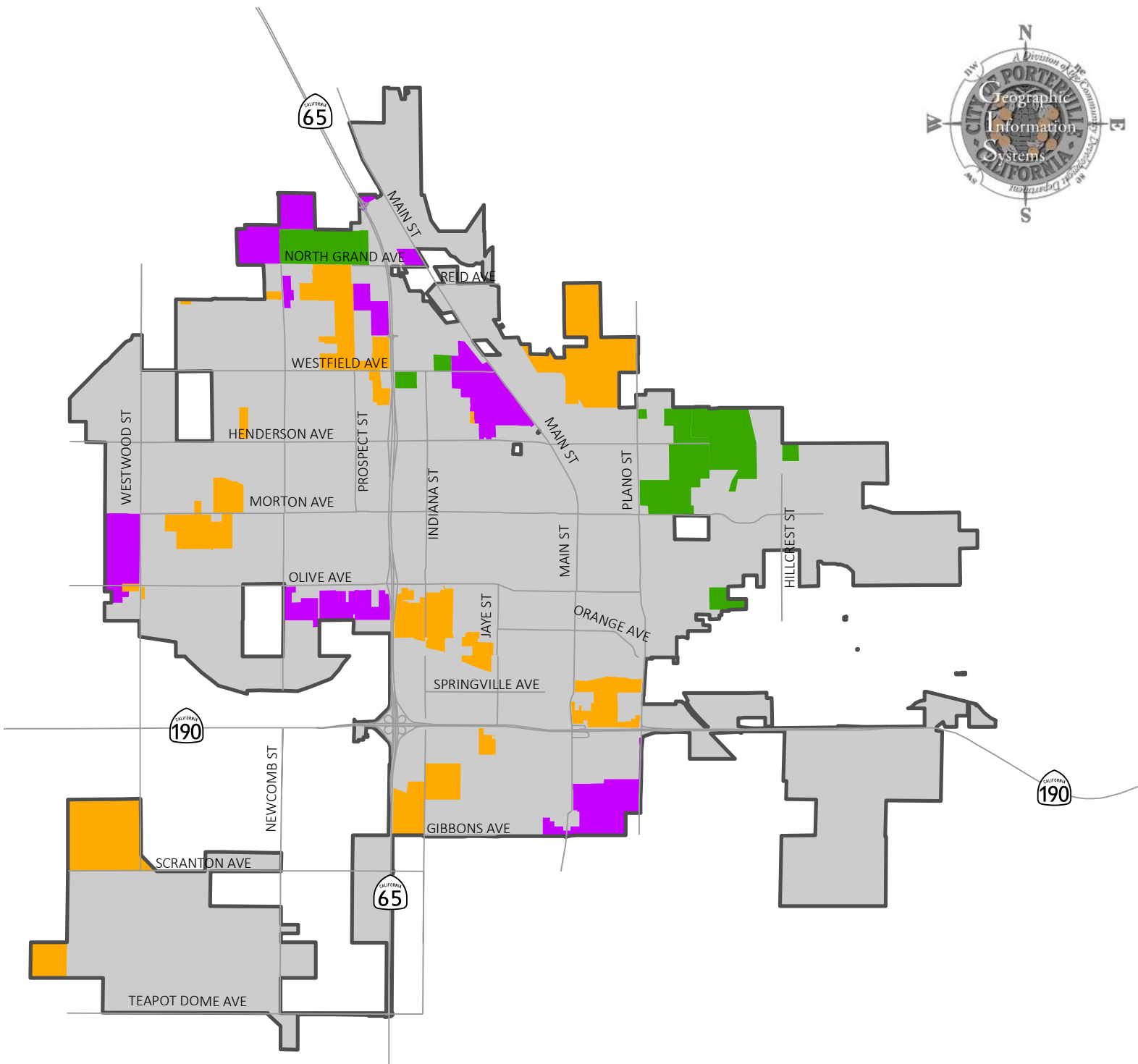
ATTACHMENTS: 1. Locator Map - Recent Annexations

Appropriated/Funded:

Review By:

Department Director:

Final Approver: Patrice Hildreth, Administrative Services Dir



Recent Annexations

-  Annexations (2015-Present) - 555.85ac
-  Annexations (2010-2015) - 391.58ac
-  Annexations (2006-2010) - 1473.76ac
-  Current City Limits



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Consideration of Engaging FM3 and The Lew Edwards Group for Public Opinion Polling and Consulting for a Potential Tax Measure

SOURCE: City Manager's Office

COMMENT: Pursuant to City Council direction at its meeting of February 6, 2018, staff requested quotes from consulting firms specializing in public policy opinion polling to determine community interests in the potential pursuit of a tax measure on the November 2018 ballot.

Due to increasing budgetary challenges facing municipalities throughout the state, many agencies have looked to tax measures as a means of balancing and sometimes rescuing constrained budgets. As such, demand for consultants in this field has increased exponentially. In speaking with two of the preeminent firms in the state, FM3 (formerly Fairbank, Maslin, Maullin, Metz and Associates) and the Lew Edwards Group (lists of tax measure successes are attached for Council's reference), access to these services has become quite competitive. Because of the city's prior relationship with both firms with the successful passage of Measure H in 2005, staff has received the following estimates: For Bilingual, dual-mode (telephone and internet) polling, FM3 estimates the cost to be \$28,000. In speaking with the Lew Edwards Group, as a return client, the firm would provide lead consulting at this initial phase consisting of the first eight weeks for \$12,500. It is staff's belief that engaging the Lew Edwards Group at this initial polling phase, as it did in 2005 with Measure H, would provide the necessary expert guidance and continuity in the event the polling indicates public support. It is proposed that these one-time expenditures be funded out of the City Council's Special Purposes Fund.

If the results of the polling indicate community support for a tax measure, staff would return to the Council to seek authorization to engage the Lew Edwards Group for the second phase of the process.

RECOMMENDATION: That the City Council:

1. Authorize staff to engage FM3 for consulting services relative to public opinion polling for a potential tax measure on the November ballot at an estimated cost of \$28,000 to be funded out of the Council's Special Purposes Fund; and
2. Authorize staff to engage the Lew Edwards Group for lead consulting services during the initial polling phase in the amount of \$12,500 to be funded out of the Council's Special

Purposes Fund; and

2. Authorize the City Manager to sign all necessary documentation.

ATTACHMENTS:

1. Lew Edwards Group_Sales Taxes
2. Lew Edward Group_2016

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

LEW EDWARDS GROUP SALES TAX SUCCESSES—95 ENACTMENTS

City of Arvin	SUCCESSFUL General Purpose Sales Tax
City of Belmont	SUCCESSFUL General Purpose Sales Tax
City of Benicia	SUCCESSFUL General Purpose Sales Tax
City of Burlingame	SUCCESSFUL General Purpose Sales Tax
City of Campbell	SUCCESSFUL General Purpose Sales Tax
City of Cathedral City	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Ceres	SUCCESSFUL Public Safety Sales Tax
City of Clovis	SUCCESSFUL Public Safety Sales Tax
City of Concord	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Cotati	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Dinuba	SUCCESSFUL Public Safety Sales Tax
City of East Palo Alto	SUCCESSFUL General Purpose Sales Tax
City of El Cerrito	SUCCESSFUL Streets/Roads Sales Tax
	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Increase
City of Fairfield	SUCCESSFUL General Purpose Sales Tax
City of Fountain Valley	SUCCESSFUL General Purpose Sales Tax
County of Fresno	SUCCESSFUL Zoo Sales Tax
	SUCCESSFUL Zoo Sales Tax Renewal
City of Galt	SUCCESSFUL Public Safety Sales Tax
City of Grover Beach	SUCCESSFUL General Purpose Sales Tax
City of Hercules	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Hollister	SUCCESSFUL General Purpose Sales Tax Renewal
County of Humboldt	SUCCESSFUL General Purpose Sales Tax
County of Imperial	SUCCESSFUL Streets/Roads Sales Tax
City of Indio	SUCCESSFUL General Purpose Sales Tax
City of Inglewood	SUCCESSFUL General Purpose Sales Tax
City of La Habra	SUCCESSFUL General Purpose Sales Tax
City of La Mesa	SUCCESSFUL General Purpose Sales Tax
City of La Mirada	SUCCESSFUL General Purpose Sales Tax
City of La Palma	SUCCESSFUL General Purpose Sales Tax
City of Lakeport	SUCCESSFUL General Purpose Sales Tax
City of Larkspur	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Lathrop	SUCCESSFUL General Purpose Sales Tax
City of Los Banos	SUCCESSFUL Public Safety Sales Tax
	SUCCESSFUL Public Safety Measure Renewals (2)
City of Manteca	SUCCESSFUL Public Safety Sales Tax
City of Marina	SUCCESSFUL General Purpose Sales Tax Renewal

City of Menifee	SUCCESSFUL General Purpose Sales Tax
Town of Moraga	SUCCESSFUL General Purpose Sales Tax
City of Morro Bay	SUCCESSFUL General Purpose Sales Tax
City of National City	SUCCESSFUL General Purpose Sales Tax Renewal
County of Nevada	SUCCESSFUL Library Sales Tax Renewal
City of Novato	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Renewal
City of Palm Springs	SUCCESSFUL General Purpose Sales Tax
City of Pinole	SUCCESSFUL General Purpose Sales Tax
City of Pleasant Hill	SUCCESSFUL General Purpose Sales Tax
City of Porterville	SUCCESSFUL Public Safety Sales Tax
City of Rancho Cordova	SUCCESSFUL General Purpose Sales Tax
City of Reedley	SUCCESSFUL Public Safety Sales Tax
City of Ridgecrest	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Increase
City of Rohnert Park	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL Sales Tax Renewal
City of San Jose	SUCCESSFUL General Purpose Sales Tax
City of San Leandro	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL General Purpose Sales Tax Increase
City of San Luis Obispo	SUCCESSFUL General Purpose Sales Tax
City of San Mateo	SUCCESSFUL General Purpose Sales Tax Renewal
City of Sanger	SUCCESSFUL Public Safety Sales Tax
	SUCCESSFUL Public Safety Sales Tax Renewal
County of Santa Cruz	SUCCESSFUL Library Sales Tax Renewal
City of Santa Maria	SUCCESSFUL General Purpose Sales Tax
City of Santa Rosa	SUCCESSFUL General Purpose Sales Tax Renewal
City of Sausalito	SUCCESSFUL General Purpose Sales Tax
City of Seaside	SUCCESSFUL General Purpose Sales Tax (2)
City of Selma	SUCCESSFUL Public Safety Sales Tax
City of St. Helena	SUCCESSFUL General Purpose Sales Tax
County of Sonoma	SUCCESSFUL Library Sales Tax
City of South Gate	SUCCESSFUL General Purpose Sales Tax
City of South San Francisco	SUCCESSFUL General Purpose Sales Tax
City of Stanton	SUCCESSFUL General Purpose Sales Tax
City of Stockton	SUCCESSFUL Public Safety Sales Tax
	SUCCESSFUL Library Sales Tax
City of Temecula	SUCCESSFUL General Purpose Sales Tax
City of Tracy	SUCCESSFUL General Purpose Sales Taxes (2)
County of Tulare	SUCCESSFUL Streets/Roads Sales Tax
City of Union City	SUCCESSFUL General Purpose Sales Tax Renewal
City of Vallejo	SUCCESSFUL General Purpose Sales Tax
City of Visalia	SUCCESSFUL Public Safety Sales Tax
	SUCCESSFUL General Purpose Sales Tax

City of Vista	SUCCESSFUL General Purpose Sales Tax
City of Wasco	SUCCESSFUL General Purpose Sales Tax
City of Westminster	SUCCESSFUL General Purpose Sales Tax
Town of Yucca Valley	SUCCESSFUL General Purpose Sales Tax
	SUCCESSFUL Sewer Sales Tax

Current Sales Tax Clients

City of Alameda
City of Antioch
City of Arcadia
City of Corona
City of Garden Grove
City of Manhattan Beach
City of Merced
City of Pasadena
City of Port Hueneme
City of Roseville
City of Wildomar
City of Yuba
County of Yuba



FOR IMMEDIATE RELEASE
November 17, 2016

CONTACT: Catherine Lew, Esq.
President & CEO (510) 594-0224 x 261

**IN LARGEST ELECTION CYCLE EVER,
LEW EDWARDS GROUP CLOSSES 2016 WITH 68 WINS
(List Highlights)**

**Oakland Unified School District - YES on G1
Parcel Tax for Teachers & Enrichment**
Raises \$12.4 Million annually **SUCCESSFUL**

