



CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
and 1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024
MAY 1, 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 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville Peace Officers Association; Public Safety Support Unit; Porterville City Employees Association; Management & Confidential Series; Fire Officers Series; Porterville City Firefighters Association; and Unrepresented Management Employees.
- 2 - Government Code Section 54956.95 – Liability Claim: Application to File Late Claim. Claimant: Carol Mills. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three (3) cases in which facts are not yet known to potential plaintiff.
- 4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

AB 1234 REPORTS

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

1. Tulare County Task Force on Homelessness - April 18, 2018
2. SJVAPCD Governing Board - April 19, 2018
3. Tulare County Association of Governments (TCAG) - April 23, 2018

REPORTS

This is the time for all staff informational items.

- I. Staff Informational Reports
 1. Report on Charitable Car Washes
 2. Code Enforcement 3rd Quarter Report
 3. City Commission and Committee Attendance Reports - 3rd Quarter FY 2017/18
 4. Porterville OHV Park 3rd Quarter FY 2017/2018
 5. Porterville Golf Course 3rd Quarter FY 2017/2018
 6. Building Permit Activity - 3rd Quarter FY 2017/18
 7. Street Performance Measure - 3rd Quarterly Report

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 or Scheduled Matters 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. **Award of Contract for the Orange Avenue and Henderson Avenue Rehabilitation Project**
Re: Considering award of a contract in the amount of \$1,453,501.58 to MAC General Engineering for the project consisting of the rehabilitation of Orange Avenue from Main Street to Plano Street and Henderson Avenue from Newcomb Street to Patsy Street; authorization to appropriate additional Local Transportation Funds in the amount of \$105,944.12; and authorization to negotiate construction surveying services.
2. **Acceptance of Project - Garden Avenue Pedestrian Walkway Project**
Re: Considering acceptance of a project from DOD Construction, and authorizing the filing of the Notice of Completion for the project consisting of the installation of a stamped concrete, curb ramps, parkway trees, nostalgic lights, and parkway trees along Garden Avenue from Main Street to Fig Street.
3. **Emergency Consideration of Contractor's Notice to Terminate Weed Abatement Contract and Negotiate Emergency Contract for the Remainder of 2018**
Re: Considering approval to initiate negotiations with, and secure emergency weed abatement services with Joe Grijalva Landscaping, in an amount not to exceed \$115.00 per

hour with a minimum of one (1) hour for diskings and \$38.50 per man hour with a minimum of two (2) hours for handwork.

4. Renewal of HR Test Rental and Use Agreement Between City of Porterville and CPS HR Consulting

Re: Renewing the Test Security Agreement with CPS HR consulting for the utilization of written examinations for use in the City's recruitment process.

5. Approval of Modification of Concession License

Re: Approving Licensee name change from SM Transit to Valley Paradigm Corporation in the Concession License Agreement for Murry Park Pool approved on March 20, 2018.

6. Authorize the Library to Pilot a Fine Forgiveness Program For Children and Teens

Re: Considering approval of a pilot fine forgiveness program for children and teens from June 1 through August 31, 2018.

7. Consideration of an Extension of Time for the Cottage Estates Tentative Subdivision Map

Re: Considering approval of a resolution to allow a 24-month extension of time for the Cottage Estates Subdivision Map for a proposed subdivision to be located at the Northwest corner of Westfield Avenue and Villa Street.

8. Update to the Local Guidelines for Implementing the California Environmental Quality Act

Re: Considering approval of a resolution amending the local guidelines for implementing the California Environmental Quality Act.

9. Approval of a Resolution in Support of SB 5: Parks and Water Bond Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

Re: Considering approval of a resolution supporting Senate Bill 5, a \$4 billion bond on the June 2018 statewide ballot for parks, water, and climate and environmental programs.

10. Quarterly Portfolio Summary

Re: Considering acceptance of the quarterly Portfolio Summary report reflecting the investment portfolio of the City as of March 31, 2018.

11. Interim Financial Status Reports

Re: Acceptance of the interim financial status reports for the third fiscal quarter ended March 31, 2018

12. Status and Review of Declaration of Local Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

13. Continued Public Hearing to Consider Modification No. 1 to Conditional Use Permit 4-97 for the Cellar Steak House

Re: Continued Public Hearing to consider a resolution approving a modification to the Conditional Use Permit to extend hours of operation and allow for entertainment and dancing at The Cellar Restaurant at 244 N. Main Street.

- 14. Consideration of General Plan Amendment and Zone Change for Burton School District Non-Educational Facility**
Re: Consideration of a General Plan amendment and zone change for the 1.5 acre site located at 2440 W. Henderson Avenue.
- 15. Consideration of a Conditional Use Permit for Temple of Praise Religious Facility**
Re: Consideration of a resolution approving the establishment of The Temple of Praise Christian Fellowship Church located at 22213 Ave. 152 in the RM-3 Zone District.
- 16. Public Hearing to Consider Ordinance Establishing By-District Elections and Adoption of Map**
Re: Consideration of an Ordinance to establish By-District elections and adopting District Map.

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any item scheduled for Scheduled Matters. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

SCHEDULED MATTERS

- 17. Consideration of a Resolution of Support for the Federal Lawsuit Against the State of California Concerning Senate Bill 54**
Re: Considering approval of a resolution supporting the Federal lawsuit against the State of California concerning Senate Bill 54.

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 May 8, 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 – MAY 1, 2018

SUBJECT: 1. Report on Charitable Car Washes

SOURCE: Finance

COMMENT: In accordance with City Council direction, staff is providing a report on charitable car wash permits issued during the year. Article VI, Section 15-130 of the City Code allows up to four car washes by a charitable organization in a calendar year.

For the period of January 1 to March 31, 2018, there were no charitable car wash applications received or permits issued.

RECOMMENDATION: Information only.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 2. Code Enforcement 3rd Quarter Report

SOURCE: Fire

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between January 1 and March 31, 2018. During this 3rd quarter of fiscal year 2017/2018, each department of the City contributed toward recording 461 code enforcement issues. Of these, 337 were corrected and 124 were continued into the 4th quarter of 2017/2018 for additional corrective action. The Code Enforcement Division issued 8 Administrative Citations.

In addition, with the new part time Code Enforcement officers being hired, approximately 30 additional complaints that pre-date this quarter for recreational vehicle storage have been assigned and 23 have been resolved and closed. There were 27 inoperable vehicle complaints that pre-date this quarter that have been assigned and are in the notification process for removal.

RECOMMENDATION: Information only.

ATTACHMENTS: 1. Code Enforcement FY 17-18 Q3

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Code Enforcement Report, Quarter 3, FY 17-18

Q2 Code Enforcement Activity	# Requests	# Completed	% Closed
Abandoned Vehicle (Street)	10	8	80.00%
Animals- barking dogs	10	10	100.00%
Animals- keeping too many or unauthorized species	5	4	80.00%
Animals- roosters	4	4	100.00%
Anonymous Crime Tip	11	6	54.55%
Building Department/ Permits	16	5	31.25%
Business License Inquiries	1	0	0.00%
Can Replacement / Repair	6	5	83.33%
CEO, Building permit check	1	1	100.00%
CEO, Sign Removal	35	35	100.00%
Charitable Car Wash	1	1	100.00%
Code Enforcement, General	11	10	90.91%
Community Development, General or MULTIPLE violations	7	0	0.00%
Engineering	12	6	50.00%
Fences and freestanding walls	1	0	0.00%
Garbage Collection/ Illegal Dumping	17	14	82.35%
Health Hazard	10	3	30.00%
Housing Issue (Structure Related)	3	1	33.33%
Itinerant Vendor, Solicitor, Peddler	22	22	100.00%
Landscaping/trees- private property	5	1	20.00%
Meter Request	65	53	81.54%
Neglected property/trash & debris	19	3	15.79%
Outdoor Storage	4	0	0.00%
Parking Issue	2	2	100.00%
Parks	10	10	100.00%
Police/ Traffic Enforcement	15	14	93.33%
Potholes	25	25	100.00%
Report Leak	6	6	100.00%
Sheds or second units	1	0	0.00%
Sidewalk Condition	11	3	27.27%
Signs- illegal/prohibited	3	0	0.00%
Signs- other	1	1	100.00%
Signs- political	1	0	0.00%
Signs- temporary commercial	1	1	100.00%
Stop Light Issue	5	5	100.00%
Storm Water	1	1	100.00%
Street Light Issue	17	12	70.59%
Street Sweeping	3	3	100.00%
Vehicles- cars for sale	1	1	100.00%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	58	16	6		\$8,000
\$200	5	3	2		\$2,000
\$500	11	6	0		\$8,500
\$1,000	7	3	0		\$10,000
\$1,500	14	4	0		\$27,000
FY 17-18 Total Assesment					\$55,500

Medical Cannabis	Q1	Q2	Q3	Q4	Total
Approved Permits	0	0	0		0
Permits passing inspection	62	0	0		62
Permits Pending Inspection	1	0	21		22
NOV's	0	0	0		0
Admin Citations	13	1	0		14

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	66	5	1670		1741
Completed by Owner	52	3	1		56
Assigned to Contractor (private)	5	1	0		6
Assigned to Contractor (city owned)	0	0	0		0
Completed by Contractor	5	1	0		6
Admin Citations	30	3	0		33

Code Enforcement Report, Quarter 3, FY 17-18

Vehicles- inoperable vehicles	21	9	42.86%
Vehicles- RVs/boats/etc	10	2	20.00%
Water Waste	8	8	100.00%
Water Waste Admin Cite	6	6	100.00%
Water Waste NOV	24	23	95.83%
Weed Abatement	1	1	100.00%
Yard Sale Signage	7	7	100.00%
Yard Sales, Frequent	5	5	100.00%
Q3 Total	461	337	73.10%



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 3. City Commission and Committee Attendance Reports - 3rd Quarter FY 2017/18

SOURCE: Administrative Services

COMMENT: Staff herein provides for Council's information attendance reports as of the 3rd Quarter FY 2017/18 for the following City Commissions and Committees:

- Parks & Leisure Services Commission
- Library & Literacy Commission
- Arts Commission
- Animal Control Commission
- Transactions and Use Tax (Measure H) Oversight Committee
- CDBG Advisory & Housing Opportunity Committee

RECOMMENDATION: Informational report only.

ATTACHMENTS:

1. P&L Attendance
2. Library & Literacy Attendance
3. Arts Commission
4. Animal Control Commission
5. TUTOC Attendance
6. CDBG Citizens' Advisory

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

PARKS & LEISURE SERVICES COMMISSION
ATTENDANCE RECORDS

As of March 31, 2018

Parks & Leisure Services Commissioner's Record of Attendance

	2017 July	2017 Aug	2017 Sept	2017 Oct	2017 Nov	2017 Dec	2018 Jan	2018 Feb	2018 Mar	2018 Apr	2018 May	2018 June	
		3	7	4	1	6							
Rocco Calantone	**	P	P	P	P	P	P	P	A				
Monte Moore	**	P	P	P	Term Expired 10/17								
Leticia Lupio-Devine	**	P	A	P	Term Expired 10/17								
Rick Vafeades	**	P	P	P	Term Expired 10/17								
Richard Rankin	**	P	P	P	P	P	P	P	P				
Rachel Lucero	**	A	A	P	P	A	A	A	P				
Carrol Land	**	P	P	P	P	P	P	P	P				
Phillip Duncan	Appointed 10/17				P	P	P	P	P				
Diane Graybehl	Appointed 10/17				A	P	P	P	P				
Kieran Daly	Appointed 10/17				P	P	P	P	P				

**No meeting held.

* Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2016 Jul	2016 Aug	2016 Sep	2016 Oct	2016 Nov	2016 Dec	2017 Jan	2017 Feb	2017 Mar	2017 Apr	2017 May	2017 Jun	
	7	11	1	6	3	8	5	2	2	6	4	1	
Rocco Calantone	**	P	E	P	P	P	P	E	E	P	P	**	FT Exp 10/19
Monte Moore	**	E	P	P	P	P	P	P	P	P	E	**	FT Exp 10/17
Leticia Lupio-Devine	**	P	E	P	P	P	E	P	P	P	P	**	FT Exp 10/17
Rick Vafeades	**	P	P	P	P	E	E	P	P	P	P	**	FT Exp 10/17
Richard Rankin	**	P	P	P	P	P	P	P	P	E	P	**	PUSD Rep.
Carroll Land	**	E	E	P	P	P	P	P	P	P	P	**	FT Exp 10/19
Rachel Lucero	**	P	P	E	P	P	A	P	P	P	P	**	FT Exp 10/19
Shannon Bennett	**	A	Resigned										

**No meeting held.

* Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2015 Jul	2015 Aug	2015 Sep	2015 Oct	2015 Nov	2015 Dec	2016 Jan	2016 Feb	2016 Mar	2016 Apr	2016 May	2016 Jun	
	2	6	3	1	5	3	7	4	3	7	5	2	
Rocco Calantone	**	P	P	E	P	P	P	P	*	P	E	**	FT Exp 10/19
Monte Moore	**	P	P	P	P	P	P	P	*	P	P	**	FT Exp 10/17
Leticia Lupio	**	P	P	A	P	P	P	P	*	P	P	**	FT Exp 10/17
Rick Vafeades	**	E	P	P	P	P	P	P	*	P	P	**	FT Exp 10/17
Richard Rankin	**	P	P	P	P	P	E	E	*	P	P	**	PUSD Rep.
Carroll Land	**	P	E	T	P	P	P	P	*	P	P	**	FT Exp 10/19
Shannon Bennett	**	P	A	P	E	P	P	P	*	E	E	**	FT Exp 10/17
Rachel Lucero	**	P	P	P	P	P	P	P	*	P	P	**	FT Exp 10/19
Totals	N/A	7	6	6	7	8	7	7		7	6		

**No meeting held.

* Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

LIBRARY & LITERACY COMMISSION - Attendance Record

As of: March 31, 2018

P = Present; A = Absent; E = Excused absence; T = Tardy

 = Summer Hiatus

	2017 July	2017 Aug 8	2017 Sept 12	2017 Oct 10	2017 Nov 14	2017 Dec 12	2018 Jan 9	2018 Feb 13	2018 Mar 13	2018 Apr 10	
Catherine May		A	P	P	P	P	P	P	P		
Allan Bailey		P	P	P	P	P	P	P	P		
Esther Figueroa		P	P	P	P	P	P	P	P		
Tamara Bishop-Mitchell		P	P	P	P	P	P	P	P		
Edith La Vonne		P	P	P	E	E	P	P	P		
Jennifer Biagio		P	E	E	E	A	P	E	E		
Patience Christenson		A	P	P	P	E	P	P	P		

	2016 Sept 13	2016 Oct 11	2016 Nov 8	2016 Dec 13	2017 Jan 10	2017 Feb 14	2017 Mar 14	2017 April 11	2017 May 9	2017 June 9	
Catherine May	P	P	P	P	P	P	P	P	P		Re-appt. 10/16
Allan Bailey	P	P	P	P	P	P	P	P	P		Re-appt. 10/15
Esther Figueroa	P	P	P	P	P	P	P	E	P		Re-appt. 10/15
Tamara Bishop-Mitchell	E	E	P	P	P	E	P	P	P		Re-appt. 10/16
Edith La Vonne	T	P	P	E	E	P	P	P	P		Re-appt. 10/15
Jennifer Biagio	P	P	P	P	P	E	E	E	E		Re-appt. 10/16
Patience Christenson	E	P	P	P	P	P	P	P	E		Re-appt. 10/15

	2015 Nov 10	2015 Dec 8	2016 Jan 12	2016 Feb 9	2016 Mar 8	2016 Apr 12	2016 May 10	2016 June 10	2016 July 10	2016 Aug 9	
Catherine May	P	P	P	P	P	P	E			P	Re-appt. 10/13
Allan Bailey	P	P	P	P	P	P	P			P	Re-appt. 10/15
Esther Figueroa	P	P	P	P	P	P	P			P	Re-appt. 10/15
Tamara Bishop	P	P	P	P	P	T	P			P	Re-appt. 10/13
Edith La Vonne	E	P	P	P	P	P	P			P	Re-appt. 10/15
Jennifer Biagio	E	E	P	E	P	P	P			E	Appt. 10/13
Patience Christenson	P	P	P	P	E	E	E			P	Re-appt. 10/15

	2015 Jan 13	2015 Feb 10	2015 Mar 10	2015 Apr 8	2015 May 12	2015 June 12	2015 July 12	2015 Aug 11	2015 Sept 8	2015 Oct 13	
Catherine May	P	P	P	P	P			P	P	P	Re-appt. 10/13
Allan Bailey	P	P	P	P	P			P	P	P	Re-appt. 10/15
Esther Figueroa	P	P	P	E	P			P	P	P	Re-appt. 10/15
Tamara Bishop	P	P	P	P	P			P	P	E	Re-appt. 10/13
Edith La Vonne	P	P	P	P	P			P	E	P	Re-appt. 10/15
Jennifer Biagio	A	E	P	P	E			P	E	E	Appt. 10/13
Patience Christenson	E	E	P	P	E			P	P	E	Re-appt. 10/15

**Arts Commission
Attendance Records**

As of: March 31, 2018

	2017 27-Sep	2017 25-Oct	2017 #####	2017 13-Dec	2018 17-Jan	2018 28-Feb	2018 28-Mar*	2018 25-Apr	
Donna Serna	P	P	*	P	P	*	A		
Mariza Serrano	P	P	*	P	P	*	P		
Dalia Gonzalez	P	P	*	A	P	*	P		
Nilsa Cubiascanas	P	P	*	P	P	*	P		Apptd 9/2017 thru 7/2019
Kyree Perkins	P	P	*	A	P	*	A		Apptd 9/2017 thru 7/2019
Emily Luna		P	*	A	P	*	A		Apptd 10/2017 thru 7/2019

* No meeting due to lack of quorum.

At the Dec. 13 meeting, discussion only took place as there was not a quorum.

	2017 26-Apr	2017 24-May	2017 28-Jun	2017	2017	2017	2017	2017	
Deana Worthington	*	*	*	Term expired.					
Joan Givan	*	*	*	Term expired.					
Judith Holloway	*	*	*	Term expired.					
Mel Gosage	*	*	*	Term expired.					
Donna Serna	*	*	*	*	*	*	*	*	Reappted 7/18/17
Hector Marquez	*	*	*	Term expired.					
Mariza Serrano	Appted 7/18/17			*	*	*	*	*	Appted to 3-yr term.
Dalia Gonzalez	Appted 7/18/17			*	*	*	*	*	Appted to 1-yr youth term.

* No meeting due to lack of quorum.

	2016 24-Aug	2016 14-Sep	2016 26-Oct	2016 23-Nov	2016 28-Dec	2017 25-Jan	2017 22-Feb	2017 22-Mar	
Deana Worthington	P	P	*	*	*	*	*	P	
Joan Givan	P	P	*	*	*	*	*	P	
Judith Holloway	P	P	*	*	*	*	*	P	
Mel Gosage	A	P	*	*	*	*	*	A	
Donna Serna	P	P	*	*	*	*	*	P	
Hector Marquez	A	A	*	*	*	*	*	A	
Vacant									

* No meeting due to lack of quorum.

	2015 16-Dec	2016 28-Jan	2016 24-Feb	2016 16-Mar	2016 20-Apr	2016 25-May	2016 22-Jun	2016 20-Jul	
Deana Worthington	P	*	P	P	*	P	P	P	
Joan Givan	P	*	P	P	*	P	A	P	
Judith Holloway	P	*	A	A	*	P	P	P	
Mel Gosage	P	*	P	P	*	A	P	P	
Donna Serna						P	P	A	
Hector Marquez						A	A	A	
Vacant									

* No meeting due to lack of quorum.

**Animal Control Commission
Attendance Records**

As of: March 31, 2018

	2017 11-Sep	2017 9-Oct	2017 13-Nov	2017 11-Dec	2018 8-Jan	2018 12-Feb	2018 12-Mar	Notes:
Daniel Penaloza	P	P	*	*	P	*	*	
Florenza Pizanis	P	P	*	*	P	*	*	
Maritza Altamirano	P							
Gabriel Castaneda	P	P	*	*	P			

*Meeting cancelled due to lack of quorum.

	2017 13-Feb	2017 13-Mar	2017 10-Apr	2017 8-May	2017 12-Jun	2017 10-Jul	2017 14-Aug	Notes:
Margaret Land	P	P	P	P				Resigned.
Daniel Penaloza	A	P	A	P	*	P	A	
Florenza Pizanis	P	P	P	P	*	P	P	
Maritza Altamirano	P	P	P	P	*	P	P	
Richard Stadtherr	P							Appointment rescinded 2/21
Gabriel Castaneda						P	P	Apptd July 2017.

*Meeting cancelled due to lack of quorum.

	2016 11-Jul	2016 8-Aug	2016 9-Sep	2016 10-Oct	2016 14-Nov	2016 12-Dec	2017 9-Jan	Notes:
Margaret Land	A	P	P	P	P	P	P	
Daniel Penaloza	P	P	P	P	A	P	P	
Florenza Pizanis	P	P	P	P	P	P	P	
Maritza Altamirano	P	P	P	P	P	P	P	
Richard Stadtherr	P	P	P	P	P	P	P	

	2016 7-Mar	2016 4-Apr	2016 18-Apr	2016 12-May	2016 16-May	2016 6-Jun	2016 20-Jun	Notes:
Maureen Hamilton	A	A	*	A	*	*	*	Resigned 05/16.
Margaret Land	P	P	*	P	*	*	*	
Debbie Arthur	P	P	*	P	*	*	*	Resigned 05/16.
Melanie Huerta	P	P	*	P	*	*	*	Resigned 05/16.
Daniel Penaloza		P	*	P	*	*	*	

*Meeting cancelled due to lack of quorum.

	2015 27-Oct	2015 2-Nov	2015 7-Dec	2016 4-Jan	2016 18-Jan	2016 1-Feb	2016 22-Feb	Notes:
Maureen Hamilton	P	E	P	P	A	A	*	
Margaret Land	P	P	A	P	P	P	*	
Debbie Arthur	P	P	P	P	P	P	*	
Shawn Schwartzenberger	P	P	P	P	P	P	*	
Melanie Huerta			P	P	P	P	*	Appointed 11/17/15

**Transactions and Use Tax Oversight Committee
Attendance Records**

As of: March 31, 2018

	2017 28-Feb	2017 23-May	2017 29-Aug	2017 14-Nov	2018 Feb 13*			
John Simonich	P	A	A	P	P			
Margaret Stinson	P	P	P	P	A			
Kathleen "Kat" Harris	P	P	P	P	A			
Russell "Buck" Fletcher	P	A	P	A	A			
Titus Moore								Resigned
Richard Stadtherr								Appointment rescinded 2/21
John Angell	P	P	A	P	A			Appointed 2/7
Mike Boudreaux Sr.	P	P	P	P	P			Appointed 2/7
Jerry Claborn	P	P	P	P	P			Appointed 2/7
Virginia Gurrola	P	P	P	P	P			Appointed 2/21
John Billiou			A	A	A			Appointed 7/17

* No meeting was held due to lack of quorum.

	2015 8-Oct	2015 18-Nov	2016 11-Feb	2016 12-May	2016 30-Jun	2016 25-Aug	2016 22-Nov	
Khris Saleh	A	A	A	**	Term ended			
John Simonich	P	A	P	**	P	P		
Raheel Mann	A	A	A	**	Resigned			
Gail Lemmen	P	P	P	**	Term ended			
Margaret Stinson	P	P	P	**	P	P		
Janet Meister	P	P	A	**	Term ended			
Kathleen "Kat" Harris	P	P	P	**	P	P		
Russell "Buck" Fletcher	P	P	P	**	P	P		
Salvador Estrada, Jr.	P	A	P	**	Term ended			
Titus Moore					P	P		
Richard Stadtherr					P	A		

	2014 7-Aug	2014 22-Oct	2014 12-Nov	2015 14-Jan	2015 11-Feb	2015 6-May	2015 25-Jun	
Khris Saleh	A	P	P	P	P	P	A	
John Simonich	P	P	A	A	P	P	P	
Raheel Mann	P	P	A	A	P	A	A	
Gail Lemmen	P	P	P	P	P	P	P	
Margaret Stinson	P	P	P	P	P	P	P	
Janet Meister	P	A	P	A	P	P	P	
Bill Nebeker	A	A	Resigned effective 10/30/14					
Kathleen "Kat" Harris	P	P	P	P	A	P	P	
Russell "Buck" Fletcher	P	P	P	P	P	P	P	
Salvador Estrada, Jr.	A	P	P	P	P	P	P	

** No meeting held due to lack of quorum.

	2013** 23-May	2013** 30-May	2013 13-Jun	2013 8-Aug	2013 7-Nov	2014 13-Mar	2014 1-May	
Gary Mekeel	-	-	A	A	Resigned effective 8/13/13			
Khris Saleh	-	-	A	P	P	A	P	Apptd 04/2010 thru 05/2012
Charles Webber	-	-	P	Resigned effective 6/30/13				
John Simonich	-	-	A	P	P	P	P	Apptd. 01/2011 thru 05/2014.
Michael MacDonald	-	-	P	P	P	P	P	Apptd 01/2011 thru 05/2014.
Gail Lemmen	-	-	P	P	P	P	A	Apptd 09/2010 thru 05/2012.
John Dennis	-	-	P	P	P	P		Resigned 3/2014.
Margaret Stinson	-	-	P	A	P	P	A	Apptd 05/2012.
Janet Meister	-	-	P	P	P	P	P	Apptd 08/2012.
Bill Nebeker	-	-	A	P	P	P	A	Apptd. 02/12.
Kathleen "Kat" Harris	Appt. 6/30/13			P	P	P	A	
Russell "Buck" Fletcher	Appt. 8/2013				P	P	P	

** No meeting held due to lack of quorum.

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Records**

As of: March 31, 2018

Committee Member	Reg. Mtg 4/27/2015	Reg. Mtg 3/28/2016	Reg. Mtg 3/1/2017	Reg. Mtg 2/28/2018	Reg. Mtg
Pat Contreras	P	A	P	P	
Linda Mendez	P	A	P	P	
Grace Munoz-Rios	P	P	P	P	
Doug Heusdens	P	P	P	P	
Rebecca Vigil	P	P	A	P	
Kelle Jo Lowe	P	P	P	P	
Maria Gonzalez	P	A	P	P	

Committee Member	Year Originally Appointed	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013	Reg. Mtg 3/10/2014
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	A
Doug Heusdens	2012	N/A	P	P	P
John Dennis	1998	P	P	A	P
Rebecca Vigil	2008	P	P	A	P
Kelle Jo Lowe	2009	P	P	P	P

This Committee typically meets on an annual basis in March.



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 4. Porterville OHV Park 3rd Quarter FY 2017/2018

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville OHV Park for informational purposes. The report reflects the Third Quarter FY 2017/18.

RECOMMENDATION: Information only

ATTACHMENTS: 1. Porterville OHV 3rd Qtr. Ridership

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Porterville OHV Ridership

		Jan.17	Jan.18		Feb. 17	Feb. 18		Mar. 17	Mar. 18
Riders		0	164		36	208		23	99
Revenue		\$ -	\$2,744.00		\$ 704.00	\$3,993.00		\$ 412.00	\$1,810.00
Days Open		0	9		4	9		2	12



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 5. Porterville Golf Course 3rd Quarter FY 2017/2018

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville Golf Course for informational purposes. The report reflects the Third Quarter FY 2017/18.

RECOMMENDATION: Information only.

ATTACHMENTS: 1. Golf Stats 3rd Qtr

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Jan-17	Jan-18	Feb-17	Feb-18	Mar-17	Mar-18
Golfers	1044	1352	1157	1435	1878	1484
Repeat 9/Twilight	232	475	270	466	540	545
Tickets Used	551	596	512	620	791	619
Passes Sold	48	42	37	57	60	28
Carts	273	622	290	686	640	772
Total	\$10,190.00	\$12,354.00	\$10,351.00	\$14,936.00	\$17,483.00	\$12,853.00

FOOTGOLF

	Jan-17	Jan-18	Feb-17	Feb-17	Mar-17	Mar-18
18-hole adult	0	0	7	0	0	0
18-hole youth	0	0	17	10	15	15
Cart rental	0	0	0	0	1	0
Ball rental	0	0	1	0	0	0
Party	0	0	0	0	0	0
Total	\$ -	\$ -	\$ 98.00	\$ 50.00	\$ 93.00	\$ 75.00

GRAND TOTAL	\$10,190.00	\$12,354.00	\$10,449.00	\$14,986.00	\$17,576.00	\$12,928.00
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- * **Repeat 9:** Additional 9 rounds after first 9
- * **Twilight:** Afternoon discount rate
- * **Tickets:** Surcharge with monthly play pass \$1.00 9-hole, \$2.00 18-hole
- * **Passes:** Monthly Passes sold

Special Events and Clinics

- President's Day Kids play free promotion brought in 17 players over the weekend.
- During the Kids Play Free Easter promotion 33 players came out to take advantage of the promotion.



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 6. Building Permit Activity - 3rd Quarter FY 2017/18

SOURCE: Public Works

COMMENT: Building Permit Activity – 3rd Quarter Report (January, February, March)

The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of January, February and March, 2018. The two main categories include new residential permits issued and new commercial permits issued.

3rd Quarter of FY 2017/2018 compared to 3rd Quarter of FY 2016/2017
New residential permits issued during the 3rd quarter of 2017 (16) are up 100% from the 3rd quarter of 2016 (8). New commercial permits issued during the 3rd quarter of 2017 (0) are down 100% from the 3rd quarter of 2016 (5).

Year-to-Date (July 2017 to March 2018)
New residential permits issued this fiscal year (45) are up 105% compared to the same period last fiscal year (22). New commercial permits issued this fiscal year (2) are down 78% as compared to the same period last fiscal year (9).

RECOMMENDATION: Informational item.