**Long Beach Unified School District
General Obligation Bond**
\$1.5 Billion **SUCCESSFUL**

**Long Beach Community College District
General Obligation Bond – YES on LB**
\$850 Million **SUCCESSFUL**

**County of Humboldt
Commercial Marijuana Cultivation Ordinance**
Raises \$7.3 Million annually **SUCCESSFUL**

Karen Weinstein **ELECTED**
Peralta Colleges Trustee, District 6

Jane Parker **RE-ELECTED**
Monterey County Supervisor

San Jose – Evergreen Comm. College Dist.
General Obligation Bond – YES on X
\$748 Million **SUCCESSFUL**

City of San Jose
¼ cent local sales tax
Raises \$40 Million annually **SUCCESSFUL**

Fremont Unified School District
Successful Parcel Tax Increase—YES on I
Raises \$4.3 Million annually **SUCCESSFUL**

City of San Leandro
Business License, Marijuana, TOT Measures
Raises \$1.5 Million annually **SUCCESSFUL**

City of Santa Rosa
Sales Tax Extension/\$8M yr **SUCCESSFUL**
Public Safety Tax Update **SUCCESSFUL**

City of Cathedral City
Charter City Measure **SUCCESSFUL**
Cannabis Business Tax Update **SUCCESSFUL**

San Juan Unified School District
General Obligation Bond - YES on P
\$750 Million **SUCCESSFUL**

Kern Community College District
General Obligation Bond - YES on J
\$502.8 Million **SUCCESSFUL**

Butte College
General Obligation Bond - YES on J
\$190 Million **SUCCESSFUL**

Alamedans United
Councilmember Malia Vella **ELECTED**
Councilmember Marilyn Ashcraft **ELECTED**
School Board Trustee Gray Harris **ELECTED**

City of Indio
One Cent Local Sales Tax Measure
Raises \$8.5 Million annually **SUCCESSFUL**

Central Union High School District
General Obligation Bond
\$30 Million **SUCCESSFUL**

James Harris **RE-ELECTED**
Oakland Unified School Board President

Rodeo – Hercules Fire Protection District
Fire Safety Parcel Tax
Raises \$2.5 Million annually **SUCCESSFUL**

City of Sanger
Public Safety Sales Tax Extension
Protects \$1.9 million annually **SUCCESSFUL**

City of Marina
Business License Tax Update
Raises \$900,000 annually **SUCCESSFUL**

City of Union City
Public Safety Parcel Tax Extension
Protects \$4.1 Million/year **SUCCESSFUL**

City of Lakeport
One Cent Local Sales Tax
Raises \$1.5 Million/year **SUCCESSFUL**

Paramount Unified School District
General Obligation Bond
\$106 Million **SUCCESSFUL**

City of Westminster
One Cent Local Sales Tax
Raises \$14 Million annually **SUCCESSFUL**

City of Stanton
Initiative Communications **SUCCESSFUL**
Term Limits Measure **SUCCESSFUL**

Etiwanda School District
General Obligation Bond – YES on I
\$137 million **SUCCESSFUL**

Alhambra Unified School District
\$149 Million GO Bond **SUCCESSFUL**
\$110 million GO Bond **SUCCESSFUL**

Jumoke Hinton-Hodge **RE-ELECTED**
Oakland Unified School Board Director

City of Pleasant Hill
½ Cent Local Sales Tax
Raises \$4 Million annually **SUCCESSFUL**

City of Ridgecrest
Local Sales Tax Extension/Increase
Raises \$4 Million annually **SUCCESSFUL**

City of Wasco
One Cent Local Sales Tax
Raises \$1.1 Million annually **SUCCESSFUL**

City of Hollister
One Cent Local Sales Tax Extension
Protects \$4.5 Million/year **SUCCESSFUL**

City of Belmont
½ cent Local Sales Tax
Raises \$1.3 Million annually **SUCCESSFUL**

City of Temple City
Term Limits/Council Extension Measure
SUCCESSFUL

County of Nevada
Library Sales Tax Renewal
Protects \$3.6 Million annually **SUCCESSFUL**

City of Moreno Valley
Transient Occupancy Tax Measure
Raises \$650 Million annually **SUCCESSFUL**

Apple Valley Fire Protection District
Fire Safety/911 Tax Renewal/Increase
Raises \$4.8 Million annually **SUCCESSFUL**

City of Visalia
 $\frac{1}{2}$ Cent Local Sales Tax Measure
Raises \$10.8 Million/annually **SUCCESSFUL**

City of La Palma
One Cent Local Sales Tax
Raises \$1.5 Million annually **SUCCESSFUL**

Ontario Montclair School District
General Obligation Bond
\$150 Million **SUCCESSFUL**

Paso Robles Joint Unified School District
General Obligation Bond
\$95 Million **SUCCESSFUL**

Lodi Unified School District
General Obligation Bond
\$281 Million **SUCCESSFUL**

People for Libraries & Literacy – YES on M
Stockton Library $\frac{1}{4}$ cent Sales Tax
Raises \$9 Million annually **SUCCESSFUL**

County of Sonoma
Library Sales Tax Measure
Raises \$10 Million/year **SUCCESSFUL**

Chino Valley Unified School District
General Obligation Bond – Yes on G
\$750 Million **SUCCESSFUL**

City of Fountain Valley
One Cent Local Sales Tax
Raises \$11.5 Million **SUCCESSFUL**

Cordova Recreation & Park District
Comm. Facilities Dist. Recreation & Park Tax
Raises \$1.8 Million annually **SUCCESSFUL**

Barstow Unified School District
General Obligation Bond-YES on F
\$39 Million **SUCCESSFUL**

City of Palm Desert
Transient Occupancy Tax Measure
Raises \$2.2 Million annually **SUCCESSFUL**

City of Menifee
One Cent Local Sales Tax
Raises \$6.2 Million annually **SUCCESSFUL**

Town of Yucca Valley
Local General Sales Tax **SUCCESSFUL**
Local Sewer Sales Tax Measure **SUCCESSFUL**

City of East Palo Alto
 $\frac{1}{2}$ Cent Local Sales Tax
Raises \$1.8 Million annually **SUCCESSFUL**

City of St. Helena
 $\frac{1}{2}$ Cent Local Sales Tax
Raises \$1.4 Million year **SUCCESSFUL**

City of Tracy
 $\frac{1}{2}$ Cent Local Sales Tax
Raises \$7 Million annually **SUCCESSFUL**

Mountain Community Health Services
Emergency Room Parcel Tax Renewal
Protects \$825,000 annually **SUCCESSFUL**

City of Temecula
1 Cent Sales Tax
Raises \$23 Million annually **SUCCESSFUL**



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Consideration of a Resolution of Support for Deferred Action for Childhood Arrivals (DACA)

SOURCE: City Manager's Office

COMMENT: At its meeting on February 6, 2018, the City Council approved the consideration of a Resolution of Support for Deferred Action for Childhood Arrivals (DACA) as a Scheduled Matter at its meeting on February 20, 2018.

DACA was a program established by President Barack Obama's administration in 2012, that granted work permits and temporary protection from deportation to approximately 800,000 youth who came to the United States before age 16. In July 2017, legislation was introduced in both the House of Representatives (H.R. 3440) and Senate (S. 1615) to address DACA policy, known as the Development, Relief, and Education for Alien Minors (DREAM) Act. In September 2017, President Donald Trump's administration took action to begin rescinding DACA, giving Congress a six (6)-month period to consider legislative alternatives and solutions.

It has been requested that the Porterville City Council consider adopting a Resolution of Support of DACA, including the DREAM Act of 2017.

RECOMMENDATION: That the City Council consider a Resolution of Support for Deferred Action for Childhood Arrivals (DACA).

ATTACHMENTS:

1. Draft Resolution
2. BILLS-S. 1615
3. BILLS-H.R. 3440

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SUPPORTING THE DREAM ACT OF 2017

WHEREAS: 800,000 immigrant youth are in jeopardy of losing their ability to legally work and forced into the shadows as the result of the elimination of the Deferred Action for Childhood Arrivals (DACA); and

WHEREAS: DACA beneficiaries would have contributed \$460.3 billion to the U.S. gross domestic product over the next decade; and

WHEREAS: 97% of immigrant youth who benefited from the Deferred Action for Childhood Arrivals (DACA) program are either employed or enrolled in schools; and

WHEREAS: The Development, Relief, and Education for Alien Minors (DREAM) Act is bipartisan legislation introduced both in the U.S. Senate and House of Representatives, provides a permanent solution and peace of mind to immigrant youth who were brought to the United States as infants, children, and adolescents, and who have since grown up in our state and called our country home; and

WHEREAS: Deporting immigrant youth who are protected under DACA and brought as infants is unfair and a violation of our values as a nation.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Porterville stands in strong support and urge the swift passage of (S. 1615) and (H.R. 3440) Development, Relief, and Education for Alien Minors (DREAM) Act - of 2017, introduced in the U.S. Senate on July 20, 2017, and in the U.S. House of Representatives on July 26, 2017, a bill that will allow thousands of young students that have lived in the United States for years, and call it home, to realize their education dream and give them a path to legalizing their immigration status.

PASSED, APPROVED AND ADOPTED this 20th day of February, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

115TH CONGRESS
1ST SESSION

S. 1615

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Mr. GRAHAM (for himself, Mr. DURBIN, Mr. FLAKE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dream Act of 2017”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) IN GENERAL.—Except as otherwise specifi-
8 cally provided, any term used in this Act that is

1 used in the immigration laws shall have the meaning
2 given such term in the immigration laws.

3 (2) DACA.—The term “DACA” means de-
4 ferred action granted to an alien pursuant to the
5 Deferred Action for Childhood Arrivals program an-
6 nounced by President Obama on June 15, 2012.

7 (3) DISABILITY.—The term “disability” has the
8 meaning given such term in section 3(1) of the
9 Americans with Disabilities Act of 1990 (42 U.S.C.
10 12102(1)).

11 (4) EARLY CHILDHOOD EDUCATION PRO-
12 GRAM.—The term “early childhood education pro-
13 gram” has the meaning given such term in section
14 103 of the Higher Education Act of 1965 (20
15 U.S.C. 1003).

16 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
17 ONDARY SCHOOL.—The terms “elementary school”,
18 “high school”, and “secondary school” have the
19 meanings given such terms in section 8101 of the
20 Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 7801).

22 (6) IMMIGRATION LAWS.—The term “immigra-
23 tion laws” has the meaning given such term in sec-
24 tion 101(a)(17) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(17)).

1 (7) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education”—

3 (A) except as provided in subparagraph
4 (B), has the meaning given such term in section
5 102 of the Higher Education Act of 1965 (20
6 U.S.C. 1002); and

7 (B) does not include an institution of high-
8 er education outside of the United States.

9 (8) PERMANENT RESIDENT STATUS ON A CON-
10 DITIONAL BASIS.—The term “permanent resident
11 status on a conditional basis” means status as an
12 alien lawfully admitted for permanent residence on
13 a conditional basis under this Act.

14 (9) POVERTY LINE.—The term “poverty line”
15 has the meaning given such term in section 673 of
16 the Community Services Block Grant Act (42 U.S.C.
17 9902).

18 (10) SECRETARY.—Except as otherwise specifi-
19 cally provided, the term “Secretary” means the Sec-
20 retary of Homeland Security.

21 (11) UNIFORMED SERVICES.—The term “Uni-
22 formed Services” has the meaning given the term
23 “uniformed services” in section 101(a) of title 10,
24 United States Code.

1 **SEC. 3. PERMANENT RESIDENT STATUS ON A CONDITIONAL**
2 **BASIS FOR CERTAIN LONG-TERM RESIDENTS**
3 **WHO ENTERED THE UNITED STATES AS CHIL-**
4 **DREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
6 standing any other provision of law, an alien shall be con-
7 sidered, at the time of obtaining the status of an alien
8 lawfully admitted for permanent residence under this sec-
9 tion, to have obtained such status on a conditional basis
10 subject to the provisions under this Act.

11 (b) **REQUIREMENTS.**—

12 (1) **IN GENERAL.**—Notwithstanding any other
13 provision of law, the Secretary shall cancel the re-
14 moval of, and adjust to the status of an alien law-
15 fully admitted for permanent residence on a condi-
16 tional basis, an alien who is inadmissible or deport-
17 able from the United States or is in temporary pro-
18 tected status under section 244 of the Immigration
19 and Nationality Act (8 U.S.C. 1254a), if—

20 (A) the alien has been continuously phys-
21 ically present in the United States since the
22 date that is 4 years before the date of the en-
23 actment of this Act;

24 (B) the alien was younger than 18 years of
25 age on the date on which the alien initially en-
26 tered the United States;

1 (C) subject to paragraphs (2) and (3), the
2 alien—

3 (i) is not inadmissible under para-
4 graph (2), (3), (6)(E), (6)(G), (8),
5 (10)(A), (10)(C), or (10)(D) of section
6 212(a) of the Immigration and Nationality
7 Act (8 U.S.C. 1182(a));

8 (ii) has not ordered, incited, assisted,
9 or otherwise participated in the persecution
10 of any person on account of race, religion,
11 nationality, membership in a particular so-
12 cial group, or political opinion; and

13 (iii) has not been convicted of—

14 (I) any offense under Federal or
15 State law, other than a State offense
16 for which an essential element is the
17 alien's immigration status, that is
18 punishable by a maximum term of im-
19 prisonment of more than 1 year; or

20 (II) 3 or more offenses under
21 Federal or State law, other than State
22 offenses for which an essential ele-
23 ment is the alien's immigration sta-
24 tus, for which the alien was convicted
25 on different dates for each of the 3 of-

1 fenses and imprisoned for an aggregate of 90 days or more; and

2
3 (D) the alien—

4 (i) has been admitted to an institution
5 of higher education;

6 (ii) has earned a high school diploma
7 or a commensurate alternative award from
8 a public or private high school, or has obtained a general education development
9 certificate recognized under State law or a
10 high school equivalency diploma in the
11 United States; or

12
13 (iii) is enrolled in secondary school or
14 in an education program assisting students
15 in—

16 (I) obtaining a regular high
17 school diploma or its recognized equivalent under State law; or

18
19 (II) in passing a general educational development exam, a high
20 school equivalence diploma examination, or other similar State-authorized
21 exam.

22
23
24 (2) WAIVER.—With respect to any benefit
25 under this Act, the Secretary may waive the grounds

1 of inadmissibility under paragraph (2), (6)(E),
2 (6)(G), or (10)(D) of section 212(a) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-
4 manitarian purposes or family unity or if the waiver
5 is otherwise in the public interest.

6 (3) TREATMENT OF EXPUNGED CONVIC-
7 TIONS.—An expunged conviction shall not automati-
8 cally be treated as an offense under paragraph (1).
9 The Secretary shall evaluate expunged convictions
10 on a case-by-case basis according to the nature and
11 severity of the offense to determine whether, under
12 the particular circumstances, the Secretary deter-
13 mines that the alien should be eligible for cancella-
14 tion of removal, adjustment to permanent resident
15 status on a conditional basis, or other adjustment of
16 status.

17 (4) DACA RECIPIENTS.—The Secretary shall
18 cancel the removal of, and adjust to the status of an
19 alien lawfully admitted for permanent residence on
20 a conditional basis, an alien who was granted DACA
21 unless the alien has engaged in conduct since the
22 alien was granted DACA that would make the alien
23 ineligible for DACA.

24 (5) APPLICATION FEE.—

1 (A) IN GENERAL.—The Secretary may re-
2 quire an alien applying for permanent resident
3 status on a conditional basis under this section
4 to pay a reasonable fee that is commensurate
5 with the cost of processing the application.

6 (B) EXEMPTION.—An applicant may be
7 exempted from paying the fee required under
8 subparagraph (A) if the alien—

9 (i)(I) is younger than 18 years of age;

10 (II) received total income, during the
11 12-month period immediately preceding the
12 date on which the alien files an application
13 under this section, that is less than 150
14 percent of the poverty line; and

15 (III) is in foster care or otherwise
16 lacking any parental or other familial sup-
17 port;

18 (ii) is younger than 18 years of age
19 and is homeless;

20 (iii)(I) cannot care for himself or her-
21 self because of a serious, chronic disability;
22 and

23 (II) received total income, during the
24 12-month period immediately preceding the
25 date on which the alien files an application

1 under this section, that is less than 150
2 percent of the poverty line; or

3 (iv)(I) during the 12-month period im-
4 mediately preceding the date on which the
5 alien files an application under this sec-
6 tion, accumulated \$10,000 or more in debt
7 as a result of unreimbursed medical ex-
8 penses incurred by the alien or an imme-
9 diate family member of the alien; and

10 (II) received total income, during the
11 12-month period immediately preceding the
12 date on which the alien files an application
13 under this section, that is less than 150
14 percent of the poverty line.

15 (6) SUBMISSION OF BIOMETRIC AND BIO-
16 GRAPHIC DATA.—The Secretary may not grant an
17 alien permanent resident status on a conditional
18 basis under this section unless the alien submits bio-
19 metric and biographic data, in accordance with pro-
20 cedures established by the Secretary. The Secretary
21 shall provide an alternative procedure for aliens who
22 are unable to provide such biometric or biographic
23 data because of a physical impairment.

24 (7) BACKGROUND CHECKS.—

1 (A) REQUIREMENT FOR BACKGROUND
2 CHECKS.—The Secretary shall utilize biometric,
3 biographic, and other data that the Secretary
4 determines appropriate—

5 (i) to conduct security and law en-
6 forcement background checks of an alien
7 seeking permanent resident status on a
8 conditional basis under this section; and

9 (ii) to determine whether there is any
10 criminal, national security, or other factor
11 that would render the alien ineligible for
12 such status.

13 (B) COMPLETION OF BACKGROUND
14 CHECKS.—The security and law enforcement
15 background checks of an alien required under
16 subparagraph (A) shall be completed, to the
17 satisfaction of the Secretary, before the date on
18 which the Secretary grants such alien perma-
19 nent resident status on a conditional basis
20 under this section.

21 (8) MEDICAL EXAMINATION.—

22 (A) REQUIREMENT.—An alien applying for
23 permanent resident status on a conditional
24 basis under this section shall undergo a medical
25 examination.

1 (B) POLICIES AND PROCEDURES.—The
2 Secretary, with the concurrence of the Sec-
3 retary of Health and Human Services, shall
4 prescribe policies and procedures for the nature
5 and timing of the examination required under
6 subparagraph (A).

7 (9) MILITARY SELECTIVE SERVICE.—An alien
8 applying for permanent resident status on a condi-
9 tional basis under this section shall establish that
10 the alien has registered under the Military Selective
11 Service Act (50 U.S.C. 3801 et seq.), if the alien is
12 subject to registration under such Act.

13 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

14 (1) TERMINATION OF CONTINUOUS PERIOD.—
15 Any period of continuous physical presence in the
16 United States of an alien who applies for permanent
17 resident status on a conditional basis under this sec-
18 tion shall not terminate when the alien is served a
19 notice to appear under section 239(a) of the Immi-
20 gration and Nationality Act (8 U.S.C. 1229(a)).

21 (2) TREATMENT OF CERTAIN BREAKS IN PRES-
22 ENCE.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraphs (B) and (C), an alien shall be
25 considered to have failed to maintain contin-

uous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

1 (2) ALIENS SUBJECT TO REMOVAL.—The Sec-
2 retary shall provide a reasonable opportunity to
3 apply for relief under this section to any alien who
4 requests such an opportunity or who appears prima
5 facie eligible for relief under this section if the alien
6 is in removal proceedings, is the subject of a final
7 removal order, or is the subject of a voluntary depart-
8 ture order.

9 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
10 TARY OR SECONDARY SCHOOL.—

11 (A) STAY OF REMOVAL.—The Attorney
12 General shall stay the removal proceedings of
13 an alien who—

14 (i) meets all the requirements under
15 subparagraphs (A), (B), and (C) of sub-
16 section (b)(1), subject to paragraphs (2)
17 and (3) of such subsection;

18 (ii) is at least 5 years of age; and

19 (iii) is enrolled in an elementary
20 school, a secondary school, or an early
21 childhood education program.

22 (B) COMMENCEMENT OF REMOVAL PRO-
23 CEEDINGS.—The Secretary may not commence
24 removal proceedings for an alien described in
25 subparagraph (A).

1 (C) EMPLOYMENT.—An alien whose re-
 2 moval is stayed pursuant to subparagraph (A)
 3 or who may not be placed in removal pro-
 4 ceedings pursuant to subparagraph (B) shall,
 5 upon application to the Secretary, be granted
 6 an employment authorization document.

7 (D) LIFT OF STAY.—The Secretary or At-
 8 torney General may not lift the stay granted to
 9 an alien under subparagraph (A) unless the
 10 alien ceases to meet the requirements under
 11 such subparagraph.

12 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—
 13 Nothing in this section or in any other law may be con-
 14 strued to apply a numerical limitation on the number of
 15 aliens who may be granted permanent resident status on
 16 a conditional basis under this Act.

17 **SEC. 4. TERMS OF PERMANENT RESIDENT STATUS ON A**
 18 **CONDITIONAL BASIS.**

19 (a) PERIOD OF STATUS.—Permanent resident status
 20 on a conditional basis is—

21 (1) valid for a period of 8 years, unless such pe-
 22 riod is extended by the Secretary; and

23 (2) subject to termination under subsection (c).

24 (b) NOTICE OF REQUIREMENTS.—At the time an
 25 alien obtains permanent resident status on a conditional

1 basis, the Secretary shall provide notice to the alien re-
2 garding the provisions of this Act and the requirements
3 to have the conditional basis of such status removed.

4 (c) TERMINATION OF STATUS.—The Secretary may
5 terminate the permanent resident status on a conditional
6 basis of an alien only if the Secretary—

7 (1) determines that the alien ceases to meet the
8 requirements under paragraph (1)(C) of section
9 3(b), subject to paragraphs (2) and (3) of that sec-
10 tion; and

11 (2) prior to the termination, provides the
12 alien—

13 (A) notice of the proposed termination;
14 and

15 (B) the opportunity for a hearing to pro-
16 vide evidence that the alien meets such require-
17 ments or otherwise contest the termination.

18 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), an alien whose permanent resident status
21 on a conditional basis expires under subsection
22 (a)(1) or is terminated under subsection (c) or
23 whose application for such status is denied shall re-
24 turn to the immigration status that the alien had
25 immediately before receiving permanent resident sta-

1 tus on a conditional basis or applying for such sta-
 2 tus, as appropriate.

3 (2) SPECIAL RULE FOR TEMPORARY PRO-
 4 TECTED STATUS.—An alien whose permanent resi-
 5 dent status on a conditional basis expires under sub-
 6 section (a)(1) or is terminated under subsection (c)
 7 or whose application for such status is denied and
 8 who had temporary protected status under section
 9 244 of the Immigration and Nationality Act (8
 10 U.S.C. 1254a) immediately before receiving or ap-
 11 plying for such permanent resident status on a con-
 12 ditional basis, as appropriate, may not return to
 13 such temporary protected status if—

14 (A) the relevant designation under section
 15 244(b) of the Immigration and Nationality Act
 16 (8 U.S.C. 1254a(b)) has been terminated; or

17 (B) the Secretary determines that the rea-
 18 son for terminating the permanent resident sta-
 19 tus on a conditional basis renders the alien in-
 20 eligible for such temporary protected status.

21 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**
 22 **RESIDENT STATUS.**

23 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
 24 BASIS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall remove the conditional basis of
3 an alien’s permanent resident status granted under
4 this Act and grant the alien status as an alien law-
5 fully admitted for permanent residence if the alien—

6 (A) is described in paragraph (1)(C) of
7 section 3(b), subject to paragraphs (2) and (3)
8 of that section;

9 (B) has not abandoned the alien’s resi-
10 dence in the United States; and

11 (C)(i) has acquired a degree from an insti-
12 tution of higher education or has completed at
13 least 2 years, in good standing, in a program
14 for a bachelor’s degree or higher degree in the
15 United States;

16 (ii) has served in the Uniformed Services
17 for at least 2 years and, if discharged, received
18 an honorable discharge; or

19 (iii) has been employed for periods totaling
20 at least 3 years and at least 75 percent of the
21 time that the alien has had a valid employment
22 authorization, except that any period during
23 which the alien is not employed while having a
24 valid employment authorization and is enrolled
25 in an institution of higher education, a sec-

1 ondary school, or an education program de-
 2 scribed in section 3(b)(1)(D)(iii), shall not
 3 count toward the time requirements under this
 4 clause.

5 (2) HARDSHIP EXCEPTION.—

6 (A) IN GENERAL.—The Secretary shall re-
 7 move the conditional basis of an alien’s perma-
 8 nent resident status and grant the alien status
 9 as an alien lawfully admitted for permanent
 10 residence if the alien—

11 (i) satisfies the requirements under
 12 subparagraphs (A) and (B) of paragraph
 13 (1);

14 (ii) demonstrates compelling cir-
 15 cumstances for the inability to satisfy the
 16 requirements under subparagraph (C) of
 17 such paragraph; and

18 (iii) demonstrates that—

19 (I) the alien has a disability;

20 (II) the alien is a full-time care-
 21 giver of a minor child; or

22 (III) the removal of the alien
 23 from the United States would result
 24 in extreme hardship to the alien or
 25 the alien’s spouse, parent, or child

1 who is a national of the United States
2 or is lawfully admitted for permanent
3 residence.