ATTACHMENTS:

1. Building Activity - January 2018
2. Building Activity - February 2018
3. Building Activity - March 2018

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2016 - 1/31/2017 AND
7/1/2017 - 1/31/2018**

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JANUARY 2018	JANUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	JANUARY 2018	JANUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	JANUARY 2018	JANUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	3	1	32	15	638,125	187,984	7,756,745	3,621,316	6,460	1,914	81,169	33,325
NEW COMM	0	2	2	6	0	1,315,000	2,625,000	5,000,500	0	10,568	15,596	35,377
RESID IMPROV	15	8	85	99	348,979	135,140	1,412,565	1,078,326	6,415	2,426	30,538	35,993
COMM RESID	2	7	34	34	23,500	456,205	1,638,191	3,338,226	296	8,815	32,988	37,621
OTHER	20	24	179	181	358,795	181,536	2,034,395	1,623,724	4,912	4,455	35,850	35,531
ELECT	17	25	136	241	2,331,785	260,417	4,195,311	3,770,254	3,491	4,200	25,718	47,129
PLUMB	31	42	253	266	0	5,450	25,600	8,560	4,592	4,691	37,223	34,951
TOTALS	88	109	721	842	3,701,184	2,541,732	19,687,807	18,440,906	26,166	37,069	259,082	259,926

	NEW DWELLING UNITS TOTALS			
	JANUARY 2018	JANUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	3	1	31	15
TOTAL	3	1	31	15



CHIEF BUILDING OFFICIAL

**CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2016 - 2/28/2017 AND
7/1/2017 - 2/28/2018**

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	FEBRUARY 2018	FEBRUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	FEBRUARY 2018	FEBRUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	FEBRUARY 2018	FEBRUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	7	2	39	17	2,230,123	376,412	9,986,868	3,997,728	17,602	4,462	98,770	37,787
NEW COMM	0	1	2	7	0	290,000	2,625,000	5,290,500	0	5,269	15,596	40,646
RESID IMPROV	8	11	93	110	177,300	71,544	1,589,865	1,149,870	4,907	3,602	35,445	39,595
COMM RESID	3	8	37	42	615,000	1,083,400	2,253,191	4,421,626	3,033	9,423	36,021	47,043
OTHER	25	19	204	200	177,988	232,571	2,212,383	1,856,295	4,440	3,972	40,290	39,503
ELECT	14	27	150	268	163,502	515,553	4,358,813	4,285,807	2,441	5,542	28,159	52,671
PLUMB	28	35	281	301	0	4,000	25,600	12,560	5,033	4,384	42,256	39,335
TOTALS	85	103	806	945	3,363,913	2,573,480	23,051,720	21,014,386	37,456	36,653	296,537	296,579

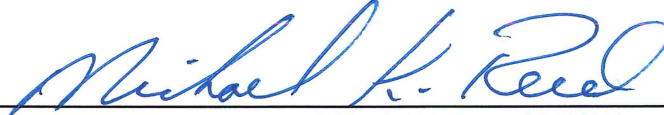
	NEW DWELLING UNITS TOTALS			
	FEBRUARY 2018	FEBRUARY 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	7	2	38	17
TOTAL	7	2	38	17


 CHIEF BUILDING OFFICIAL

**CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2016 - 3/31/2017 AND
7/1/2017 - 3/31/2018**

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	MARCH 2018	MARCH 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2018	MARCH 2017	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2018	MARCH 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	6	5	45	22	1,688,594	1,041,954	11,675,462	5,039,682	14,622	10,492	113,393	48,279
NEW COMM	0	2	2	9	0	1,750,000	2,625,000	7,040,500	0	12,245	15,596	52,891
RESID IMPROV	10	24	103	134	208,910	269,563	1,798,775	1,419,433	4,909	9,359	40,354	48,955
COMM RESID	1	4	38	46	800	404,000	2,253,991	4,825,626	279	2,346	36,300	49,389
OTHER	21	20	225	220	386,480	117,199	2,598,863	1,973,494	4,851	3,434	45,141	42,937
ELECT	14	33	164	301	185,738	335,031	4,544,551	4,620,838	2,578	6,002	30,737	58,673
PLUMB	23	30	304	331	0	0	25,600	12,560	3,012	3,392	45,268	42,727
TOTALS	75	118	881	1,063	2,470,522	3,917,747	25,522,242	24,932,133	30,251	47,270	326,789	343,850

	NEW DWELLING UNITS TOTALS			
	MARCH 2018	MARCH 2017	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	6	5	44	22
TOTAL	6	5	44	22


 CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: 7. Street Performance Measure - 3rd Quarterly Report

SOURCE: Public Works

COMMENT: The purpose of this staff report is to provide Council with an update on progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the 3rd quarter (January, February, March) of FY 2017/2018. For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category for the fiscal year. The black overlaid bar represents the quantity of work accomplished to date.

City street crews have focused mainly on pothole repairs and crack sealing efforts during this 3rd quarter reporting period. The crews are now in the process of transitioning into the local road overlay program, and staff will be reporting on that progress during the next quarterly report. Major reconstruction of Henderson Avenue is still pending final design after peer review of a soils engineer and is scheduled to be awarded during the summer of 18/19 fiscal year.

The first phase of Plano Street Micro-Surfacing Project between SR 190 and Henderson Avenue has been awarded and is currently under construction. Removal and replacement of water mains, structural repairs, curb returns and other ADA related improvements are the focus of this project. Micro-Surfacing of Plano Street, second phase, will follow shortly after the completion of the first phase. The Barn Theater parking lot will be repaired and resurfaced as part of both phases of this project as well. Main Street between Morton Avenue and Olive Avenue is also still under design. Through research and review, staff determined an access compliance exception that relates to "blended transitions" (flush interface between sidewalk and street) that are currently in place along Main Street in the Downtown area. As stated in past reports, the results of the Main Street project economic analysis has forced staff to transition into a full reconstruction project. The first public meeting regarding this project was held January 23, 2018. Orange Avenue from Main Street to Plano Street is this year's SB1 project and staff recently received bids. Construction may start in late May or early June of this fiscal year.

RECOMMENDATION: Informational Only.

ATTACHMENTS:

1. 3rd Quarter Report
2. 2nd Quarter Report

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2016/2017 Level of Service Report
Prepared By M. Reed

3rd QUARTER REPORT - January 1, 2017 - March 31, 2017

[illegible]

3rd QUARTER REPORT - January 1, 2017 - March 31, 2017

2nd QUARTER REPORT - October 1, 2016 - December 31, 2016



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Award of Contract for the Orange Avenue and Henderson Avenue Rehabilitation Project

SOURCE: Public Works

COMMENT: On April 24, 2018, staff received two (2) bids 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 curb ramps, alley approaches, and upgrading the traffic signals at Main and Orange and at Orange and Wallace.

The Engineer's Estimate of Probable Cost for the project was \$1,326,765. The low bid presented by Mac General of Porterville is \$1,453,501.58, which is 9.55% higher than the Engineer's Estimate. It has been Council's past practice to award contracts when the bid award does not exceed ten percent (10%) of the Engineer's Estimate. An additional \$145,350.16 is required for construction contingency (10%). It is anticipated that an additional \$72,675.08 is required for construction management, quality control, inspection services and construction surveying (5%). The total estimated cost for the project is \$1,671,526.82.

The funding sources for the project are Local Transportation Funds and Road Maintenance and Rehabilitation Account. Council approved additional appropriation from the Local Transportation Fund by MO #02-022018 with the Authorization to Advertise for Bids for the project. Due to higher than anticipated bids, another appropriation of additional Local Transportation funds in the amount of \$105,944.12, which are available, is necessary to fully fund the project.

The bids are as follows:

Contractor Amount

1. MAC General Engineering, Inc. Porterville, CA	\$1,453,501.58
2. DOD Construction Bakersfield, CA	\$1,851,250.00

Staff has found the low bid acceptable.

RECOMMENDATION:

That City Council:

1. Award the Orange Avenue and Henderson Avenue Rehabilitation Project, to MAC General Engineering in the amount of \$1,453,501.58;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize 5% for construction management, quality control and inspection;
5. Authorize the Finance Director to appropriate the additional Local Transportation Funds in the amount of \$105,944.12 needed to fund the project; and
6. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02-100714.

ATTACHMENTS:

1. Locator Map - Orange and Henderson Aves

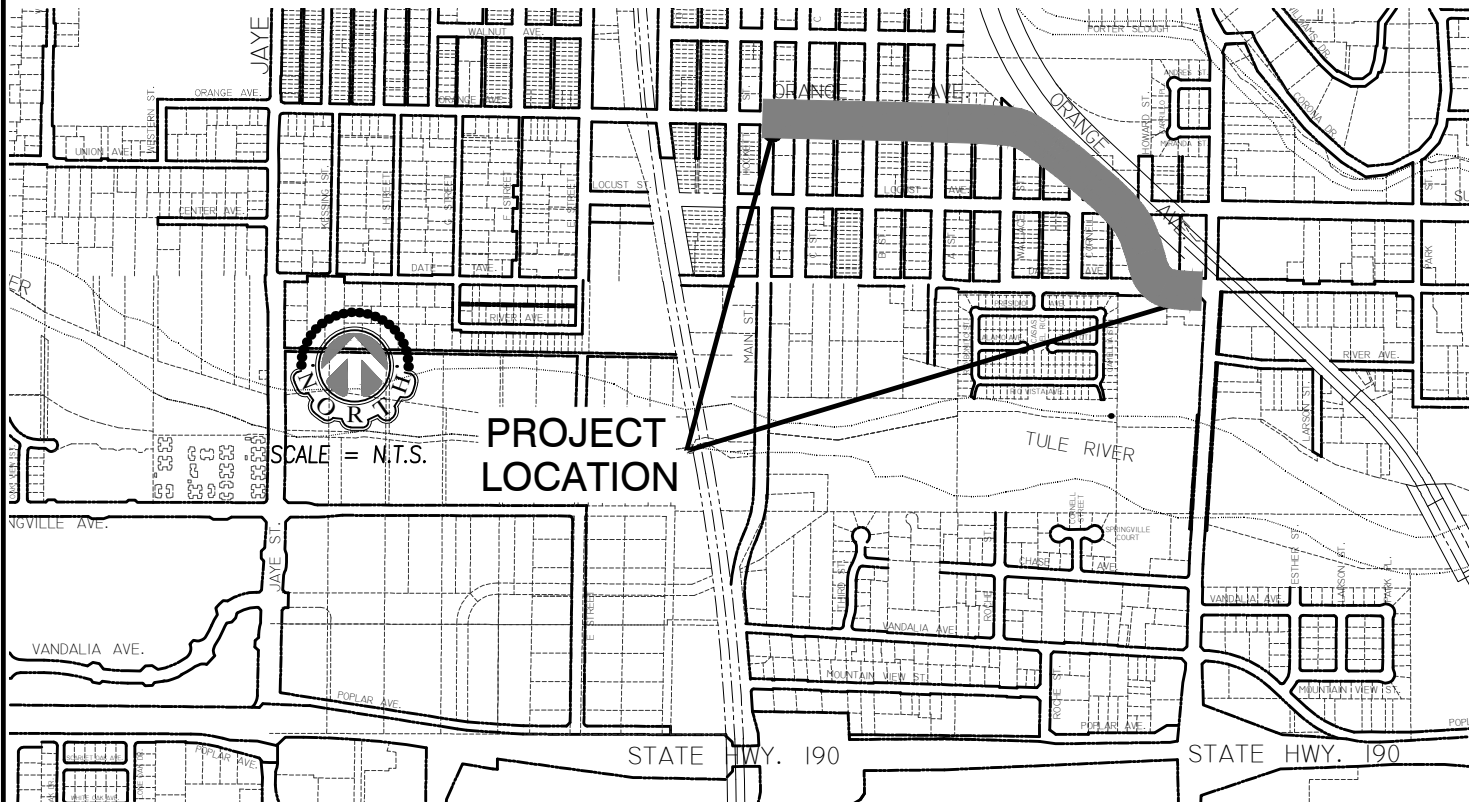
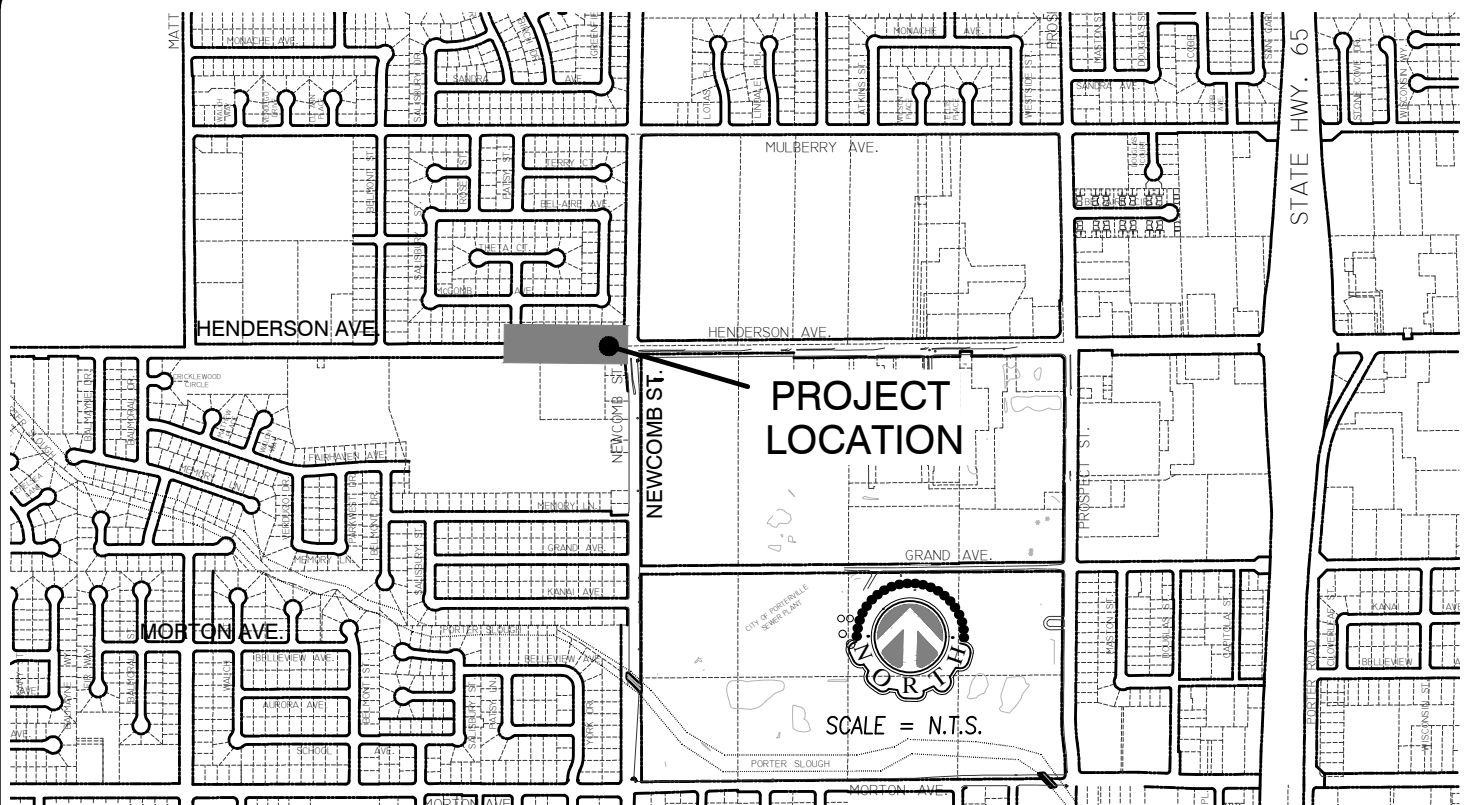
Appropriated/Funded: MB

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	-



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Acceptance of Project - Garden Avenue Pedestrian Walkway Project

SOURCE: Public Works

COMMENT: DOD Construction has completed the Garden Avenue Walkway Project per plans and specifications. The project consisted of the removal of existing concrete improvements new curb ramps, driveways, stamped colored concrete, nostalgic street lights, parkway trees, and street furnishings including benches and trash receptacles. The project area was from Main Street to Fig Street along Garden Avenue.

City staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by City Council. On December 20, 2016, City Council authorized an expenditure of \$698,598.50 for construction, construction management, surveying, quality control and inspection services for the Garden Avenue Walkway Project. The following itemizes the construction related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1. Final Construction cost is \$640,625.00
2. Construction management and quality control costs are \$56,851.80

Total project construction costs equate to \$697,476.80, which is less than the \$698,598.50 overall budget approved by Council at time of award. Funding for the Garden Avenue Walkway Project is by ATP Funds, Measure R Alternative Transportation Funds and Local Transportation Funds.

DOD Construction respectfully requests that City Council accept the project as complete. City staff reviewed the work and has found it acceptable.

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.