4 (3) CITIZENSHIP REQUIREMENT.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the conditional basis of an
7 alien’s permanent resident status granted under
8 this Act may not be removed unless the alien
9 demonstrates that the alien satisfies the re-
10 quirements under section 312(a) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1423(a)).

12 (B) EXCEPTION.—Subparagraph (A) shall
13 not apply to an alien who is unable to meet the
14 requirements under such section 312(a) due to
15 disability.

16 (4) APPLICATION FEE.—

17 (A) IN GENERAL.—The Secretary may re-
18 quire aliens applying for lawful permanent resi-
19 dent status under this section to pay a reason-
20 able fee that is commensurate with the cost of
21 processing the application.

22 (B) EXEMPTION.—An applicant may be
23 exempted from paying the fee required under
24 subparagraph (A) if the alien—

25 (i)(I) is younger than 18 years of age;

1 (II) received total income, during the
2 12-month period immediately preceding the
3 date on which the alien files an application
4 under this section, that is less than 150
5 percent of the poverty line; and

6 (III) is in foster care or otherwise
7 lacking any parental or other familial sup-
8 port;

9 (ii) is younger than 18 years of age
10 and is homeless;

11 (iii)(I) cannot care for himself or her-
12 self because of a serious, chronic disability;
13 and

14 (II) received total income, during the
15 12-month period immediately preceding the
16 date on which the alien files an application
17 under this section, that is less than 150
18 percent of the poverty line; or

19 (iv)(I) during the 12-month period im-
20 mediately preceding the date on which the
21 alien files an application under this sec-
22 tion, the alien accumulated \$10,000 or
23 more in debt as a result of unreimbursed
24 medical expenses incurred by the alien or

1 an immediate family member of the alien;

2 and

3 (II) received total income, during the
4 12-month period immediately preceding the
5 date on which the alien files an application
6 under this section, that is less than 150
7 percent of the poverty line.

8 (5) SUBMISSION OF BIOMETRIC AND BIO-
9 GRAPHIC DATA.—The Secretary may not remove the
10 conditional basis of an alien’s permanent resident
11 status unless the alien submits biometric and bio-
12 graphic data, in accordance with procedures estab-
13 lished by the Secretary. The Secretary shall provide
14 an alternative procedure for applicants who are un-
15 able to provide such biometric data because of a
16 physical impairment.

17 (6) BACKGROUND CHECKS.—

18 (A) REQUIREMENT FOR BACKGROUND
19 CHECKS.—The Secretary shall utilize biometric,
20 biographic, and other data that the Secretary
21 determines appropriate—

22 (i) to conduct security and law en-
23 forcement background checks of an alien
24 applying for removal of the conditional

1 basis of the alien's permanent resident sta-
2 tus; and

3 (ii) to determine whether there is any
4 criminal, national security, or other factor
5 that would render the alien ineligible for
6 removal of such conditional basis.

7 (B) COMPLETION OF BACKGROUND
8 CHECKS.—The security and law enforcement
9 background checks of an alien required under
10 subparagraph (A) shall be completed, to the
11 satisfaction of the Secretary, before the date on
12 which the Secretary removes the conditional
13 basis of the alien's permanent resident status.

14 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
15 TION.—

16 (1) IN GENERAL.—For purposes of title III of
17 the Immigration and Nationality Act (8 U.S.C. 1401
18 et seq.), an alien granted permanent resident status
19 on a conditional basis shall be considered to have
20 been admitted to the United States, and be present
21 in the United States, as an alien lawfully admitted
22 for permanent residence.

23 (2) LIMITATION ON APPLICATION FOR NATU-
24 RALIZATION.—An alien may not apply for natu-

1 ralization while the alien is in permanent resident
2 status on a conditional basis.

3 **SEC. 6. DOCUMENTATION REQUIREMENTS.**

4 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
5 alien’s application for permanent resident status on a con-
6 ditional basis may include, as proof of identity—

7 (1) a passport or national identity document
8 from the alien’s country of origin that includes the
9 alien’s name and the alien’s photograph or finger-
10 print;

11 (2) the alien’s birth certificate and an identity
12 card that includes the alien’s name and photograph;

13 (3) a school identification card that includes the
14 alien’s name and photograph, and school records
15 showing the alien’s name and that the alien is or
16 was enrolled at the school;

17 (4) a Uniformed Services identification card
18 issued by the Department of Defense;

19 (5) any immigration or other document issued
20 by the United States Government bearing the alien’s
21 name and photograph; or

22 (6) a State-issued identification card bearing
23 the alien’s name and photograph.

24 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
25 ICAL PRESENCE IN THE UNITED STATES.—To establish

1 that an alien has been continuously physically present in
2 the United States, as required under section 3(b)(1)(A),
3 or to establish that an alien has not abandoned residence
4 in the United States, as required under section 5(a)(1)(B),
5 the alien may submit documents to the Secretary, includ-
6 ing—

7 (1) employment records that include the em-
8 ployer's name and contact information;

9 (2) records from any educational institution the
10 alien has attended in the United States;

11 (3) records of service from the Uniformed Serv-
12 ices;

13 (4) official records from a religious entity con-
14 firming the alien's participation in a religious cere-
15 mony;

16 (5) passport entries;

17 (6) a birth certificate for a child who was born
18 in the United States;

19 (7) automobile license receipts or registration;

20 (8) deeds, mortgages, or rental agreement con-
21 tracts;

22 (9) tax receipts;

23 (10) insurance policies;

24 (11) remittance records;

1 (12) rent receipts or utility bills bearing the
2 alien's name or the name of an immediate family
3 member of the alien, and the alien's address;

4 (13) copies of money order receipts for money
5 sent in or out of the United States;

6 (14) dated bank transactions; or

7 (15) 2 or more sworn affidavits from individ-
8 uals who are not related to the alien who have direct
9 knowledge of the alien's continuous physical pres-
10 ence in the United States, that contain—

11 (A) the name, address, and telephone num-
12 ber of the affiant; and

13 (B) the nature and duration of the rela-
14 tionship between the affiant and the alien.

15 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
16 INTO THE UNITED STATES.—To establish under section
17 3(b)(1)(B) that an alien was younger than 18 years of
18 age on the date on which the alien initially entered the
19 United States, an alien may submit documents to the Sec-
20 retary, including—

21 (1) an admission stamp on the alien's passport;

22 (2) records from any educational institution the
23 alien has attended in the United States;

1 (3) any document from the Department of Jus-
2 tice or the Department of Homeland Security stat-
3 ing the alien's date of entry into the United States;

4 (4) hospital or medical records showing medical
5 treatment or hospitalization, the name of the med-
6 ical facility or physician, and the date of the treat-
7 ment or hospitalization;

8 (5) rent receipts or utility bills bearing the
9 alien's name or the name of an immediate family
10 member of the alien, and the alien's address;

11 (6) employment records that include the em-
12 ployer's name and contact information;

13 (7) official records from a religious entity con-
14 firming the alien's participation in a religious cere-
15 mony;

16 (8) a birth certificate for a child who was born
17 in the United States;

18 (9) automobile license receipts or registration;

19 (10) deeds, mortgages, or rental agreement con-
20 tracts;

21 (11) tax receipts;

22 (12) travel records;

23 (13) copies of money order receipts sent in or
24 out of the country;

25 (14) dated bank transactions;

1 (15) remittance records; or

2 (16) insurance policies.

3 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
4 INSTITUTION OF HIGHER EDUCATION.—To establish that
5 an alien has been admitted to an institution of higher edu-
6 cation, the alien shall submit to the Secretary a document
7 from the institution of higher education certifying that the
8 alien—

9 (1) has been admitted to the institution; or

10 (2) is currently enrolled in the institution as a
11 student.

12 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
13 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—
14 To establish that an alien has acquired a degree from an
15 institution of higher education in the United States, the
16 alien shall submit to the Secretary a diploma or other doc-
17 ument from the institution stating that the alien has re-
18 ceived such a degree.

19 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
20 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
21 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—
22 To establish that an alien has earned a high school di-
23 ploma or a commensurate alternative award from a public
24 or private high school, or has obtained a general edu-
25 cational development certificate recognized under State

1 law or a high school equivalency diploma in the United
 2 States, the alien shall submit to the Secretary—

3 (1) a high school diploma, certificate of comple-
 4 tion, or other alternate award;

5 (2) a high school equivalency diploma or certifi-
 6 cate recognized under State law; or

7 (3) evidence that the alien passed a State-au-
 8 thorized exam, including the general educational de-
 9 velopment exam, in the United States.

10 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
 11 EDUCATIONAL PROGRAM.—To establish that an alien is
 12 enrolled in any school or education program described in
 13 section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the
 14 alien shall submit school records from the United States
 15 school that the alien is currently attending that include—

16 (1) the name of the school; and

17 (2) the alien’s name, periods of attendance, and
 18 current grade or educational level.

19 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
 20 APPLICATION FEES.—To establish that an alien is exempt
 21 from an application fee under section 3(b)(5)(B) or
 22 5(a)(4)(B), the alien shall submit to the Secretary the fol-
 23 lowing relevant documents:

24 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
 25 tablish that an alien meets an age requirement, the

1 alien shall provide proof of identity, as described in
2 subsection (a), that establishes that the alien is
3 younger than 18 years of age.

4 (2) DOCUMENTS TO ESTABLISH INCOME.—To
5 establish the alien’s income, the alien shall provide—

6 (A) employment records that have been
7 maintained by the Social Security Administra-
8 tion, the Internal Revenue Service, or any other
9 Federal, State, or local government agency;

10 (B) bank records; or

11 (C) at least 2 sworn affidavits from indi-
12 viduals who are not related to the alien and
13 who have direct knowledge of the alien’s work
14 and income that contain—

15 (i) the name, address, and telephone
16 number of the affiant; and

17 (ii) the nature and duration of the re-
18 lationship between the affiant and the
19 alien.

20 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
21 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
22 SERIOUS, CHRONIC DISABILITY.—To establish that
23 the alien was in foster care, lacks parental or famil-
24 ial support, is homeless, or has a serious, chronic
25 disability, the alien shall provide at least 2 sworn af-

1 fidavits from individuals who are not related to the
2 alien and who have direct knowledge of the cir-
3 cumstances that contain—

4 (A) a statement that the alien is in foster
5 care, otherwise lacks any parental or other fa-
6 miliar support, is homeless, or has a serious,
7 chronic disability, as appropriate;

8 (B) the name, address, and telephone num-
9 ber of the affiant; and

10 (C) the nature and duration of the rela-
11 tionship between the affiant and the alien.

12 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
13 ICAL EXPENSE.—To establish that the alien has debt
14 as a result of unreimbursed medical expenses, the
15 alien shall provide receipts or other documentation
16 from a medical provider that—

17 (A) bear the provider’s name and address;

18 (B) bear the name of the individual receiv-
19 ing treatment; and

20 (C) document that the alien has accumu-
21 lated \$10,000 or more in debt in the past 12
22 months as a result of unreimbursed medical ex-
23 penses incurred by the alien or an immediate
24 family member of the alien.

1 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
 2 HARDSHIP EXEMPTION.—To establish that an alien satis-
 3 fies one of the criteria for the hardship exemption set forth
 4 in section 5(a)(2)(A)(iii), the alien shall submit to the Sec-
 5 retary at least 2 sworn affidavits from individuals who are
 6 not related to the alien and who have direct knowledge
 7 of the circumstances that warrant the exemption, that
 8 contain—

9 (1) the name, address, and telephone number of
 10 the affiant; and

11 (2) the nature and duration of the relationship
 12 between the affiant and the alien.

13 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
 14 UNIFORMED SERVICES.—To establish that an alien has
 15 served in the Uniformed Services for at least 2 years and,
 16 if discharged, received an honorable discharge, the alien
 17 shall submit to the Secretary—

18 (1) a Department of Defense form DD-214;

19 (2) a National Guard Report of Separation and
 20 Record of Service form 22;

21 (3) personnel records for such service from the
 22 appropriate Uniformed Service; or

23 (4) health records from the appropriate Uni-
 24 formed Service.

25 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

1 (1) IN GENERAL.—An alien may satisfy the em-
2 ployment requirement under section 5(a)(1)(C)(iii)
3 by submitting records that—

4 (A) establish compliance with such employ-
5 ment requirement; and

6 (B) have been maintained by the Social Se-
7 curity Administration, the Internal Revenue
8 Service, or any other Federal, State, or local
9 government agency.