ATTACHMENTS: 1. Locator Map

Appropriated/Funded: MB

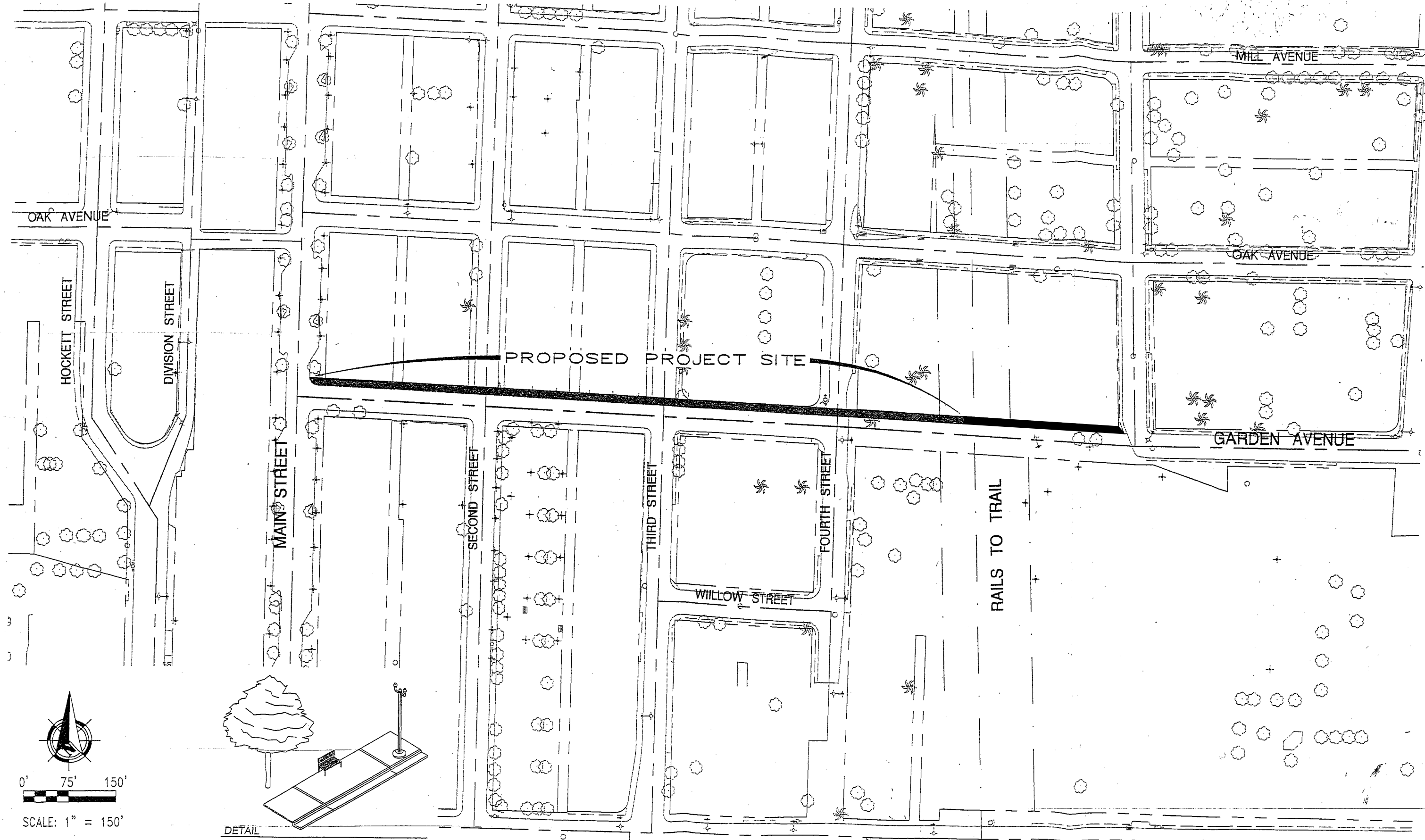
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

GARDEN AVENUE, MAIN STREET TO FIG STREET



CITY OF PORTERVILLE
ENGINEERING DIVISION
 291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 569 782-7482

DESIGN BY	XX
DRAWN BY	AV
CHECKED BY	BR
DATE	01-13-11

CITY ENGINEER _____ DATE _____
 PUBLIC WORKS DIRECTOR _____ R.C.E. DATE _____

REVISION NO.	_____
DATE	_____



PROPOSED ATP GRANT PROJECT

SHEET
 1
 OF
 1



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Emergency Consideration of Contractor's Notice to Terminate Weed Abatement Contract and Negotiate Emergency Contract for the Remainder of 2018

SOURCE: Fire

COMMENT: On November 4, 2016 the City of Porterville published the first notice inviting sealed bids for Fire Prevention Weed Abatement Services. Sealed bids were required to be submitted by 2:30 p.m. on December 30, 2016. At its regularly scheduled meeting dated February 21, 2017, the Porterville City Council accepted the only bid received. The 3-year contract was awarded to R. Stephen Richard Inc., who had also been the #1 service provider during the previous contract period from 2014-2016.

It has been the past practice of the Fire Department to seek bids for weed abatement services in January of a given year, the current contract going out in November was a contributing factor in only a single bid being received. During the 2014-2016 contract period there had been 3 successful bids received and awarded. The #2 bidder for that period was Joe Grijalva Landscaping.

The Code Enforcement Division, for the last 11 years, begins to issue work orders to the City's contractor beginning the first week of April each year. To date, none of the 37 issued work orders for the current season have been completed. There are 32 additional work orders ready for immediate issue.

The current Weed Abatement contract has no terms specifically outlined that allow for the contractor to terminate the contract. There is only mention of the City's ability to terminate with a 30 day written notice.

Based upon the urgent need for weed abatement services to be commenced, the Fire Department is requesting that Council grant the demand of R. Stephen Richard Inc. to cancel the contract effective immediately. We request authorization from Council to initiate negotiations and secure immediate weed abatement services for the remainder of this year with Joe Grijalva Landscaping, in an amount not to exceed \$115.00 per hour with a minimum of one (1) hour for disking and \$38.50 per man hour with a minimum of two (2) hours for handwork. It is the intent of the Fire Department to again invite bids in January 2019 for Fire Prevention Weed Abatement Services.

RECOMMENDATION: That the City Council authorize staff to initiate negotiations and secure emergency weed abatement services for the remainder of this year, with Joe Grijalva Landscaping, in an amount not to

exceed \$115.00 per hour with a minimum of one (1) hour for
disking and \$38.50 per man hour with a minimum of two (2)
hours for handwork.

ATTACHMENTS: 1. RSR letter 4-16-2018

Appropriated/Funded:

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

R. Stephen Richard, Inc.
2509 E Valley Oaks Drive
Visalia, Ca 93292

12 April 2018

Mr Clayton Dignam
Porterville Fire Department
40 W Cleveland Ave
Porterville, Ca 93257

Mr Dignam:

Due to ever increasing regulatory requirements and changing market conditions, it has become impractical to continue to provide services to your department under the current contract provisions.

Therefore we hereby notify you of our intention to take either of the following positions:

A) Amend the current contract provisions to reflect the current market conditions as follows:

\$300 per acre disked or fractional portion thereof.
\$110 per labor hour for cleanup or handwork.

B) Cancel the current contract effective immediately.

We have been pleased to provide service to you and look forward to the opportunity to do the same in the future.

Sincerely,



Stephen Richard
President, R. Stephen Richard, Inc.
559-735-9500
steverichard@centralassetrecovery.com



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Renewal of HR Test Rental and Use Agreement Between City of Porterville and CPS HR Consulting

SOURCE: Administrative Services

COMMENT: As a public agency, the City of Porterville hires personnel via a merit-based civil service selection system, which generally includes a minimum qualification application review process, written examination, and panel interview. Protecting against adverse impact and ensuring the validity and reliability in this process is critical. In order to achieve this and maintain the integrity of its recruitment process, the City utilizes the services of CPS HR Consulting.

The City's contract with CPS HR Consulting is due to expire in June 2018. The terms of the proposed two-year agreement remain the same with no annual fee, nor any increase in costs for the bank of tests that the City utilizes. It is important to note that the agreement requires that the City pay a rental fee for only those tests it uses. A copy of the proposed agreement is attached to the draft resolution provided herein for Council's consideration.

RECOMMENDATION: That the City Council approve the draft Resolution authorizing the two-year renewal of the Test Rental and Use Agreement with CPS HR Consulting, and authorize the Administrative Services Director to sign on behalf of the City.

ATTACHMENTS:

1. CPS Renewal Reso 2018
2. CPS Agreement

Appropriated/Funded: MB

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE TO APPROVE THE TEST RENTAL AND USE
AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND CPS HR
CONSULTING**

WHEREAS, the City of Porterville hires personnel via a merit-based civil service selection process and utilizes standardized testing to protect against adverse impacts and to ensure the validity of its process; and

WHEREAS, CPS HR Consulting provides services consisting of standardized testing and the City of Porterville finds its services to be beneficial in maintaining the integrity of its hiring process; and

WHEREAS, the previous agreement for test rental and use services with CPS HR Consulting will expire in June 2018; and

WHEREAS, the services provided by CPS HR Consulting are a vital tool in the evaluation and recruitment process for selecting qualified individuals for City positions.

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council does hereby approves the agreement and authorizes the Administrative Services Director to sign the Test Rental and Use Agreement with CPS HR Consulting, attached hereto as Exhibit A, for the purpose of utilizing its bank of testing materials in the City's recruitment process.

PASSED, APPROVED, AND ADOPTED this 17th day of April, 2018.

Brian Ward, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

By: Luisa Zavala, Deputy City Clerk

TEST RENTAL AND USE AGREEMENT

This Test Rental and Use Agreement ("Agreement") is by and between Cooperative Personnel Services, dba CPS HR Consulting, a California Joint Powers Authority ("CPS HR") and the Agency or Organization named in the signature block at the end of the Agreement ("Client").

- A. Purpose.** This Agreement defines CPS HR test rental, use and security policies and procedures.

CPS HR develops and rents tests for a number of purposes and in a number of formats (including but not limited to print and electronic media). For that reason, some of the below paragraphs apply under certain circumstances. But, unless specifically limited, each paragraph applies to all testing purposes and formats.

B. Ownership of CPS HR Tests.

1. CPS HR owns all rights, title and interest, including copyrights, in all tests provided under this Agreement. They are the property of CPS HR and shall remain the property of CPS HR, even while in the custody of Client.
2. Additionally, tests that have been constructed or modified based on information provided by the client shall not be considered works made for hire, as that term is defined under U.S. Copyright Law. CPS HR shall own all rights, title and interest, including the copyright, in any test it creates for the Client.
3. Ownership of tests specifically developed for a client and of individual test questions supplied by Client, if any, shall be governed by a separate Agreement between CPS HR and Client.

- C. Test Materials.** Test Materials consist of all used and unused test booklets, proctors instructions, proctors manuals, scoring instructions, key sheets, key overlays, keyed booklets, scoring keys, instructions, CDs (for oral tests), and any other materials generated at the test administration, such as completed answer sheets (if applicable), scratch paper, note paper and the like.

- D. Test Security.** CPS HR security standards are designed to protect the mutual interests of all Clients that use Test Materials as well as the interests of applicants who take CPS HR tests. In order that no person may gain special advantage by having improper access to the material, all users must sign this Agreement and agree to fulfill its terms, before the Agreement is effective.

1. Client agrees to take all reasonable and diligent steps to keep CPS HR tests, sample tests, and testing processes confidential and free from unauthorized access and use. This includes, but is not limited to, client agreeing not to divulge, convey, copy in whole or part, duplicate, convert to another format or medium, or otherwise disseminate tests, portions of tests, or test materials.
2. For on-line tests, client further agrees to take all reasonable and diligent steps to prevent any modification to or reverse engineering of the testing software, and any transfer, storage or dissemination of tests or testing software and data on any storage medium or computer server other than those specifically authorized by CPS HR.
3. Should Client suspect any breach of test security, Client agrees to immediately notify CPS HR and immediately take all steps necessary to preserve

evidence of or related to the breach, whether physical or electronic.

E. Test Review, Ordering and Administration.

1. **Review Copies.** Review of CPS HR tests, regardless of format, is subject to the test security standards.

(a) **Test Rental Division:** To help in deciding whether to rent exams, Client may review CPS HR stock tests and other stock test materials free of charge (e.g., stock supplements, structured interview packages, and specialized item sets).

(b) **SLPP:** CPS HR does not offer review copies of the Spanish Language Proficiency Program (SLPP) tests. However, for new clients, CPS HR can provide a sample written test booklet showing the different components of the test.

(c) **On-line Testing:** To help in deciding whether to utilize on-line testing, Client may review sample on-line tests free of charge.

2. **Ordering Testing Materials and Scheduling of Examinations.**

(a) **Test Rental Division and SLPP:**

(i) To ensure materials are received in time, Client must notify CPS HR at least 10 business days prior to the test date of the total number of candidates in each job classification to be tested. If orders are placed less than 10-business-days prior to the test date, rush shipment charges may apply and timely delivery cannot be guaranteed.

(ii) Client shall rent one test booklet per candidate to be tested. CPS HR shall provide Client with Test Materials including instructions for administering the test, sufficient test booklets and any other material CPS HR deems necessary.

(b) **On-line Testing:**

(i) To ensure Client equipment is functioning and capable of administering on-line testing, Client must request testing from CPS HR at least 10 business days prior to the test date on the first time Client utilizes on-line testing. After Client has successfully used on-line testing, 5 working days notice is normally sufficient for subsequent testing.

(ii) Client recognizes that CPS HR has no control over the functioning of the internet, and any problems with on-line testing due to the failure thereof are not attributable to CPS HR.

3. After the test date.

(a) Test Rental Division and SLPP:

- (i) Within 10 business days of the test date, Client shall return to CPS HR all Test Materials including all materials provided by CPS HR for the test administration.
- (ii) Client shall not reuse printed tests on the test date or on any other date but shall return Test Materials to CPS HR, whether or not the test was administered.

(b) On-line Testing:

- (i) After the scheduled test date(s), CPS HR will suspend access to the on-line test site.
- (ii) Within 10 business days of the test date, Client shall destroy all CPS HR Test Materials including scratch paper and note paper in a way that make the materials unrecoverable.

F. Billing, Pricing, and Payment.

- 1. CPS HR shall bill Client at the billing address provided in Exhibit A, unless notified in writing of a new billing address.
- 2. The bill shall be derived from the most current applicable Rate Sheet (s): Exhibit B for Test Rental, Exhibit C for SLPP, and Exhibits D. Client acknowledges and understands that the Test Price List(s) are only effective as of the date shown each of them and are subject to change.
- 3. Client shall be billed for any work done on a canceled or postponed test up to the time CPS HR is notified of such cancellation or postponement. Under certain circumstances, and in CPS HR's sole discretion, credit may be given for work already performed if the test is rescheduled.
- 4. CPS HR may charge Client for lost or compromised tests if Test Materials are not returned according to 3(a) above. Client shall be liable for the actual cost associated with the creation of a substantially similar replacement test up to a maximum of \$15,000.
- 5. Client agrees to and shall pay all invoices within thirty (30) days of receipt of invoice.

G. Candidate Inspections

1. Test Materials.

CANDIDATE INSPECTION OF TEST MATERIALS SHALL **NOT** BE ALLOWED EXCEPT IN CASE OF ANSWER SHEETS AS DESCRIBED BELOW

2. Answer Sheets.

- (a) If a candidate files a protest regarding the scoring of his or her test, inspection of a candidate's own answer sheet(s) for the purpose of detecting whether any clerical or other error has been made in the scoring of the answer sheets shall be allowed, upon request by the Client, for a 10-business-day period immediately following the notification to the candidate of test results.
- (b) Candidates are not allowed to review the question booklet during this inspection period.
- (c) Not more than one hour will normally be allowed for answer sheet(s) review. A representative of Client's Personnel or Administrative office shall be present to assure that no changes or marks of any kind are made

by the candidate on the answer sheet(s) or keyed answer sheet.

H. Client Responsibilities.

- 1. Client shall perform all parts of the testing process which are not performed by CPS HR. Client has the responsibility for assuring that the testing process performed by Client conforms to any applicable laws, rules or ordinances, and for the test as a whole. Under the federal Uniform Guidelines on Employee Selection Procedures, the Client as test user is responsible for local validation efforts (e.g., SME review, job analysis studies) and the results of the selection process, and Client understands and acknowledges that it must be prepared to demonstrate that the process is valid and meets other testing standards if it adversely affects groups protected by fair employment laws.
- 2. Client is responsible for insuring that all persons who handle or have access to Test Materials in any capacity for Client shall do so in compliance with this Agreement, and are trained to handle Test Materials and administer tests before they do so.

I. Legal Proceedings Involving Test Materials.

- 1. If Client receives notice of any administrative or court proceeding involving a CPS HR test, or a request for disclosure of Test Materials, such as a subpoena, or a public records or freedom of information request, Client shall notify CPS HR of such request immediately and well before a response is due.
- 2. Upon CPS HR request, Client shall maintain the confidentiality of the Test Materials pending the grant or denial of a protective order or the decision of a court or administrative body as to whether the requested Test Materials must be disclosed under the applicable public records statute.
- 3. Client shall cooperate with CPS HR in seeking any relief necessary to maintain the confidentiality of the Test Materials.
- 4. Client shall indemnify and hold CPS HR harmless from and against any and all claims, costs, damages, losses, liabilities and expenses (including reasonable attorney fees and costs) arising out of or in connection with administration of a test, or with maintaining confidentiality of Test Materials.

J. Term and Termination of Agreement.

- 1. Term. This Agreement is effective beginning the date it is signed by both parties and continuing for two years thereafter unless earlier terminated by either party as stated below.
- 2. Immediate Termination upon Material Breach. Either party may terminate this Agreement immediately upon any material breach by the other party. For purposes of this Agreement, but without limiting the meaning of material breach, any breach of the test security provisions, however minor, shall be considered a material breach. Client understands and acknowledges that immediate termination by CPS HR may result in the withholding or recall of Test Materials.
- 3. Termination Without Cause. CPS HR and Client may terminate the Agreement without cause upon thirty days written notice to the other party.

4. Return of Test Materials. Upon termination of the Agreement, Client shall immediately return to CPS HR any Test Materials that it possesses.

K. Miscellaneous.

1. **Notices.** Any notice to the parties required or permitted under this Agreement shall be given in writing and shall be sent to Client at the address provided for the Principal Signer and to CPS HR at 2450 Del Paso Rd, Ste 220, Sacramento, CA 95834.
2. **Dispute Resolution; Remedies.**
 - (a) In the event of a dispute, the parties may agree to pursue mediation or either binding or nonbinding arbitration to resolve their dispute, under such rules as the parties may agree.
 - (b) Client acknowledges that breach of this Agreement may result in irreparable harm to CPS HR for which damages would be an inadequate remedy and, therefore, in the event of a breach, in addition to its rights and remedies otherwise available by law, CPS HR shall be entitled to seek equitable relief, including injunction.
3. **Attorneys Fees.** If any legal action or arbitration or other proceeding is brought to enforce or construe the term of this Agreement or because of an alleged dispute, breach or default in connection with any provision of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys fees and other costs incurred in that action, arbitration or proceeding in addition to any other relief to which it may be entitled.
4. **Waiver.** The failure of any party at any time or times to require performance of any provisions of this Agreement shall in no manner affect its right to

enforce such provision at a later time. Nor shall the waiver by either party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself. No waiver shall be enforceable unless made in writing and signed by the party granting the waiver.

5. **Entire Agreement; Modifications.** This Agreement constitutes the entire Agreement between the parties regarding the subject matter hereof and supersedes all other Agreements, representations and warranties. All modifications and supplements to this Agreement must be in writing and signed by both parties.
6. **Counterparts; Facsimile Signature; Electronic Signature.** This Agreement may be executed in any number of counterparts. If this Agreement or any counterpart is signed and then faxed or e-mailed by PDF or otherwise, the faxed or e-mailed copy bearing the signature shall be as good as the original wet-ink signed copy for all intents and purposes.
7. **Interpretation; Jurisdiction.** This Agreement shall be interpreted and enforced under the laws of the State of California and jurisdiction shall be in Sacramento County, California. The Agreement shall be interpreted in a fair and balanced manner to best preserve its intent, and without bias against the drafter.
8. **Authority to Sign.** The person signing this Agreement on behalf of the Client (the Principal Signer) represents that he or she is the head of the agency or is otherwise duly authorized to sign this Agreement and to bind the Client.

Principal Signer By signing below, I represent that the persons(s) listed in Exhibit A and on any attached sheets is/are authorized to handle CPS HR Test Materials on Clients behalf. I affirm that I will handle all CPS HR Test Materials in accordance with the terms of the CPS HR Test Rental Agreement then in effect, and that I will ensure all individuals handling and/or administering tests are properly trained.

**Cooperative Personnel Services dba
CPS HR Consulting,
A California Joint Powers Authority**

Client

By: _____
Authorized Signature

By: _____
Authorized Signature (Head of Agency)

Name: Amy Bigone

Name: _____

Title: Test Rental Program Manager

Title: _____

Date: _____

Email: _____

Date: _____

Exhibit A

Authorized Representative(s) *(use an additional page if needed)* By signing as an Authorized Representative, I affirm that I will handle all CPS HR Test Materials in accordance with the terms of the CPS HR Test Rental Agreement then in effect.

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

Name, Title	Signature
E-mail Address	Phone Number

II. Billing Contact

Contact Name and Title		
Agency		
Street Address, City, State, Zip		
E-Mail	Phone Number	Fax Number

III. Physical Address

Agency / Department Name
Street Address, City, State, Zip

Exhibit B

CPS HR Test Rental Division Rates (Effective March 25, 2009 – Subject to Change)

	STOCK TESTS*	MODULAR TESTS	SEMI-STOCK TESTS	CUSTOM TESTS	AGENCY TESTS
Base Fee (per order) ‡	\$295.00	\$395.00	\$595.00	\$995.00	\$350.00
1-100 Candidates (per candidate)	\$9.00	\$12.00	\$14.00	\$15.00	\$10.00
101-500 Candidates (per candidate)	\$8.50	\$11.00	\$13.00	\$14.00	\$9.50
501+ Candidates (per candidate)	\$8.00	\$10.00	\$12.00	\$13.00	\$9.00
New Item Writing/Entry	N/A	N/A	N/A	\$35 per item	N/A
Pick Up/Handling	5%	5%	5%	5%	5%
Standard Shipping/Handling **	10%	10%	10%	10%	10%
Expedited Shipping/Handling **	15%	15%	15%	15%	15%
Premium Shipping/Handling **	20%	20%	20%	20%	20%
Shipping outside contiguous U.S.	CALL FOR DETAILS				
Entry Law/Fire Candidate Preparation Manuals **Now available Online**			Structured Interview Packages		
Quantity Per Booklet/Candidate Fee 10 - 1000 \$ 3.00 1001+ Call for volume discount details			Base Fee: \$ 595.00 Per Candidate Fee: 1 - 500 \$7.50		

*CPS HR will apply a credit of \$35.00 for each **fully paid UNOPENED package of Stock Exams** of test booklets on the current **STOCK test order**.

**Standard shipping applies to orders placed at least 10 business days prior to test date. Expedited shipping applies to orders placed less than 10 business days prior to test date. Orders placed 3 or less than business days prior to the test date will be charged at the premium shipping rate.

‡ Base fee includes the following at no additional charge: Proctor's Manual, Scoring Manual, CPS HR Scoring, CPS HR answer sheets and a scoring report.

SPECIAL SERVICES

Stock Supplements	\$ 2.00 per book when ordered with a Stock test
Writing Proficiency Exam	\$ 350.00 Base Fee + \$ 15.00 per candidate (Professional Scoring included)
Scoring Keys	Available at no additional charge
Re-Scoring/Hand-Scoring of Answer Sheet	\$ 30.00 (Requested directly by Agency)
Non-specified special services	CALL FOR DETAILS (Billed at applicable hourly rate)

Test Rental Contact Information:

CPS HR Consulting
Attn: Test Rental Division
2450 Del Paso Rd., Ste. 220, Sacramento CA 95834

Telephone: 916.263.1800 / Toll Free 866.867.5272
Fax: 916.921.6240 / E-mail: testrental@cpsshr.us

Exhibit C

Spanish Language Proficiency Test Rental Division Rates Effective March 25, 2009 -- Subject to Change

	WRITTEN TEST	ORAL TEST
Base Fee (per order)	\$295.00	\$295.00
**Per Booklet Fee	\$9.00	N/A
***Per Tape Scoring Fee	N/A	\$120.00
Expedited Shipping	*20%	*20%
*Orders placed less than two weeks prior to the exam date will incur expedited shipping charges **Per Booklet Fee will be charged for number of books ordered ***Billed for the number rated		

SPECIAL SERVICES	
Faxing/Emailing Test Results	Available at no additional charge
Hand Scoring	\$30.00
Proctoring Services	Call for details/quote
SLPP Extended Use Program	Call for details

Exhibit D

CPS HR On-line Skills Test Pricing Schedule Effective August 2015 – Subject to Change

Online Skills Test Pricing Schedule	Single-Subject Test	Two-Subject Test	Each Additional Subject
1 - 25 Candidates (per candidate)	\$20.00	\$30.00	\$6.00
26 - 100 Candidates (per candidate)	\$18.00	\$27.00	\$6.00
101 - 250 Candidates (per candidate)	\$17.00	\$25.50	\$6.00
251 - 1,000 Candidates (per candidate)	\$15.00	\$22.50	\$6.00
1,001+ Candidates (per candidate)	\$12.00	\$18.00	\$6.00

Access 2007 or 2010	Excel 2007 or 2010	Word 2007 or 2010
Advanced Skills	Advanced Skills	Advanced Skills
Basic Skills	Basic Skills	Basic Skills
Standard	Standard	Standard
PowerPoint 2007 or 2010	Windows XP	Digital Literacy 2008
Advanced Skills	Advanced Skills	Computing
Basic Skills	Basic Skills	Internet
Standard	Standard	Software Skills
Other Exams		
Basic Computer Literacy	Typing Test	
Excel Functions	Ten Key Test	
Publisher 2003 - Standard	Data Entry Test - Numeric	
Outlook 2007 or 2010 - Standard	Data Entry Test - Alphanumeric	



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Approval of Modification of Concession License

SOURCE: Parks and Leisure Services

COMMENT: On March 20, 2018, City Council approved a three-year Concession License with SM Transit for the Murry Park Pool concessions with an effective date of May 1, 2018. Subsequent to Council's approval, the licensee received notification from the State that its application for its new non-profit entity, "Valley Paradigm Corporation" had been finalized. Staff hereby requests that the Council authorize the modification of the Concession License to reflect the name change from SM Transit to Valley Paradigm Corporation, with all other terms and conditions remaining the same.

The concession license is for services to the public, in general the sale of soft drinks, ice cream, hot dogs, pre-packaged and outdoor grilled food, and general confectionary articles and products. The Licensee shall not sell or serve any type of alcoholic beverage on the premises. The proposed agreement requires the Licensee to comply with all Federal, State and local laws, rules and regulations.

The term of the license is for three years, with the Licensee being required to pay the City \$225 for each month in which the concession building is utilized for concession activities in 2018. The monthly fee will increase \$25 per month for each additional year of the license.

RECOMMENDATION: That the City Council approve the renewal of the Murry Park Concession License under the new non-profit business name of Valley Paradigm Corporation.

ATTACHMENTS: 1. Pool Concession License 2018

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE POOL CONCESSION LICENSE

The City of Porterville, hereinafter referred to as “CITY” hereby grants to Valley Paradigm Corporation, hereinafter referred to as “LICENSEE,” a license for services to the public in general, of the sale of soft drinks, ice cream, hot dogs, pre-packaged and outdoor grilled food, and general confectionary articles and products at the Murry Park Pool Concession building located at 97 N. Park Drive, Porterville, California. For the purposes of this License, “LICENSEE” shall mean Valley Paradigm Corporation and/or any of its employees, volunteers, agents or other representatives.

1. Term of this license shall be three years.
2. This License Agreement replaces and supersedes any and all prior License Agreements.
3. The LICENSEE’S appointment is conditional upon it passing a drug/alcohol test, fingerprint clearance, and/or reference check. This applies to all employees, volunteers, agent or other representatives working at CITY facilities. LICENSEE’S signatory to this License will be the primary contact concerning this License and is responsible for custody and control of any and all keys or other security devices or code provided by CITY to LICENSEE for the facilities.
4. The LICENSEE shall, at all times during the term of said License, keep and maintain concession buildings open for the convenience of patrons at Murry Park during the hours in which said Park is being utilized for recreational and family swimming or at any other time the CITY deems the operation of the concession necessary for special activities. Failure to operate the concession facilities during the specified periods is a breach of this Agreement and shall constitute grounds for termination of this Agreement.
5. Each employee, volunteer, agent or other representative should: a) be clean, neat, and well-groomed; b) be professional, courteous, and friendly to the public; and c) adhere to the CITY personnel policy regarding dress code.
6. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.
7. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.
8. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and facility. The LICENSEE shall turn in all keys to the CITY five days after expiration of term.

9. In the event the LICENSEE shall coordinate the placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are disengaged from CITY-provided utilities promptly at the conclusion of the term of this license. The LICENSEE shall also see to it that any type of machine or equipment does not block any door entrance.

10. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate. The apparent commission of a crime by LICENSEE or any of LICENSEE'S employees, contractors, agents, or volunteers during the term of this Agreement is grounds for immediate termination of this Agreement by the CITY.

11. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY, and said consent can be withheld for any reason.

12. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

13. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or the parties engaging in joint ventures.

14. The LICENSEE shall maintain compliance with all Federal, State and local laws, rules and regulations.

15. The LICENSEE shall pay to the City of Porterville by the 5th day of each month a fee of \$225 for each month in which the concession building is utilized for concession activities in 2018, and the monthly fee shall increase \$25 per year for each additional year of the License.

16. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on, or conducted upon the premises by the LICENSEE, together with costs and attorney's fees and shall secure, at LICENSEE'S expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars (\$2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE'S policy.

17. The LICENSEE shall maintain Workers' Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE'S concessionary interest to the extent as provided by law.

18. The LICENSEE shall maintain a City of Porterville Non-profit Business License during the term of this Concession License.

19. The LICENSEE shall maintain and keep adequate records of its sales from the licensed premises and agrees to permit the City to examine said records on demand. In addition, LICENSEE, shall submit a completed Monthly Concession Report Form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.

21. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

22. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with or without cause, by giving the other party thirty days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

23. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

24. The parties have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

25. During the entire term of this License, LICENSEE shall not suffer, allow, or permit any income, profit, or emolument gross and net from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to inure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and

operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.

IN WITNESS WHEREOF the parties have executed this License Agreement at Porterville, California this 1st day of May, 2018.

CITY OF PORTERVILLE

LICENSEE

By: _____
Brian Ward, Mayor Pro Tem

BY: _____

ATTEST:
John D. Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Authorize the Library to Pilot a Fine Forgiveness Program For Children and Teens

SOURCE: Parks and Leisure Services

COMMENT: The Library and Literacy Commission has asked staff to bring forward, for City Council's approval, a pilot fine forgiveness program for children and teens to commence this summer.

Fine forgiveness programs have been implemented in varied capacities over the years across the nation. Most recently at the Annual California Library Association Conference, Commissioner Figueroa attended a session on juvenile amnesty programs as shared by our public library peers in California. Commissioner Figueroa brought this idea forward to the rest of the Commission for consideration. It was through much discussion that the Commission arrived at the conclusion that the desirable outcome of a fine forgiveness program is to get those who have been prohibited from using library resources due to outstanding fines back into the library using our resources.

Currently, patron record stats for fines of this age category revealed that about 2,033 patron accounts owe a total of approximately \$32,372. Patron accounts owing more than \$5 dollars are not allowed to checkout materials and accounts owing more than \$20 cannot use electronic resources. Patron accounts owing more than \$50 are sent to collections. Our agreement with the San Joaquin Valley Library System purges inactive borrowers after seven years. A child who has fines could ultimately wait seven years and come back as an adult with a clean slate.

Staff has created the following pilot fine forgiveness program for children and teens under age 18 to commence June 1 and run through August 31, 2018:

Sample Program Announcement:

Your City Library wants you to return this summer and take advantage of the many resources that are available to you Monday-Sunday.