10 (2) OTHER DOCUMENTS.—An alien who is un-
11 able to submit the records described in paragraph
12 (1) may satisfy the employment requirement by sub-
13 mitting at least 2 types of reliable documents that
14 provide evidence of employment, including—

15 (A) bank records;

16 (B) business records;

17 (C) employer records;

18 (D) records of a labor union, day labor
19 center, or organization that assists workers in
20 employment;

21 (E) sworn affidavits from individuals who
22 are not related to the alien and who have direct
23 knowledge of the alien’s work, that contain—

24 (i) the name, address, and telephone
25 number of the affiant; and

1 (ii) the nature and duration of the re-
2 lationship between the affiant and the
3 alien; and
4 (F) remittance records.

5 (I) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-**
6 **UMENTS.**—If the Secretary determines, after publication
7 in the Federal Register and an opportunity for public com-
8 ment, that any document or class of documents does not
9 reliably establish identity or that permanent resident sta-
10 tus on a conditional basis is being obtained fraudulently
11 to an unacceptable degree, the Secretary may prohibit or
12 restrict the use of such document or class of documents.

13 **SEC. 7. RULEMAKING.**

14 (a) **INITIAL PUBLICATION.**—Not later than 90 days
15 after the date of the enactment of this Act, the Secretary
16 shall publish regulations implementing this Act in the
17 Federal Register. Such regulations shall allow eligible indi-
18 viduals to immediately apply affirmatively for the relief
19 available under section 3 without being placed in removal
20 proceedings.

21 (b) **INTERIM REGULATIONS.**—Notwithstanding sec-
22 tion 553 of title 5, United States Code, the regulations
23 published pursuant to subsection (a) shall be effective, on
24 an interim basis, immediately upon publication in the Fed-
25 eral Register, but may be subject to change and revision

1 after public notice and opportunity for a period of public
2 comment.

3 (c) FINAL REGULATIONS.—Not later than 180 days
4 after the date on which interim regulations are published
5 under this section, the Secretary shall publish final regula-
6 tions implementing this Act.

7 (d) PAPERWORK REDUCTION ACT.—The require-
8 ments under chapter 35 of title 44, United States Code
9 (commonly known as the “Paperwork Reduction Act”),
10 shall not apply to any action to implement this Act.

11 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

12 (a) IN GENERAL.—The Secretary may not disclose
13 or use information provided in applications filed under this
14 Act or in requests for DACA for the purpose of immigra-
15 tion enforcement.

16 (b) REFERRALS PROHIBITED.—The Secretary may
17 not refer any individual who has been granted permanent
18 resident status on a conditional basis or who was granted
19 DACA to U.S. Immigration and Customs Enforcement,
20 U.S. Customs and Border Protection, or any designee of
21 either such entity.

22 (c) LIMITED EXCEPTION.—Notwithstanding sub-
23 sections (a) and (b), information provided in an applica-
24 tion for permanent resident status on a conditional basis

1 or a request for DACA may be shared with Federal secu-
 2 rity and law enforcement agencies—

3 (1) for assistance in the consideration of an ap-
 4 plication for permanent resident status on a condi-
 5 tional basis;

6 (2) to identify or prevent fraudulent claims;

7 (3) for national security purposes; or

8 (4) for the investigation or prosecution of any
 9 felony not related to immigration status.

10 (d) PENALTY.—Any person who knowingly uses, pub-
 11 lishes, or permits information to be examined in violation
 12 of this section shall be fined not more than \$10,000.

13 **SEC. 9. RESTORATION OF STATE OPTION TO DETERMINE**
 14 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
 15 **CATION BENEFITS.**

16 (a) IN GENERAL.—Section 505 of the Illegal Immi-
 17 gration Reform and Immigrant Responsibility Act of 1996
 18 (8 U.S.C. 1623) is repealed.

19 (b) EFFECTIVE DATE.—The repeal under subsection
 20 (a) shall take effect as if included in the original enact-
 21 ment of the Illegal Immigration Reform and Immigrant
 22 Responsibility Act of 1996 (division C of Public Law 104–
 23 208; 110 Stat. 3009–546).

○

115TH CONGRESS
1ST SESSION

H. R. 3440

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Ms. ROYBAL-ALLARD (for herself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dream Act of 2017”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

1 (1) IN GENERAL.—Except as otherwise specifi-
2 cally provided, any term used in this Act that is
3 used in the immigration laws shall have the meaning
4 given such term in the immigration laws.

5 (2) DACA.—The term “DACA” means de-
6 ferred action granted to an alien pursuant to the
7 Deferred Action for Childhood Arrivals program an-
8 nounced by President Obama on June 15, 2012.

9 (3) DISABILITY.—The term “disability” has the
10 meaning given such term in section 3(1) of the
11 Americans with Disabilities Act of 1990 (42 U.S.C.
12 12102(1)).

13 (4) EARLY CHILDHOOD EDUCATION PRO-
14 GRAM.—The term “early childhood education pro-
15 gram” has the meaning given such term in section
16 103 of the Higher Education Act of 1965 (20
17 U.S.C. 1003).

18 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
19 ONDARY SCHOOL.—The terms “elementary school”,
20 “high school”, and “secondary school” have the
21 meanings given such terms in section 8101 of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 7801).

24 (6) IMMIGRATION LAWS.—The term “immigra-
25 tion laws” has the meaning given such term in sec-

tion 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education”—

(A) except as provided in subparagraph

(B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term “permanent resident status on a conditional basis” means status as an alien lawfully admitted for permanent residence on a conditional basis under this Act.

(9) POVERTY LINE.—The term “poverty line” has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term “Uniformed Services” has the meaning given the term

1 “uniformed services” in section 101(a) of title 10,
2 United States Code.

3 **SEC. 3. PERMANENT RESIDENT STATUS ON A CONDITIONAL**
4 **BASIS FOR CERTAIN LONG-TERM RESIDENTS**
5 **WHO ENTERED THE UNITED STATES AS CHIL-**
6 **DREN.**

7 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
8 standing any other provision of law, an alien shall be con-
9 sidered, at the time of obtaining the status of an alien
10 lawfully admitted for permanent residence under this sec-
11 tion, to have obtained such status on a conditional basis
12 subject to the provisions under this Act.

13 (b) **REQUIREMENTS.**—

14 (1) **IN GENERAL.**—Notwithstanding any other
15 provision of law, the Secretary shall cancel the re-
16 moval of, and adjust to the status of an alien law-
17 fully admitted for permanent residence on a condi-
18 tional basis, an alien who is inadmissible or deport-
19 able from the United States or is in temporary pro-
20 tected status under section 244 of the Immigration
21 and Nationality Act (8 U.S.C. 1254a), if—

22 (A) the alien has been continuously phys-
23 ically present in the United States since the
24 date that is 4 years before the date of the en-
25 actment of this Act;

1 (B) the alien was younger than 18 years of
2 age on the date on which the alien initially en-
3 tered the United States;

4 (C) subject to paragraphs (2) and (3), the
5 alien—

6 (i) is not inadmissible under para-
7 graph (2), (3), (6)(E), (6)(G), (8),
8 (10)(A), (10)(C), or (10)(D) of section
9 212(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a));

11 (ii) has not ordered, incited, assisted,
12 or otherwise participated in the persecution
13 of any person on account of race, religion,
14 nationality, membership in a particular so-
15 cial group, or political opinion; and

16 (iii) has not been convicted of—

17 (I) any offense under Federal or
18 State law, other than a State offense
19 for which an essential element is the
20 alien's immigration status, that is
21 punishable by a maximum term of im-
22 prisonment of more than 1 year; or

23 (II) three or more offenses under
24 Federal or State law, other than State
25 offenses for which an essential ele-

1 ment is the alien's immigration sta-
2 tus, for which the alien was convicted
3 on different dates for each of the 3 of-
4 fenses and imprisoned for an aggre-
5 gate of 90 days or more; and

6 (D) the alien—

7 (i) has been admitted to an institution
8 of higher education;

9 (ii) has earned a high school diploma
10 or a commensurate alternative award from
11 a public or private high school, or has ob-
12 tained a general education development
13 certificate recognized under State law or a
14 high school equivalency diploma in the
15 United States; or

16 (iii) is enrolled in secondary school or
17 in an education program assisting students
18 in—

19 (I) obtaining a regular high
20 school diploma or its recognized equiv-
21 alent under State law; or

22 (II) in passing a general edu-
23 cational development exam, a high
24 school equivalence diploma examina-

1 tion, or other similar State-authorized
2 exam.

3 (2) WAIVER.—With respect to any benefit
4 under this Act, the Secretary may waive the grounds
5 of inadmissibility under paragraph (2), (6)(E),
6 (6)(G), or (10)(D) of section 212(a) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-
8 manitarian purposes or family unity or if the waiver
9 is otherwise in the public interest.

10 (3) TREATMENT OF EXPUNGED CONVIC-
11 TIONS.—An expunged conviction shall not automati-
12 cally be treated as an offense under paragraph (1).
13 The Secretary shall evaluate expunged convictions
14 on a case-by-case basis according to the nature and
15 severity of the offense to determine whether, under
16 the particular circumstances, the Secretary deter-
17 mines that the alien should be eligible for cancella-
18 tion of removal, adjustment to permanent resident
19 status on a conditional basis, or other adjustment of
20 status.

21 (4) DACA RECIPIENTS.—The Secretary shall
22 cancel the removal of, and adjust to the status of an
23 alien lawfully admitted for permanent residence on
24 a conditional basis, an alien who was granted DACA
25 unless the alien has engaged in conduct since the

1 alien was granted DACA that would make the alien
2 ineligible for DACA.

3 (5) APPLICATION FEE.—

4 (A) IN GENERAL.—The Secretary may re-
5 quire an alien applying for permanent resident
6 status on a conditional basis under this section
7 to pay a reasonable fee that is commensurate
8 with the cost of processing the application.

9 (B) EXEMPTION.—An applicant may be
10 exempted from paying the fee required under
11 subparagraph (A) if the alien—

12 (i)(I) is younger than 18 years of age;

13 (II) received total income, during the
14 12-month period immediately preceding the
15 date on which the alien files an application
16 under this section, that is less than 150
17 percent of the poverty line; and

18 (III) is in foster care or otherwise
19 lacking any parental or other familial sup-
20 port;

21 (ii) is younger than 18 years of age
22 and is homeless;

23 (iii)(I) cannot care for himself or her-
24 self because of a serious, chronic disability;
25 and

1 (II) received total income, during the
2 12-month period immediately preceding the
3 date on which the alien files an application
4 under this section, that is less than 150
5 percent of the poverty line; or

6 (iv)(I) during the 12-month period im-
7 mediately preceding the date on which the
8 alien files an application under this sec-
9 tion, accumulated \$10,000 or more in debt
10 as a result of unreimbursed medical ex-
11 penses incurred by the alien or an imme-
12 diate family member of the alien; and

13 (II) received total income, during the
14 12-month period immediately preceding the
15 date on which the alien files an application
16 under this section, that is less than 150
17 percent of the poverty line.

18 (6) SUBMISSION OF BIOMETRIC AND BIO-
19 GRAPHIC DATA.—The Secretary may not grant an
20 alien permanent resident status on a conditional
21 basis under this section unless the alien submits bio-
22 metric and biographic data, in accordance with pro-
23 cedures established by the Secretary. The Secretary
24 shall provide an alternative procedure for aliens who

1 are unable to provide such biometric or biographic
2 data because of a physical impairment.

3 (7) BACKGROUND CHECKS.—

4 (A) REQUIREMENT FOR BACKGROUND
5 CHECKS.—The Secretary shall utilize biometric,
6 biographic, and other data that the Secretary
7 determines appropriate—

8 (i) to conduct security and law en-
9 forcement background checks of an alien
10 seeking permanent resident status on a
11 conditional basis under this section; and

12 (ii) to determine whether there is any
13 criminal, national security, or other factor
14 that would render the alien ineligible for
15 such status.

16 (B) COMPLETION OF BACKGROUND
17 CHECKS.—The security and law enforcement
18 background checks of an alien required under
19 subparagraph (A) shall be completed, to the
20 satisfaction of the Secretary, before the date on
21 which the Secretary grants such alien perma-
22 nent resident status on a conditional basis
23 under this section.

24 (8) MEDICAL EXAMINATION.—

1 (A) REQUIREMENT.—An alien applying for
2 permanent resident status on a conditional
3 basis under this section shall undergo a medical
4 examination.

5 (B) POLICIES AND PROCEDURES.—The
6 Secretary, with the concurrence of the Sec-
7 retary of Health and Human Services, shall
8 prescribe policies and procedures for the nature
9 and timing of the examination required under
10 subparagraph (A).

11 (9) MILITARY SELECTIVE SERVICE.—An alien
12 applying for permanent resident status on a condi-
13 tional basis under this section shall establish that
14 the alien has registered under the Military Selective
15 Service Act (50 U.S.C. 3801 et seq.), if the alien is
16 subject to registration under such Act.