Perhaps you forgot to return items and they have been declared as lost, were returned late, or even chewed on by your family pet. Your City Library wants to give you an opportunity to wipe the slate clean this summer!

To participate in the pilot program, children and teens under age 18 must visit

during the pilot period and select one of these three options:

#1- Bring one friend or one family member in to get a library card and/or sign up for the Summer Reading Program;

#2- Bring in one Blessing Bag for Project Homeless Connect – Adult backpack that contains at least 5 items from the official PHC list;

#3- Attend 3 or more library programs June through July – you must check in with staff at the Circulation desk 10 minutes before a program starts so that they can give you credit;

Unfortunately, this program is not available for library accounts that have been sent to collections.

This program is a one-time opportunity for a fresh start upon selecting one of the three options. It is not meant to create on-going delinquent users as the library is now open Monday through Sunday, has an outdoor book drop, and renewals available for most items 24/7 via phone or internet.

In addition, upon approval staff would implement notification to our local school districts before the end of the school year. A report with the results of the pilot program would be provided to the Commission at their September 11, 2018 meeting.

RECOMMENDATION: That City Council authorize staff to pilot a fine forgiveness program for children and teens June 1 through August 31, 2018.

ATTACHMENTS: 1. PHC Blessing Bag

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PROJECT HOMELESS CONNECT

BLESSING BAGS ARE ADULT BACKPACKS CONTAINING ANY OF THE FOLLOWING:

- SOCKS
- BEANIE
- GLOVES
- PONCHOS
- SOAP
- DEODORANT
- COMB/BRUSH
- TOILET PAPER
- FEMININE HYGIENE PRODUCTS
- SUNSCREEN
- FIRST AID KIT
- SHAMPOO, CONDITIONER
- LOTION
- TOOTHBRUSH, TOOTHPASTE
- DENTAL FLOSS
- CHAP STICK
- HAND SANITIZER



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Consideration of an Extension of Time for the Cottage Estates Tentative Subdivision Map

SOURCE: Community Development

COMMENT: Section 66452.6(e) of the California Government Code, the Subdivision Map Act, allows the City Council to grant extensions of time for tentative subdivision maps for a period or periods not exceeding a total of six years. On May 18, 2010, the City Council adopted Resolution 58-2010, approving the Cottage Estates Tentative Subdivision Map (Tentative Subdivision Map 1-2010). The sixteen-lot subdivision included an annexation of the subject site and two adjacent parcels to the east. A total of 8.57± acres was annexed; approximately 4.32 acres of that is the area of the tentative subdivision map. As a component of the initial entitlement, the City Council approved Resolution 57-2010, containing findings in support of approval of a Negative Declaration for the annexation and the map. No additional environmental review is required.

The location of the approved map is generally the northwest corner of Westfield Avenue and Villa Street (APN 247-010-008). As a result of the series of legislative map extensions approved by the California legislature through Assembly Bills 208, 116, and 1303, this map has received six years of legislative extensions. While these do not count towards the statutory limit of six years identified in §66452.6(e), it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision ordinances, now known as the Development Code. Because Cottage Estates was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City, with the exception of the parkway strip between the curb and sidewalk. The developer's engineer is approximately 90% complete with the improvement plans with the sidewalks designed to be adjacent to the curb as initially required at the time of implementation.

On April 3, 2018, the project agent submitted a letter requesting approval of an extension of time for the Cottage Estates Subdivision Map; the extension period would be 24 months. Without approval of such an extension, the Tentative Map will expire on May 18, 2018. The applicant and agent have been working with staff to prepare the public improvement plans, which will assist in preparation of a final map. Approval of the time extension will allow that work to be completed, and will provide the developer an opportunity to keep the map active and fulfill the development requirements of the subdivision.

RECOMMENDATION: That the City Council adopt the draft resolution approving a 24-month extension of time for the Cottage Estates Subdivision Map.

ATTACHMENTS:

1. Resolution 57-2010
2. Resolution 58-2010
3. Draft Resolution for Map Extension

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 57-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR ANNEXATION 473 AND
TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES) FOR THAT ±8.52 ACRE
SITE GENERALLY LOCATED ON THE NORTH OF HENDERSON AVENUE, EAST OF
INDIANA STREET, SOUTH OF PIONEER AVENUE AND WEST OF SCENIC HEIGHTS.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2010, conducted a public hearing to consider Annexation 473 and 16-lot Tentative Subdivision Map 1-2010 for that ±8.52 acre site generally located on the north side of Henderson Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights (Exhibits A & B); and

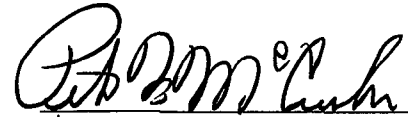
WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed into the City as R-1 (One Family) Zone for the entire ±8.52 acre site; and

WHEREAS: Annexation 473 is a proposal to incorporate ±8.52 acres of land into the City Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 473 to the Local Agency Formation Commission (LAFCo) for its review and approval; and

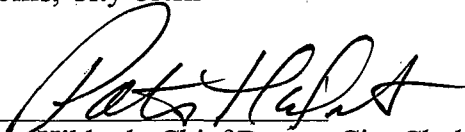
WHEREAS: The City Council made the following findings in its review of the environmental circumstances of this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.
2. That the subject project will not create adverse environmental impacts as indicated in the initial study prepared for the project;
3. The Negative Declaration prepared for this project was made available for public review and comment;
4. That the City Council is the decision-making body for the project.
5. That review of the environmental circumstances regarding this project indicate that there are will be no adverse impacts to the wildlife resources from implementation of the project;
6. That the environmental analysis prepared for the project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City of Porterville does hereby approve the Negative Declaration prepared for Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates), as described here in.


Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

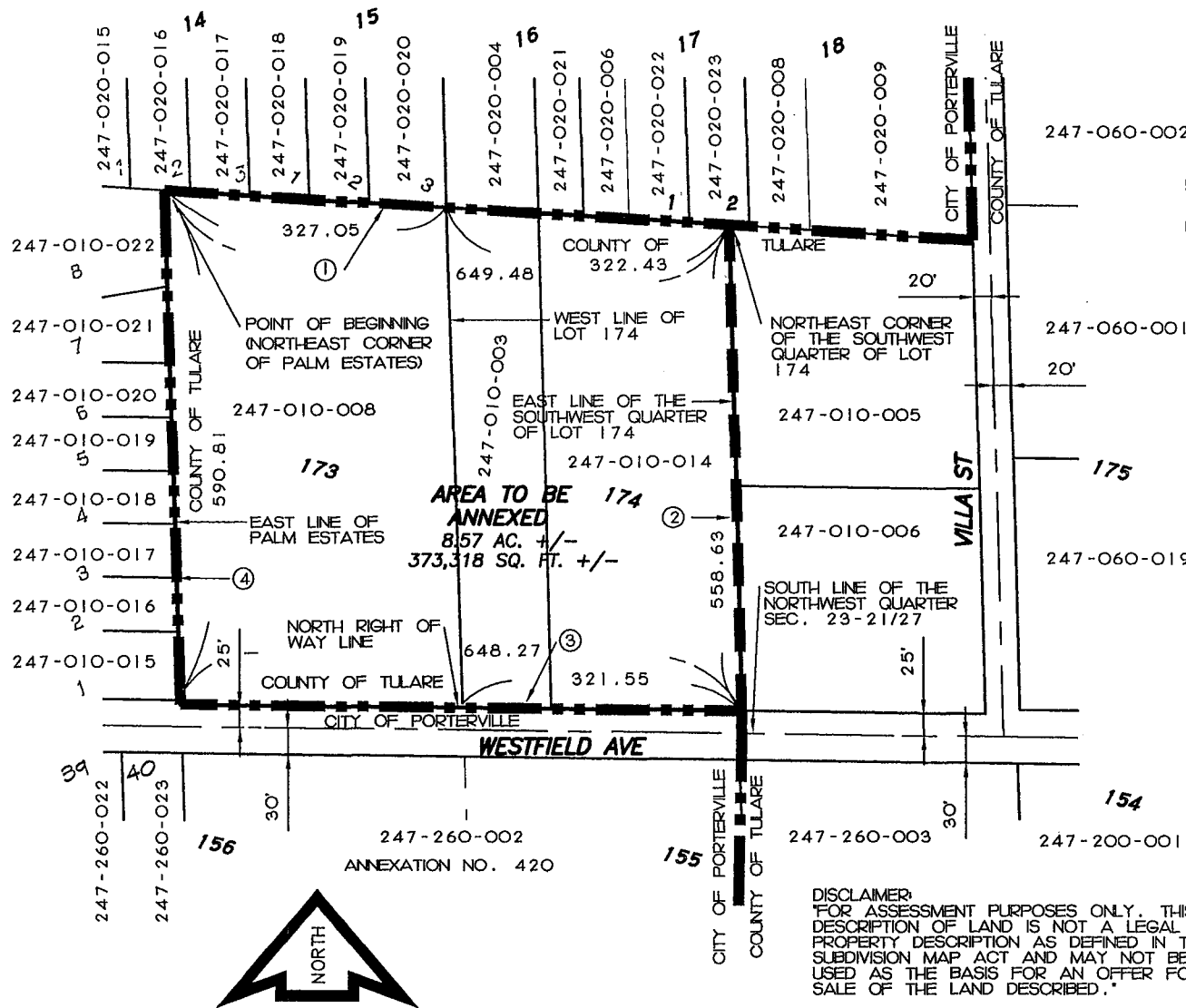
By 
Patrice Hildreth, Chief Deputy City Clerk

- ① EASTERLY 649.48±
- ② SOUTHERLY 558.63±
- ③ WESTERLY 648.27±
- ④ NORTHERLY 590.81±

■■■■■ EXISTING CITY LIMITS
■■■■■ PROPOSED CITY LIMITS

1 PARCEL MAP 4463

The map shows a grid of streets. Pioneer Ave runs horizontally at the top. La Vida Ave runs horizontally below it. City runs horizontally below La Vida Ave. Westfield Ave runs horizontally below City. Mulberry St runs horizontally below Westfield Ave. Indiana Ave runs horizontally at the bottom. Henderson Ave runs horizontally at the very bottom. County City runs diagonally from the bottom left towards the top right. A large arrow points from the top right towards the intersection of Pioneer Ave and City, labeled 'SUBJECT SITE'.



BEING A PORTION OF THE SOUTH HALF OF LOT 173 AND THE SOUTHWEST QUARTER OF LOT 174 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo TIME AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA.

AND THE SOUTHWEST
FIRST SUBDIVISION, LOCATED
NORTHWEST QUARTER OF
EXHIBIT A
, MOUNTAIN BLADE AND

A horizontal scale bar with three segments. The first segment is labeled '0'', the second '100'', and the third '200''. The bar is divided into alternating black and white squares.

SCALE: 1" = 200'

ALL DISTANCES ARE IN
FEET AND DECIMALS THEREOF

ANNEXATION NO. _____
CITY OF PORTERVILLE

Being a portion of the Southwest quarter of the Northwest quarter of Section 23, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, all in the County of Tulare, State of California, more particularly described as follows:

Beginning at the Northeast corner of Palm Estates, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 30 of Maps, at Page 3, Tulare County Records, said point being on the existing City Limits line of the City of Porterville;

Thence (1) Easterly along the existing City Limits line, a distance of 649.48 feet, more or less, to the East line of the Southwest quarter of Lot 174 of Pioneer Land Company's First Subdivision, as per map recorded in Book 3 of Maps, at Page 34, Tulare County Records;

Thence (2) leaving the existing City Limits line Southerly along the East line of the Southwest quarter of said Lot 174, a distance of 558.63 feet, more or less, to the North right of way line of Westfield Avenue and the existing City Limits line, said point being 25.00 feet North of the South line of the Northwest quarter of said Section 23;

Thence (3) Westerly along the existing City Limits line and the North right of way line of Westfield Avenue, a distance of 648.27 feet, more or less, to a point on the East line of said Palm Estates;

Thence (4) Northerly along the East line of said Palm Estates and the existing City Limits line, a distance of 590.81 feet, more or less, to the **Point of Beginning** and containing 8.57 acres of land, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



EXHIBIT A

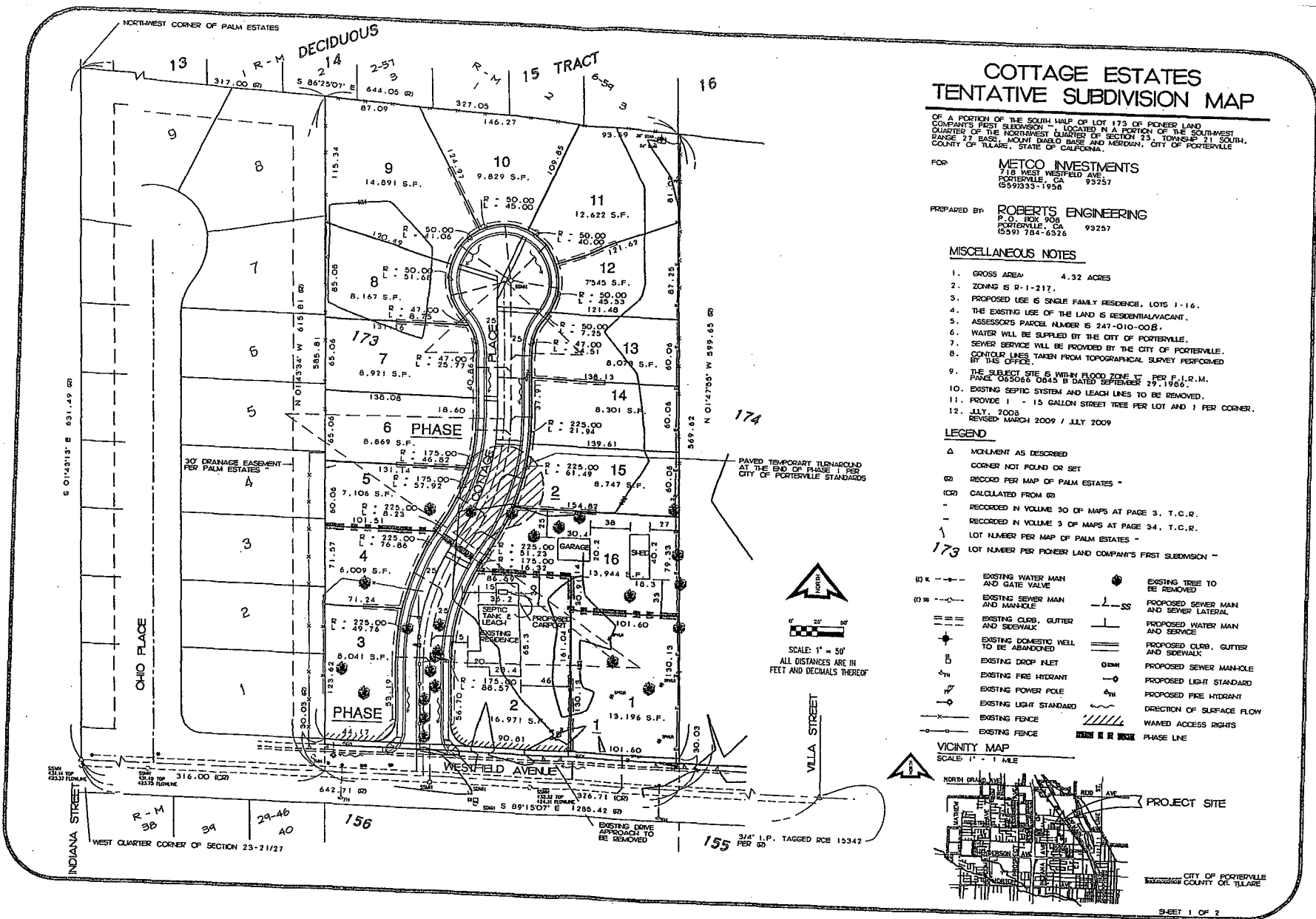


EXHIBIT B

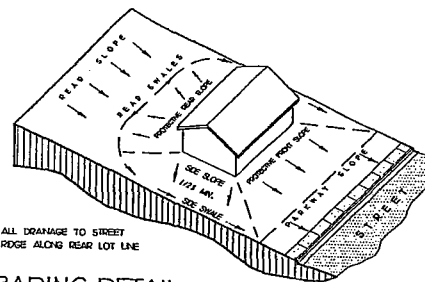
COTTAGE ESTATES TENTATIVE SUBDIVISION MAP

OF A PORTION OF THE SOUTH HALF OF LOT 173 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION - LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR
METCO INVESTMENTS
718 WEST WESTFIELD AVE.
PORTERVILLE, CA 93257
(559) 333-1195B

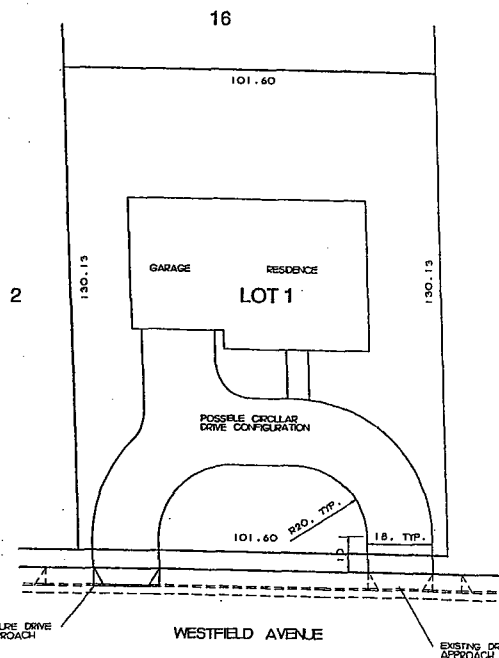
PREPARED BY
ROBERTS ENGINEERING
P.O. BOX 908
PORTERVILLE, CA 93257
(559) 784-6326

NOTE: THIS GRADING PLAN IS INTENDED FOR ROUGH SUBDIVISION LOT GRADING ONLY. THE GRADING INFORMATION AND DETAILS SHOWN UPON THESE PLANS ARE NOT INTENDED TO BE ADEQUATE TO PROVIDE FOR A COMPLETED FUNCTIONING DRAINAGE SYSTEM ON INDIVIDUAL LOTS. NOR IS IT POSSIBLE TO DO SO WITHOUT ADDITIONAL ENGINEERING DESIGN RELATED TO THE SPECIFIC PLAN OF IMPROVEMENTS PROPOSED FOR EACH LOT. BUILDING CONSTRUCTION UPON THESE LOTS MAY REQUIRE ADDITIONAL FILL MATERIAL, ADDITIONAL GRADING, THE CONSTRUCTION OF DRAINAGE PIPES, CURBS, GUTTERS, PAVING OR OTHER WORK AND ADDITIONAL DESIGN AND SURVEYING SERVICES CONNECTED WITH SUCH PROPOSED IMPROVEMENTS IN ORDER TO ENSURE THAT AN ADEQUATE COMPLETED DRAINAGE SYSTEM WILL BE PROVIDED FOR EACH LOT. FAILURE TO PROVIDE SUCH ADDITIONAL MEASURES MAY RESULT IN ADVERSE SITE-SPECIFIC PHYSICAL CONDITIONS INCLUDING EXCESSIVE MOISTURE, AND POTENTIAL HEALTH HAZARDS INCLUDING THE PRESENCE OF POTENTIALLY TOXIC MOLD, AND/OR OTHER PROBLEMS THAT CAN NOT BE ANTICIPATED.



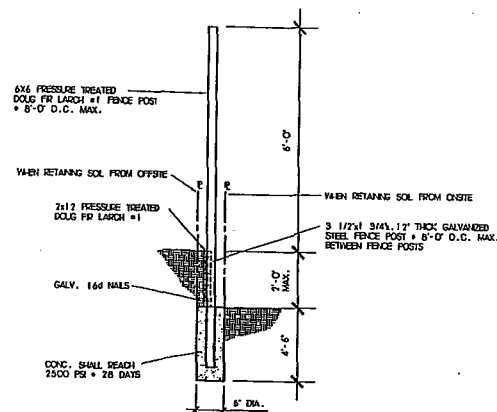
TYPICAL LOT GRADING DETAIL

NO SCALE



LOT 1 CIRCULAR DRIVE DETAIL

NO SCALE



WOOD RETAINING WALL

NOTES:
RETAINING WALL LUMBER SHALL BE CALIFORNIA REDWOOD NO. 2 OR PRESSURE TREATED DOUGLAS FIR NO. 1 (F-1200 P.S.I.) OR BETTER, TWO INCH MIN. (1 1/2" NOMINAL THICKNESS, NAILING SHALL BE 4", 6", 8", 10" OR 12".
POST SHALL BE PRESSURE TREATED DOUGLAS FIR NO. 1 OR BETTER (F-1200 P.S.I.), 6x6" MIN. SIZE.
CONCRETE SHALL BE 5 SACK, 2500 P.S.I. MIN.

EXHIBIT **B**

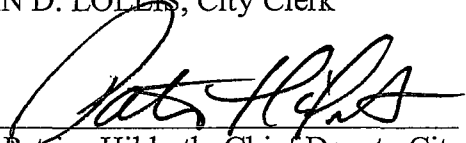
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 18th day of May, 2010.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	IRISH	F. MARTINEZ	WARD	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 58-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT AND CONDITIONS OF APPROVAL FOR
TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES), A 16 LOT SUBDIVISION
ON ± 4.32 ACRES, LOCATED ON THE NORTH SIDE OF WESTFIELD AVENUE
APPROXIMATELY 300 FEET EAST OF INDIANA STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2010, conducted a public hearing to consider Annexation 473 (a total area of ± 126.6 acres) and 16 lot Tentative Subdivision Map 1-2010 (a ± 4.32 acre portion of the annexation area) site generally located on the north side of Henderson Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates) (Exhibits A & B); and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed into the City as R-1 (One Family) Zone on that ± 8.52 acres; and

WHEREAS: The City Council made the following findings in its review of the environmental circumstances of this project:

1. That the design and improvements of the project are consistent with the General Plan.
2. That the site is physically suitable for the type and density of the proposed development. The Land Use Element of the General Plan designates the site for Low Density Residential. The propose subdivision will be developed within the density allowed by the General Plan.
3. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act indicate that the project will not have a significant effect on the environment.
4. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

7. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to layout of the streets and proposed lots, the short lot depth for the property line that separates Parcels 3 and 4 can not be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 3 and 4 to have a lot depth of 8.76 feet less than the minimum of 80 feet.

The affected lots are ± 120 ft beyond the entrance to the cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Cottage Estates Tentative Subdivision Map 1-2010 subject to the following conditions:

1. The parcel line separating Parcels 3 & 4 has a lot depth of 71.24 feet.

Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

“The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet.”

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes findings with respect thereto.

As a result, Staff has received a letter from the applicant/agent requesting an exception from the minimum lot depth of 80 feet for those parcel lines separating Parcels 3 & 4.

2. Proposed Parcel Two (2) is considered a reverse corner lot. Any new construction or additions to include six foot high fences on this parcel will require a minimum of 12-foot setback from the cul-de-sac street. A two (2) car garage or carport (400 square feet) will be required to be constructed on this lot and the septic system will be abandoned and the property will connect to City services (water and sewer).
3. Proposed Parcel Three (3) is also considered a reverse corner lot. Any new construction to include six (6) foot high fences will require a minimum of 12-foot setback on the cul-de-sac street.
4. The Tentative Subdivision Map 1-2010 is contingent upon the approval of Annexation 473.
5. During pre-consultation with LAFCO, it was required by LAFCo Staff to include in the proposed annexation, at minimum, the two adjacent parcels to the east. A survey letter and notice of proposed annexation is being mailed to the additional property owners.
6. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (revised 8-20-02), the California Manual on Uniform Traffic Control Devices, and the Porterville Circulation Element.
7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

8. The developer/applicant is hereby notified that the property is subject to \$6,323.10 development fees per Resolution No. 132-2003. The fee is associated with the construction of concrete improvements along Westfield Avenue by City.
9. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).
10. The developer/applicant shall submit a Tentative Subdivision Map in conformance with Section 21-15 of the Subdivision Ordinance.
11. The developer/applicant shall provide and show all required utility easements on the Final Map.
12. The developer/applicant shall cause all unnecessary easement to be vacated prior to or in conjunction with the Final Map processing.
13. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. At this time it is the opinion that access to Westfield Avenue will be restricted with the exception of Lot 1. The driveway(s) for this lot shall be designed for head in entrances to Westfield Avenue, such as a circular drive or hammer head driveway.
14. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
 - Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
 - Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix J). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
 - Soils Report(s) in accordance with Chapter 18 of the California Building Code.
15. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
16. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.

17. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development.
18. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.
19. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g., water, sewer, drainage, etc.).
20. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
21. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g., buildings, foundations, septic tanks, irrigation pipes, etc.).
22. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
23. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
 1. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 2. The water system, is functional from the source of water past the lots on which

permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

3. Street base rock for accessibility by the public safety officials and building inspectors;
 4. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 5. Lot corners are marked;
 6. Fire hydrants are accepted by the Fire Department and the Engineering Division.
24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system.
25. The developer/applicant shall direct all run-off to the existing storm drain piping system in Westfield Avenue.
26. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

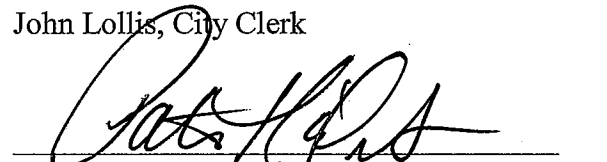
28. The developer/applicant shall construct first phase full street frontage improvements, including all underground utilities, to a line between the northwest corner of Parcel 2 and northeast corner of Parcel 4. Sidewalk installation along Parcel 4 may be deferred to building permit issuance of the next phase. The first phase shall be extended northerly to include Lot 5 and Lot 16 if one of the existing structures on Lot 16 has been legally converted to a single family residence.
29. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
30. The developer/applicant shall construct City standard barricades at the end of all dead end streets.
31. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.
32. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
33. The developer/applicant shall move existing utility structures (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision.
35. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
36. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.
37. When fees are paid, a more thorough study will be made. At that time additional conditions may be found to be necessary or some of the above conditions may be found to be unnecessary.

38. Provide all copies of permits and final records for the entire property. All permits still open with the County shall be finished out by the County Building Department.
39. Compliance with access laws (both state and federal) is required.
40. All construction offices, storage containers, etc., for temporary use must receive City Council approval.
41. The project must comply with latest applicable codes.
42. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
43. Additional fire hydrants will be required. Hydrant location shall be as follows: between lots 14/15. All hydrants must be in a place and accepted by the Fire Department prior to any combustibles being brought onto the site.
44. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
45. Fire hydrant spacing shall be as follows:
 In **Residential development**, one hydrant shall be installed at **500-foot** intervals.
46. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
47. All dead-end access road in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
48. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
49. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 p.s.i. residual pressure. One and two family dwelling having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 p.s.i. residual pressure.

50. That the subject site will be developed/maintained in accordance with the proposed maps labeled EXHIBIT "A" & "B."


Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

LINE TABLE

- ① EASTERLY 649.48±
- ② SOUTHERLY 558.63±
- ③ WESTERLY 648.27±
- ④ NORTHERLY 590.81±

LEGEND

--- EXISTING CITY LIMITS

--- PROPOSED CITY LIMITS

173 PIONEER LAND COMPANY'S FIRST SUBDIVISION

1 PALM ESTATES

14 DECIDUOUS TRACT

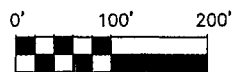
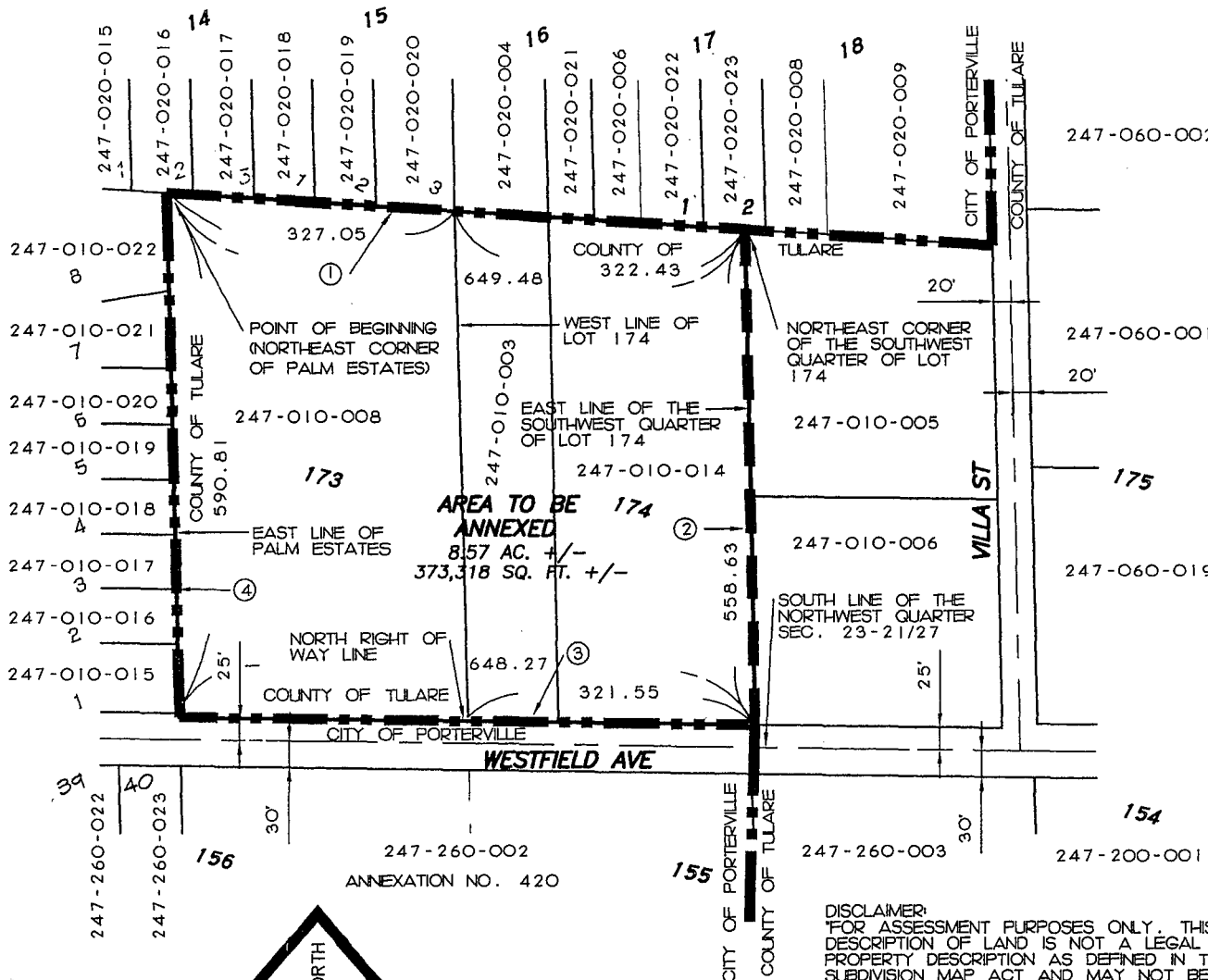
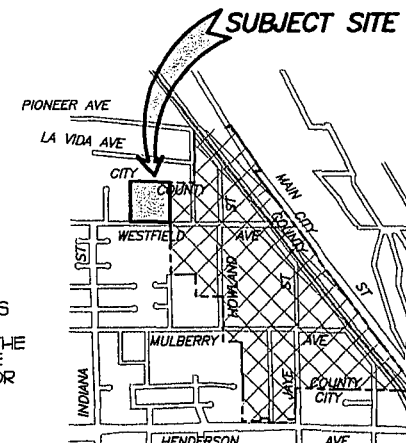
3a MULBERRY MEADOWS ESTATES #4

1 PARCEL MAP 157

7 PARCEL MAP 559

1 PARCEL MAP 4463

VICINITY MAP



SCALE: 1" = 200'

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF

DISCLAIMER:
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

ANNEXATION AREA NO.