17 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

18 (1) TERMINATION OF CONTINUOUS PERIOD.—
19 Any period of continuous physical presence in the
20 United States of an alien who applies for permanent
21 resident status on a conditional basis under this sec-
22 tion shall not terminate when the alien is served a
23 notice to appear under section 239(a) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1229(a)).

1 (2) TREATMENT OF CERTAIN BREAKS IN PRES-
2 ENCE.—

3 (A) IN GENERAL.—Except as provided in
4 subparagraphs (B) and (C), an alien shall be
5 considered to have failed to maintain contin-
6 uous physical presence in the United States
7 under subsection (b)(1)(A) if the alien has de-
8 parted from the United States for any period
9 exceeding 90 days or for any periods, in the ag-
10 gregate, exceeding 180 days.

11 (B) EXTENSIONS FOR EXTENUATING CIR-
12 CUMSTANCES.—The Secretary may extend the
13 time periods described in subparagraph (A) for
14 an alien who demonstrates that the failure to
15 timely return to the United States was due to
16 extenuating circumstances beyond the alien's
17 control, including the serious illness of the
18 alien, or death or serious illness of a parent,
19 grandparent, sibling, or child of the alien.

20 (C) TRAVEL AUTHORIZED BY THE SEC-
21 RETARY.—Any period of travel outside of the
22 United States by an alien that was authorized
23 by the Secretary may not be counted toward
24 any period of departure from the United States
25 under subparagraph (A).

1 (d) LIMITATION ON REMOVAL OF CERTAIN
2 ALIENS.—

3 (1) IN GENERAL.—The Secretary or the Attor-
4 ney General may not remove an alien who appears
5 prima facie eligible for relief under this section.

6 (2) ALIENS SUBJECT TO REMOVAL.—The Sec-
7 retary shall provide a reasonable opportunity to
8 apply for relief under this section to any alien who
9 requests such an opportunity or who appears prima
10 facie eligible for relief under this section if the alien
11 is in removal proceedings, is the subject of a final
12 removal order, or is the subject of a voluntary depar-
13 ture order.

14 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
15 TARY OR SECONDARY SCHOOL.—

16 (A) STAY OF REMOVAL.—The Attorney
17 General shall stay the removal proceedings of
18 an alien who—

19 (i) meets all the requirements under
20 subparagraphs (A), (B), and (C) of sub-
21 section (b)(1), subject to paragraphs (2)
22 and (3) of such subsection;

23 (ii) is at least 5 years of age; and

1 (iii) is enrolled in an elementary
2 school, a secondary school, or an early
3 childhood education program.

4 (B) COMMENCEMENT OF REMOVAL PRO-
5 CEEDINGS.—The Secretary may not commence
6 removal proceedings for an alien described in
7 subparagraph (A).

8 (C) EMPLOYMENT.—An alien whose re-
9 moval is stayed pursuant to subparagraph (A)
10 or who may not be placed in removal pro-
11 ceedings pursuant to subparagraph (B) shall,
12 upon application to the Secretary, be granted
13 an employment authorization document.

14 (D) LIFT OF STAY.—The Secretary or At-
15 torney General may not lift the stay granted to
16 an alien under subparagraph (A) unless the
17 alien ceases to meet the requirements under
18 such subparagraph.

19 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—
20 Nothing in this section or in any other law may be con-
21 strued to apply a numerical limitation on the number of
22 aliens who may be granted permanent resident status on
23 a conditional basis under this Act.

1 **SEC. 4. TERMS OF PERMANENT RESIDENT STATUS ON A**
2 **CONDITIONAL BASIS.**

3 (a) PERIOD OF STATUS.—Permanent resident status
4 on a conditional basis is—

5 (1) valid for a period of 8 years, unless such pe-
6 riod is extended by the Secretary; and

7 (2) subject to termination under subsection (c).

8 (b) NOTICE OF REQUIREMENTS.—At the time an
9 alien obtains permanent resident status on a conditional
10 basis, the Secretary shall provide notice to the alien re-
11 garding the provisions of this Act and the requirements
12 to have the conditional basis of such status removed.

13 (c) TERMINATION OF STATUS.—The Secretary may
14 terminate the permanent resident status on a conditional
15 basis of an alien only if the Secretary—

16 (1) determines that the alien ceases to meet the
17 requirements under paragraph (1)(C) of section
18 3(b), subject to paragraphs (2) and (3) of that sec-
19 tion; and

20 (2) prior to the termination, provides the
21 alien—

22 (A) notice of the proposed termination;
23 and

24 (B) the opportunity for a hearing to pro-
25 vide evidence that the alien meets such require-
26 ments or otherwise contest the termination.

1 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), an alien whose permanent resident status
4 on a conditional basis expires under subsection
5 (a)(1) or is terminated under subsection (c) or
6 whose application for such status is denied shall re-
7 turn to the immigration status that the alien had
8 immediately before receiving permanent resident sta-
9 tus on a conditional basis or applying for such sta-
10 tus, as appropriate.

11 (2) SPECIAL RULE FOR TEMPORARY PRO-
12 TECTED STATUS.—An alien whose permanent resi-
13 dent status on a conditional basis expires under sub-
14 section (a)(1) or is terminated under subsection (c)
15 or whose application for such status is denied and
16 who had temporary protected status under section
17 244 of the Immigration and Nationality Act (8
18 U.S.C. 1254a) immediately before receiving or ap-
19 plying for such permanent resident status on a con-
20 ditional basis, as appropriate, may not return to
21 such temporary protected status if—

22 (A) the relevant designation under section
23 244(b) of the Immigration and Nationality Act
24 (8 U.S.C. 1254a(b)) has been terminated; or

1 (B) the Secretary determines that the rea-
2 son for terminating the permanent resident sta-
3 tus on a conditional basis renders the alien in-
4 eligible for such temporary protected status.

5 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**
6 **RESIDENT STATUS.**

7 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
8 BASIS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall remove the conditional basis of
11 an alien’s permanent resident status granted under
12 this Act and grant the alien status as an alien law-
13 fully admitted for permanent residence if the alien—

14 (A) is described in paragraph (1)(C) of
15 section 3(b), subject to paragraphs (2) and (3)
16 of that section;

17 (B) has not abandoned the alien’s resi-
18 dence in the United States; and

19 (C)(i) has acquired a degree from an insti-
20 tution of higher education or has completed at
21 least 2 years, in good standing, in a program
22 for a bachelor’s degree or higher degree in the
23 United States;

1 (ii) has served in the Uniformed Services
2 for at least 2 years and, if discharged, received
3 an honorable discharge; or

4 (iii) has been employed for periods totaling
5 at least 3 years and at least 75 percent of the
6 time that the alien has had a valid employment
7 authorization, except that any period during
8 which the alien is not employed while having a
9 valid employment authorization and is enrolled
10 in an institution of higher education, a sec-
11 ondary school, or an education program de-
12 scribed in section 3(b)(1)(D)(iii), shall not
13 count toward the time requirements under this
14 clause.

15 (2) HARDSHIP EXCEPTION.—

16 (A) IN GENERAL.—The Secretary shall re-
17 move the conditional basis of an alien’s perma-
18 nent resident status and grant the alien status
19 as an alien lawfully admitted for permanent
20 residence if the alien—

21 (i) satisfies the requirements under
22 subparagraphs (A) and (B) of paragraph
23 (1);

24 (ii) demonstrates compelling cir-
25 cumstances for the inability to satisfy the

1 requirements under subparagraph (C) of
2 such paragraph; and

3 (iii) demonstrates that—

4 (I) the alien has a disability;

5 (II) the alien is a full-time care-
6 giver of a minor child; or

7 (III) the removal of the alien
8 from the United States would result
9 in extreme hardship to the alien or
10 the alien's spouse, parent, or child
11 who is a national of the United States
12 or is lawfully admitted for permanent
13 residence.

14 (3) CITIZENSHIP REQUIREMENT.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the conditional basis of an
17 alien's permanent resident status granted under
18 this Act may not be removed unless the alien
19 demonstrates that the alien satisfies the re-
20 quirements under section 312(a) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1423(a)).

22 (B) EXCEPTION.—Subparagraph (A) shall
23 not apply to an alien who is unable to meet the
24 requirements under such section 312(a) due to
25 disability.

1 (4) APPLICATION FEE.—

2 (A) IN GENERAL.—The Secretary may re-
3 quire aliens applying for lawful permanent resi-
4 dent status under this section to pay a reason-
5 able fee that is commensurate with the cost of
6 processing the application.

7 (B) EXEMPTION.—An applicant may be
8 exempted from paying the fee required under
9 subparagraph (A) if the alien—

10 (i)(I) is younger than 18 years of age;

11 (II) received total income, during the
12 12-month period immediately preceding the
13 date on which the alien files an application
14 under this section, that is less than 150
15 percent of the poverty line; and

16 (III) is in foster care or otherwise
17 lacking any parental or other familial sup-
18 port;

19 (ii) is younger than 18 years of age
20 and is homeless;

21 (iii)(I) cannot care for himself or her-
22 self because of a serious, chronic disability;
23 and

24 (II) received total income, during the
25 12-month period immediately preceding the

1 date on which the alien files an application
2 under this section, that is less than 150
3 percent of the poverty line; or

4 (iv)(I) during the 12-month period im-
5 mediately preceding the date on which the
6 alien files an application under this sec-
7 tion, the alien accumulated \$10,000 or
8 more in debt as a result of unreimbursed
9 medical expenses incurred by the alien or
10 an immediate family member of the alien;
11 and

12 (II) received total income, during the
13 12-month period immediately preceding the
14 date on which the alien files an application
15 under this section, that is less than 150
16 percent of the poverty line.

17 (5) SUBMISSION OF BIOMETRIC AND BIO-
18 GRAPHIC DATA.—The Secretary may not remove the
19 conditional basis of an alien’s permanent resident
20 status unless the alien submits biometric and bio-
21 graphic data, in accordance with procedures estab-
22 lished by the Secretary. The Secretary shall provide
23 an alternative procedure for applicants who are un-
24 able to provide such biometric data because of a
25 physical impairment.

1 (6) BACKGROUND CHECKS.—

2 (A) REQUIREMENT FOR BACKGROUND
3 CHECKS.—The Secretary shall utilize biometric,
4 biographic, and other data that the Secretary
5 determines appropriate—

6 (i) to conduct security and law en-
7 forcement background checks of an alien
8 applying for removal of the conditional
9 basis of the alien’s permanent resident sta-
10 tus; and

11 (ii) to determine whether there is any
12 criminal, national security, or other factor
13 that would render the alien ineligible for
14 removal of such conditional basis.

15 (B) COMPLETION OF BACKGROUND
16 CHECKS.—The security and law enforcement
17 background checks of an alien required under
18 subparagraph (A) shall be completed, to the
19 satisfaction of the Secretary, before the date on
20 which the Secretary removes the conditional
21 basis of the alien’s permanent resident status.

22 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
23 TION.—

24 (1) IN GENERAL.—For purposes of title III of
25 the Immigration and Nationality Act (8 U.S.C. 1401

1 et seq.), an alien granted permanent resident status
2 on a conditional basis shall be considered to have
3 been admitted to the United States, and be present
4 in the United States, as an alien lawfully admitted
5 for permanent residence.

6 (2) LIMITATION ON APPLICATION FOR NATU-
7 RALIZATION.—An alien may not apply for natu-
8 ralization while the alien is in permanent resident
9 status on a conditional basis.

10 **SEC. 6. DOCUMENTATION REQUIREMENTS.**

11 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
12 alien's application for permanent resident status on a con-
13 ditional basis may include, as proof of identity—

14 (1) a passport or national identity document
15 from the alien's country of origin that includes the
16 alien's name and the alien's photograph or finger-
17 print;

18 (2) the alien's birth certificate and an identity
19 card that includes the alien's name and photograph;

20 (3) a school identification card that includes the
21 alien's name and photograph, and school records
22 showing the alien's name and that the alien is or
23 was enrolled at the school;

24 (4) a Uniformed Services identification card
25 issued by the Department of Defense;

1 (5) any immigration or other document issued
2 by the United States Government bearing the alien's
3 name and photograph; or

4 (6) a State-issued identification card bearing
5 the alien's name and photograph.

6 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
7 ICAL PRESENCE IN THE UNITED STATES.—To establish
8 that an alien has been continuously physically present in
9 the United States, as required under section 3(b)(1)(A),
10 or to establish that an alien has not abandoned residence
11 in the United States, as required under section 5(a)(1)(B),
12 the alien may submit documents to the Secretary, includ-
13 ing—

14 (1) employment records that include the em-
15 ployer's name and contact information;

16 (2) records from any educational institution the
17 alien has attended in the United States;

18 (3) records of service from the Uniformed Serv-
19 ices;

20 (4) official records from a religious entity con-
21 firming the alien's participation in a religious cere-
22 mony;

23 (5) passport entries;

24 (6) a birth certificate for a child who was born
25 in the United States;

1 (7) automobile license receipts or registration;

2 (8) deeds, mortgages, or rental agreement con-
3 tracts;

4 (9) tax receipts;

5 (10) insurance policies;

6 (11) remittance records;

7 (12) rent receipts or utility bills bearing the
8 alien's name or the name of an immediate family
9 member of the alien, and the alien's address;

10 (13) copies of money order receipts for money
11 sent in or out of the United States;

12 (14) dated bank transactions; or

13 (15) two or more sworn affidavits from individ-
14 uals who are not related to the alien who have direct
15 knowledge of the alien's continuous physical pres-
16 ence in the United States, that contain—

17 (A) the name, address, and telephone num-
18 ber of the affiant; and

19 (B) the nature and duration of the rela-
20 tionship between the affiant and the alien.

21 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
22 INTO THE UNITED STATES.—To establish under section
23 3(b)(1)(B) that an alien was younger than 18 years of
24 age on the date on which the alien initially entered the

1 United States, an alien may submit documents to the Sec-
2 retary, including—

3 (1) an admission stamp on the alien’s passport;

4 (2) records from any educational institution the
5 alien has attended in the United States;

6 (3) any document from the Department of Jus-
7 tice or the Department of Homeland Security stat-
8 ing the alien’s date of entry into the United States;

9 (4) hospital or medical records showing medical
10 treatment or hospitalization, the name of the med-
11 ical facility or physician, and the date of the treat-
12 ment or hospitalization;

13 (5) rent receipts or utility bills bearing the
14 alien’s name or the name of an immediate family
15 member of the alien, and the alien’s address;

16 (6) employment records that include the em-
17 ployer’s name and contact information;

18 (7) official records from a religious entity con-
19 firming the alien’s participation in a religious cere-
20 mony;

21 (8) a birth certificate for a child who was born
22 in the United States;

23 (9) automobile license receipts or registration;

24 (10) deeds, mortgages, or rental agreement con-
25 tracts;

- 1 (11) tax receipts;
- 2 (12) travel records;
- 3 (13) copies of money order receipts sent in or
- 4 out of the country;
- 5 (14) dated bank transactions;
- 6 (15) remittance records; or
- 7 (16) insurance policies.

8 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
9 INSTITUTION OF HIGHER EDUCATION.—To establish that
10 an alien has been admitted to an institution of higher edu-
11 cation, the alien shall submit to the Secretary a document
12 from the institution of higher education certifying that the
13 alien—

- 14 (1) has been admitted to the institution; or
- 15 (2) is currently enrolled in the institution as a
- 16 student.

17 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
18 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—
19 To establish that an alien has acquired a degree from an
20 institution of higher education in the United States, the
21 alien shall submit to the Secretary a diploma or other doc-
22 ument from the institution stating that the alien has re-
23 ceived such a degree.

24 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
25 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-

1 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

2 To establish that an alien has earned a high school di-
 3 ploma or a commensurate alternative award from a public
 4 or private high school, or has obtained a general edu-
 5 cational development certificate recognized under State
 6 law or a high school equivalency diploma in the United
 7 States, the alien shall submit to the Secretary—

8 (1) a high school diploma, certificate of comple-
 9 tion, or other alternate award;

10 (2) a high school equivalency diploma or certifi-
 11 cate recognized under State law; or

12 (3) evidence that the alien passed a State-au-
 13 thorized exam, including the general educational de-
 14 velopment exam, in the United States.

15 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
 16 EDUCATIONAL PROGRAM.—To establish that an alien is
 17 enrolled in any school or education program described in
 18 section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the
 19 alien shall submit school records from the United States
 20 school that the alien is currently attending that include—

21 (1) the name of the school; and

22 (2) the alien's name, periods of attendance, and
 23 current grade or educational level.

24 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
 25 APPLICATION FEES.—To establish that an alien is exempt

1 from an application fee under section 3(b)(5)(B) or
2 5(a)(4)(B), the alien shall submit to the Secretary the fol-
3 lowing relevant documents:

4 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
5 tablish that an alien meets an age requirement, the
6 alien shall provide proof of identity, as described in
7 subsection (a), that establishes that the alien is
8 younger than 18 years of age.

9 (2) DOCUMENTS TO ESTABLISH INCOME.—To
10 establish the alien's income, the alien shall provide—

11 (A) employment records that have been
12 maintained by the Social Security Administra-
13 tion, the Internal Revenue Service, or any other
14 Federal, State, or local government agency;

15 (B) bank records; or

16 (C) at least 2 sworn affidavits from indi-
17 viduals who are not related to the alien and
18 who have direct knowledge of the alien's work
19 and income that contain—

20 (i) the name, address, and telephone
21 number of the affiant; and

22 (ii) the nature and duration of the re-
23 lationship between the affiant and the
24 alien.

1 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
2 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
3 SERIOUS, CHRONIC DISABILITY.—To establish that
4 the alien was in foster care, lacks parental or famil-
5 ial support, is homeless, or has a serious, chronic
6 disability, the alien shall provide at least 2 sworn af-
7 fidavits from individuals who are not related to the
8 alien and who have direct knowledge of the cir-
9 cumstances that contain—

10 (A) a statement that the alien is in foster
11 care, otherwise lacks any parental or other fa-
12 miliar support, is homeless, or has a serious,
13 chronic disability, as appropriate;

14 (B) the name, address, and telephone num-
15 ber of the affiant; and

16 (C) the nature and duration of the rela-
17 tionship between the affiant and the alien.

18 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
19 ICAL EXPENSE.—To establish that the alien has debt
20 as a result of unreimbursed medical expenses, the
21 alien shall provide receipts or other documentation
22 from a medical provider that—

23 (A) bear the provider's name and address;

24 (B) bear the name of the individual receiv-
25 ing treatment; and

1 (C) document that the alien has accumu-
2 lated \$10,000 or more in debt in the past 12
3 months as a result of unreimbursed medical ex-
4 penses incurred by the alien or an immediate
5 family member of the alien.

6 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
7 HARDSHIP EXEMPTION.—To establish that an alien satis-
8 fies one of the criteria for the hardship exemption set forth
9 in section 5(a)(2)(A)(iii), the alien shall submit to the Sec-
10 retary at least 2 sworn affidavits from individuals who are
11 not related to the alien and who have direct knowledge
12 of the circumstances that warrant the exemption, that
13 contain—

14 (1) the name, address, and telephone number of
15 the affiant; and

16 (2) the nature and duration of the relationship
17 between the affiant and the alien.

18 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
19 UNIFORMED SERVICES.—To establish that an alien has
20 served in the Uniformed Services for at least 2 years and,
21 if discharged, received an honorable discharge, the alien
22 shall submit to the Secretary—

23 (1) a Department of Defense form DD-214;

24 (2) a National Guard Report of Separation and
25 Record of Service form 22;

1 (3) personnel records for such service from the
2 appropriate Uniformed Service; or

3 (4) health records from the appropriate Uni-
4 formed Service.

5 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

6 (1) IN GENERAL.—An alien may satisfy the em-
7 ployment requirement under section 5(a)(1)(C)(iii)
8 by submitting records that—

9 (A) establish compliance with such employ-
10 ment requirement; and

11 (B) have been maintained by the Social Se-
12 curity Administration, the Internal Revenue
13 Service, or any other Federal, State, or local
14 government agency.

15 (2) OTHER DOCUMENTS.—An alien who is un-
16 able to submit the records described in paragraph
17 (1) may satisfy the employment requirement by sub-
18 mitting at least 2 types of reliable documents that
19 provide evidence of employment, including—

20 (A) bank records;

21 (B) business records;

22 (C) employer records;

23 (D) records of a labor union, day labor
24 center, or organization that assists workers in
25 employment;

1 (E) sworn affidavits from individuals who
2 are not related to the alien and who have direct
3 knowledge of the alien's work, that contain—

4 (i) the name, address, and telephone
5 number of the affiant; and

6 (ii) the nature and duration of the re-
7 lationship between the affiant and the
8 alien; and

9 (F) remittance records.

10 (I) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-
11 UMENTS.—If the Secretary determines, after publication
12 in the Federal Register and an opportunity for public com-
13 ment, that any document or class of documents does not
14 reliably establish identity or that permanent resident sta-
15 tus on a conditional basis is being obtained fraudulently
16 to an unacceptable degree, the Secretary may prohibit or
17 restrict the use of such document or class of documents.

18 **SEC. 7. RULEMAKING.**

19 (a) INITIAL PUBLICATION.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 shall publish regulations implementing this Act in the
22 Federal Register. Such regulations shall allow eligible indi-
23 viduals to immediately apply affirmatively for the relief
24 available under section 3 without being placed in removal
25 proceedings.

1 (b) INTERIM REGULATIONS.—Notwithstanding sec-
2 tion 553 of title 5, United States Code, the regulations
3 published pursuant to subsection (a) shall be effective, on
4 an interim basis, immediately upon publication in the Fed-
5 eral Register, but may be subject to change and revision
6 after public notice and opportunity for a period of public
7 comment.

8 (c) FINAL REGULATIONS.—Not later than 180 days
9 after the date on which interim regulations are published
10 under this section, the Secretary shall publish final regula-
11 tions implementing this Act.

12 (d) PAPERWORK REDUCTION ACT.—The require-
13 ments under chapter 35 of title 44, United States Code,
14 (commonly known as the “Paperwork Reduction Act”)
15 shall not apply to any action to implement this Act.

16 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

17 (a) IN GENERAL.—The Secretary may not disclose
18 or use information provided in applications filed under this
19 Act or in requests for DACA for the purpose of immigra-
20 tion enforcement.

21 (b) REFERRALS PROHIBITED.—The Secretary may
22 not refer any individual who has been granted permanent
23 resident status on a conditional basis or who was granted
24 DACA to U.S. Immigration and Customs Enforcement,

1 U.S. Customs and Border Protection, or any designee of
2 either such entity.

3 (c) LIMITED EXCEPTION.—Notwithstanding sub-
4 sections (a) and (b), information provided in an applica-
5 tion for permanent resident status on a conditional basis
6 or a request for DACA may be shared with Federal secu-
7 rity and law enforcement agencies—

8 (1) for assistance in the consideration of an ap-
9 plication for permanent resident status on a condi-
10 tional basis;

11 (2) to identify or prevent fraudulent claims;

12 (3) for national security purposes; or

13 (4) for the investigation or prosecution of any
14 felony not related to immigration status.

15 (d) PENALTY.—Any person who knowingly uses, pub-
16 lishes, or permits information to be examined in violation
17 of this section shall be fined not more than \$10,000.

18 **SEC. 9. RESTORATION OF STATE OPTION TO DETERMINE**
19 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
20 **CATION BENEFITS.**

21 (a) IN GENERAL.—Section 505 of the Illegal Immi-
22 gration Reform and Immigrant Responsibility Act of 1996
23 (8 U.S.C. 1623) is repealed.

24 (b) EFFECTIVE DATE.—The repeal under subsection
25 (a) shall take effect as if included in the original enact-

1 ment of the Illegal Immigration Reform and Immigrant
2 Responsibility Act of 1996 (division C of Public Law 104–
3 208; 110 Stat. 3009–546).

○



CITY COUNCIL AGENDA – FEBRUARY 20, 2018

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: 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 was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

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

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

At its last meeting on February 6, 2018, 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. Twenty (20) residences within the city have been determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences given the State is expected to end its drought emergency funding. The State has committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has committed to continue the household tank program locally.

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

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

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

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

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

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

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new

connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

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

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019.

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

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

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

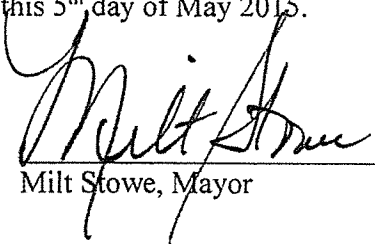
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

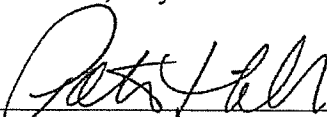
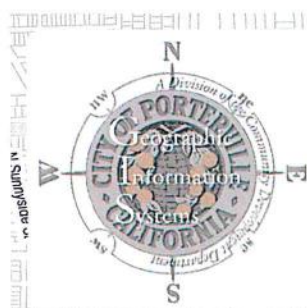

By: Patrice Hildreth, Chief Deputy City Clerk



EXHIBIT 'A'



East Porterville Project Boundary

Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 CityLimits
 UDB

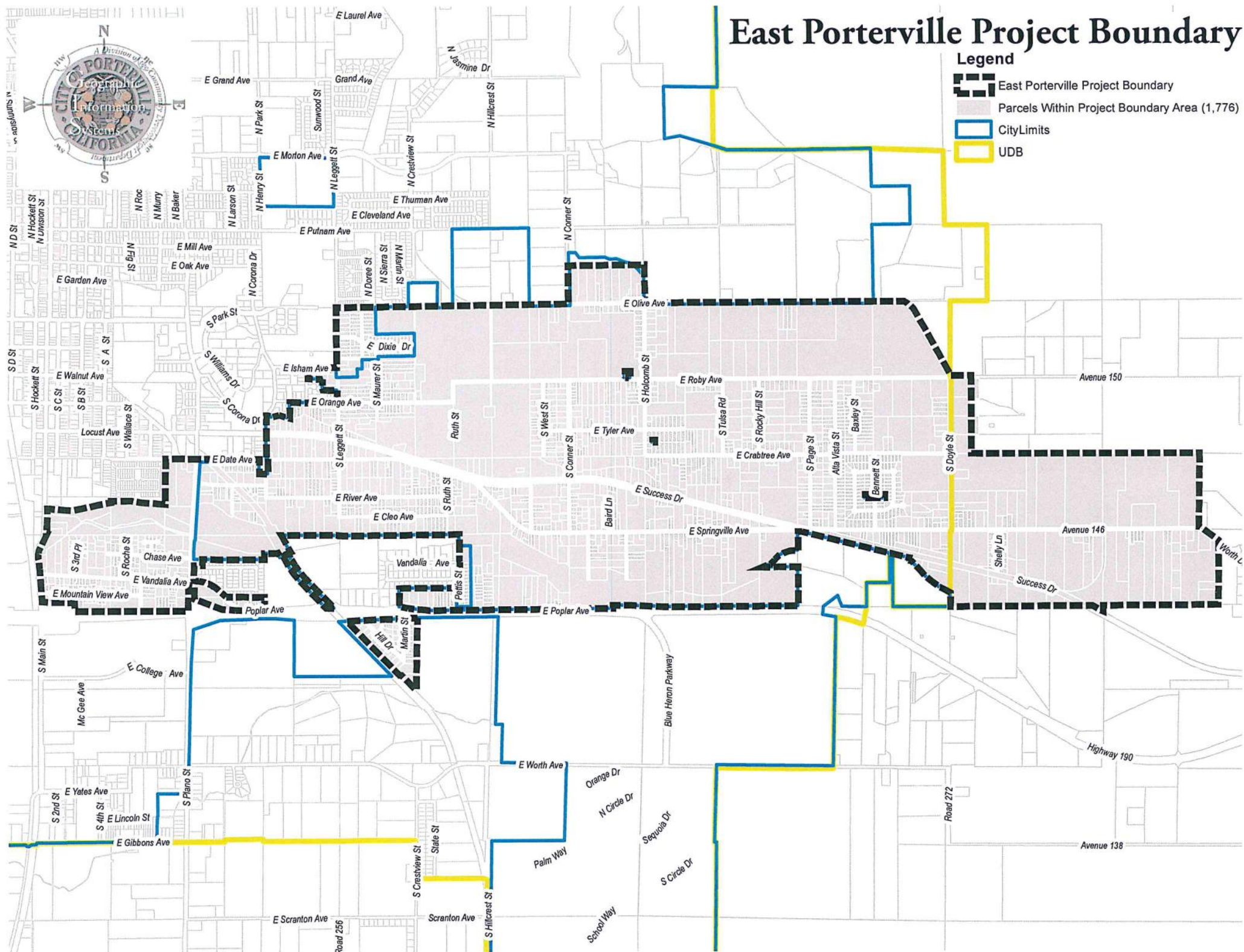
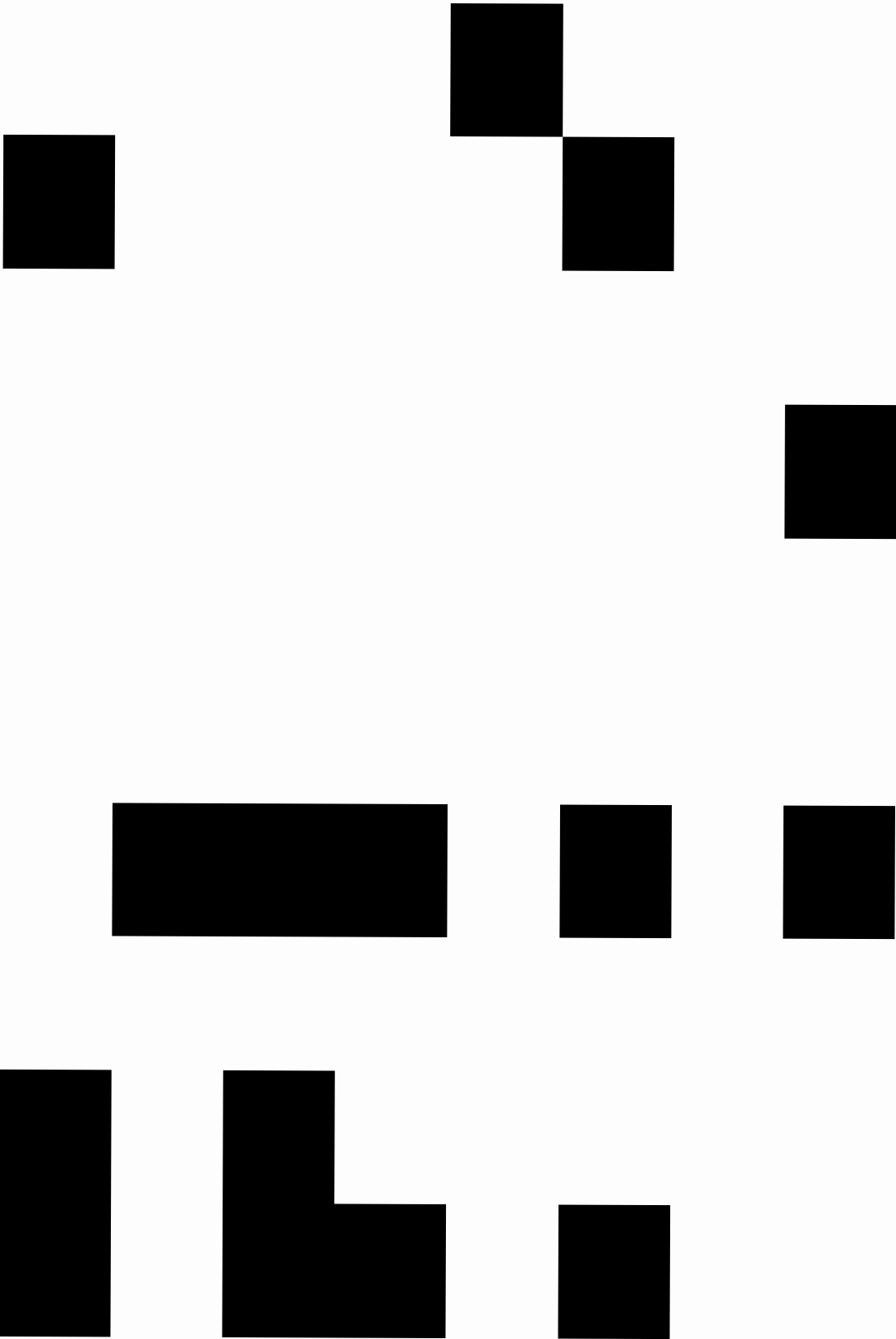
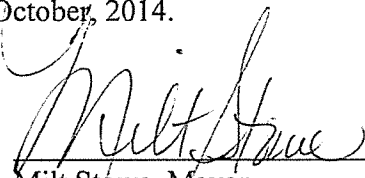


EXHIBIT 'B'



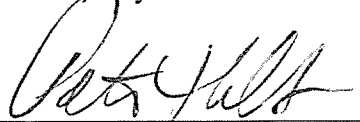
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, 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 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

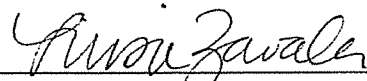
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, 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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction.

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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction specific to land use and zoning 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 cost.
 - 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 cost.
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 fund a fair share of 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 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 fund a fair share of 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 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

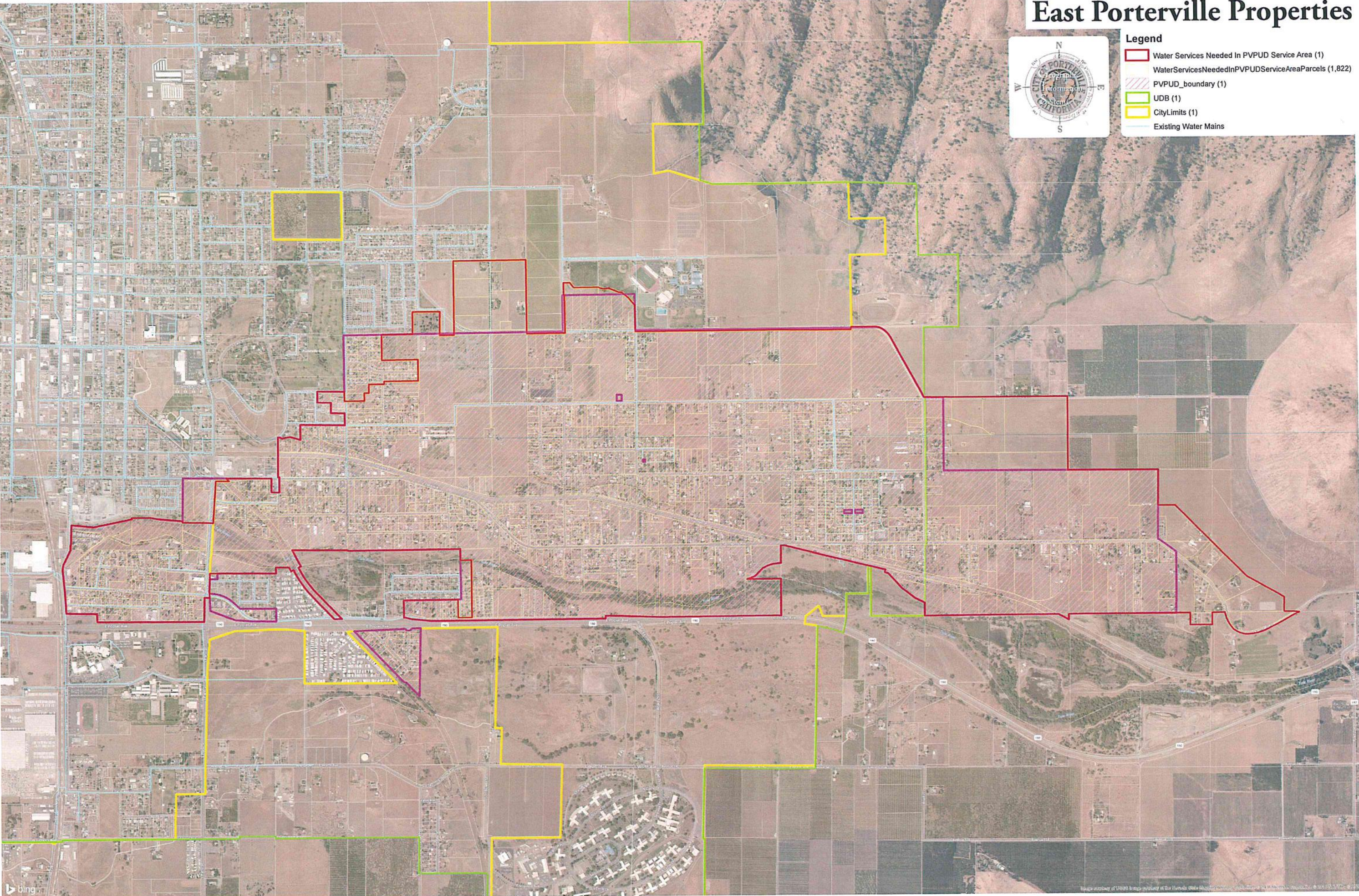
to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

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.

3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



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 19th day of April, 2016.

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:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

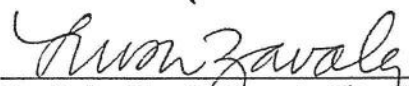

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.
3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.
4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.
5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.
6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.
7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.
8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

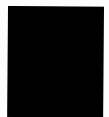
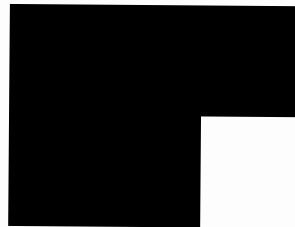
State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville





Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

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, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. 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.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to 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.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, 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, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply 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.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

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 of 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 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