BEING A PORTION OF THE SOUTH HALF OF LOT 173 AND THE SOUTHWEST QUARTER OF LOT 174 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNTAIN STANDARD MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA.

EXHIBIT A

ANNEXATION NO. _____
CITY OF PORTERVILLE

Being a portion of the Southwest quarter of the Northwest quarter of Section 23, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, all in the County of Tulare, State of California, more particularly described as follows:

Beginning at the Northeast corner of Palm Estates, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 30 of Maps, at Page 3, Tulare County Records, said point being on the existing City Limits line of the City of Porterville;

Thence (1) Easterly along the existing City Limits line, a distance of 649.48 feet, more or less, to the East line of the Southwest quarter of Lot 174 of Pioneer Land Company's First Subdivision, as per map recorded in Book 3 of Maps, at Page 34, Tulare County Records;

Thence (2) leaving the existing City Limits line Southerly along the East line of the Southwest quarter of said Lot 174, a distance of 558.63 feet, more or less, to the North right of way line of Westfield Avenue and the existing City Limits line, said point being 25.00 feet North of the South line of the Northwest quarter of said Section 23;

Thence (3) Westerly along the existing City Limits line and the North right of way line of Westfield Avenue, a distance of 648.27 feet, more or less, to a point on the East line of said Palm Estates;

Thence (4) Northerly along the East line of said Palm Estates and the existing City Limits line, a distance of 590.81 feet, more or less, to the **Point of Beginning** and containing 8.57 acres of land, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

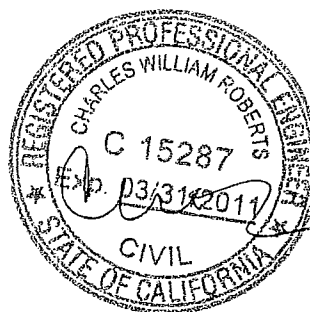


EXHIBIT A

OF A PORTION OF THE SOUTH HALF OF LOT 173 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION - , LOCATED IN A PORTION OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

PREPARED BY: ROBERTS ENGINEERING
P.O. BOX 908
PORTERVILLE, CA 93257
(559) 784-6326

1. GROSS AREA 4.32 ACRES
2. ZONING IS P-1-217.
3. PROPOSED USE IS SINGLE FAMILY RESIDENCE, LOTS 1-16.
4. THE EXISTING USE OF THE LAND IS RESIDENTIAL/VACANT.
5. ASSESSOR'S PARCEL NUMBER IS 747-010-008.
6. WATER WILL BE SUPPLIED BY THE CITY OF PORTERVILLE.
7. SEWER SERVICE WILL BE PROVIDED BY THE CITY OF PORTERVILLE.
8. CORNER LINES TAKEN FROM TOPOGRAPHICAL SURVEY PERFORMED BY THE OFFICE.
9. THE SUBJECT SITE IS WITHIN FLOOD ZONE V-1 PER F.I.R.M. CHART 080668 0840 B DATED SEPTEMBER 29, 1980.
10. EXISTING SEPTIC SYSTEM AND LEACH LINES TO BE REMOVED.
11. PROVIDE 1" - 15 GALLON STREET TREE LOT AND 1 PER CORNER
12. JUNE 2008
13. REVISED MARCH 2009 / JULY 2009

Δ MONUMENT AS DESCRIBED
CORNER NOT FOUND OR SET
(R) RECORD PER MAP OF PALM ESTATES -
(CR) CALCULATED FROM (R)
- RECORDED IN VOLUME 30 OF MAPS AT PAGE 3, T.C.R.
- RECORDED IN VOLUME 3 OF MAPS AT PAGE 34, T.C.R.
1 LOT NUMBER PER MAP OF PALM ESTATES -
173 LOT NUMBER PER PIONEER LAND COMPANY'S FIRST SUBDIVISION -

SCALE 1" = 1 MILE

NORTH GRAND AVE

RED ST AVE

HARRISON AVE

PROJECT SITE

CITY OF PORTLAND
CLATSOP COUNTY

SHEET 1 OF 2

EXHIBIT B

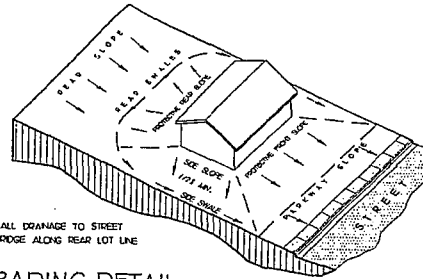
COTTAGE ESTATES TENTATIVE SUBDIVISION MAP

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FOR: METCO INVESTMENTS
718 WEST WESTFIELD AVE.
PORTERVILLE, CA 93257
(559) 383-1950

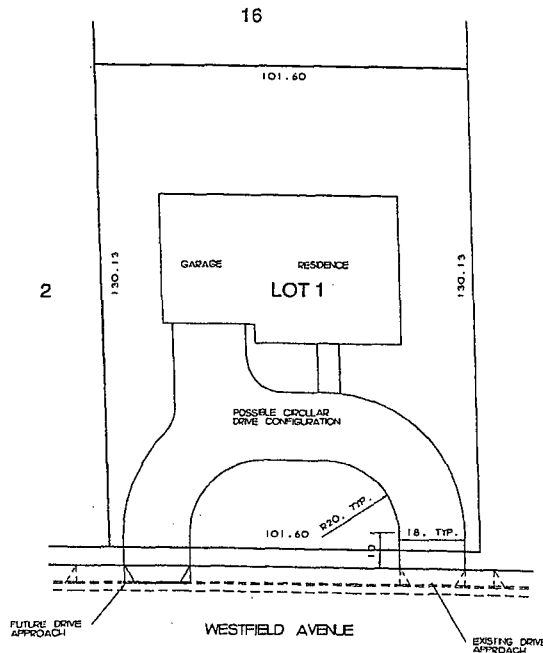
PREPARED BY: ROBERTS ENGINEERING
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NOTE: THIS GRADING PLAN IS INTENDED FOR ROUGH SUBDIVISION LOT GRADING ONLY. THE GRADING INFORMATION AND DETAILS SHOWN UPON THESE PLANS ARE NOT INTENDED TO BE ADEQUATE TO PROVIDE FOR A COMPLETED FUNCTIONING DRAINAGE SYSTEM ON INDIVIDUAL LOTS, NOR IS IT POSSIBLE TO DO SO WITHOUT ADDITIONAL ENGINEERING DESIGN RELATED TO THE SPECIFIC PLAN OF IMPROVEMENTS PROPOSED FOR EACH LOT. BUILDING CONSTRUCTION UPON THESE LOTS MAY REQUIRE ADDITIONAL FILL MATERIAL, ADDITIONAL GRADING, THE CONSTRUCTION OF DRAINAGE PIPES, CURBS, GUTTERS, PAVING OR OTHER WORK, AND ADDITIONAL DESIGN AND SURVEYING SERVICES CONNECTED WITH SUCH PROPOSED IMPROVEMENTS IN ORDER TO ENSURE THAT AN ADEQUATE COMPLETED DRAINAGE SYSTEM WILL BE PROVIDED FOR EACH LOT. FAILURE TO PROVIDE SUCH ADDITIONAL MEASURES MAY RESULT IN ADVERSE SITE-SPECIFIC PHYSICAL CONDITIONS INCLUDING EXCESSIVE MOISTURE, AND POTENTIAL HEALTH HAZARDS INCLUDING THE PRESENCE OF POTENTIALLY TOXIC MOULD, AND/OR OTHER PROBLEMS THAT CAN NOT BE ANTICIPATED.



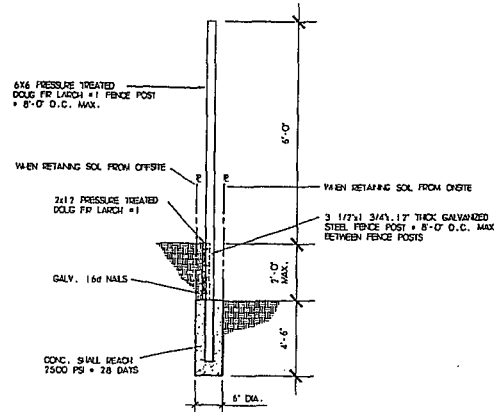
TYPICAL LOT GRADING DETAIL

NO SCALE



LOT 1 CIRCULAR DRIVE DETAIL

NO SCALE



WOOD RETAINING WALL

NOTES:
RETAINING WALL LINER SHALL BE CALIFORNIA REDWOOD NO. 2 OR PRESSURE TREATED DOUGLAS FIR NO. 1 @ 1700 P.S.I. OR BETTER, TWO (2) IN. MIN. (1) 1/2" NOMINAL THICKNESS. WIDTH SHALL BE 4", 6", 8", 10" OR 12".
POST SHALL BE PRESSURE TREATED DOUGLAS FIR NO. 1 OR BETTER @ 1700 P.S.I., 6x6" MIN. SIZE.
CONCRETE SHALL BE 5 SACK, 2500 P.S.I. MIN.

EXHIBIT B

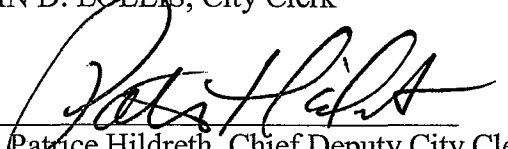
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 18th day of May, 2010.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	IRISH	F. MARTINEZ	WARD	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A 24 MONTH
EXTENSION OF TIME FOR COTTAGE ESTATES SUBDIVISION MAP GENERALLY
LOCATED ON THAT SITE NORTH OF WESTFIELD AVENUE AND WEST OF VILLA
STREET

WHEREAS: On May 18, 2010, the City Council of the City of Porterville adopted a Mitigated Negative Declaration of environmental impact for the Cottage Estates Tentative Subdivision map;

WHEREAS: On May 18, 2010, the City Council of the City of Porterville adopted a Tentative Subdivision Map for the Cottage Estates Subdivision;

WHEREAS: The Porterville City Council at its regularly scheduled meeting of May 1, 2018, considered a 24 month extension of time request for the Cottage Estates Subdivision Map;

WHEREAS: Section 66452.6 (e) of the State Map Act allows the City Council to grant extension of time for tentative map (both subdivision and parcel maps) for a period not to exceed a total of six years;

WHEREAS: As a result of the series of legislative map extensions approved by the California legislature through Assembly Bills 208, 116, and 1303, this map has received six years of legislative extensions. While these do not count towards the statutory limit of six years identified in §66452.6(e) of the Government Code, it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision ordinances, now known as the Development Code. Because Cottage Estates was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City, with the exception of the parkway strips between the curb and sidewalk; and

WHEREAS: The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a 24 month extension of time for Cottage Estates Subdivision Map and that the conditions specified in City Council Resolution 57-2010 and 58-2010 shall remain in full force and effect except where the updated General Plan and Development Code would result in changes. Said extension of time shall commence May 18, 2018, and shall expire on May 18, 2020.

PASSED, APPROVED AND ADOPTED this 1st day of May, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

OF A PORTION OF THE SOUTH HALF OF LOT 173 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION - , LOCATED IN A PORTION OF THE SOUTH-WEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

PREPARED BY: ROBERTS ENGINEERING
P.O. BOX 908
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(559) 784-6326

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11/27/2008
REVISED MARCH 2009 / GUYLTON STREET

Δ MONUMENT AS DESCRIBED
CORNER NOT FOUND OR SET
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(CR) CALCULATED FROM (R)
- RECORDED IN VOLUME 30 OF MAPS AT PAGE 3, T.C.R.
- RECORDED IN VOLUME 3 OF MAPS AT PAGE 34, T.C.R.
1 LOT NUMBER PER MAP OF PALM ESTATES -
173 LOT NUMBER PER PIONEER LAND COMPANY'S FIRST SUBDIVISION -

- [illegible]

SHEET 1 OF 2

EXHIBIT B

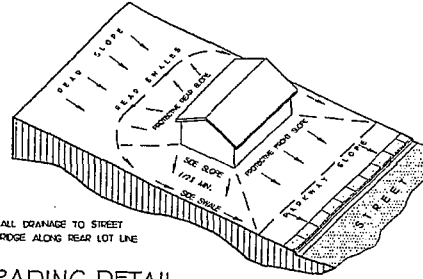
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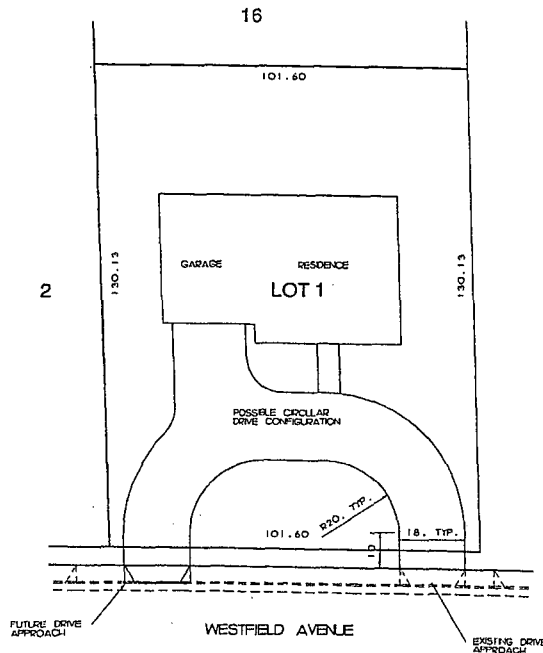
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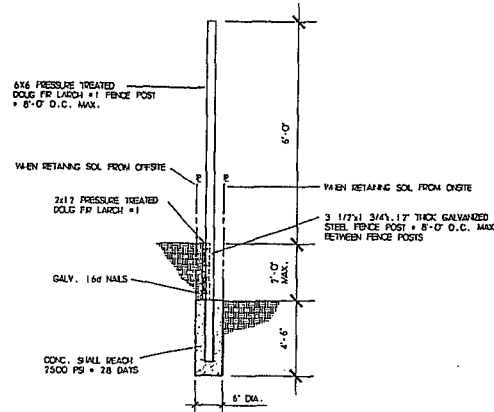
TYPICAL LOT GRADING DETAIL

NO SCALE



LOT 1 CIRCULAR DRIVE DETAIL

NO SCALE



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NOTES:
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CONCRETE SHALL BE 5 SACK, 2500 P.S.I. MIN.

EXHIBIT B



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Update to the Local Guidelines for Implementing the California Environmental Quality Act

SOURCE: Community Development

COMMENT: During review of the City's local environmental regulations and procedures, staff realized the need to update the most recently amended guidelines, adopted by Resolution 92-2004. Chapter 611 of Chapter 21 of the Porterville Municipal Code outlines procedures for processing and preparing all environmental documents, as well as Mitigation Monitoring and Reporting Programs, and preparation of environmental documents by consultants. To supplement these local regulations, the local guidelines establish objectives, criteria, and specific procedures for administering the City's responsibilities under CEQA. Each public agency in California is required to adopt local guidelines pursuant to §20182 of CEQA and §15022 of the CEQA Guidelines. The draft resolution updates referenced sections of the Municipal Code, and clarifies parameters for use of consultants for preparation of CEQA and NEPA environmental documents.

Lastly, pursuant to Section 15022 (c) of the CEQA Guidelines, public agencies should revise their implementing procedures to conform to amendments to the CEQA Guidelines within 120 days after the effective date of the amendments. Going forward, such updates can be expected to occur annually.

RECOMMENDATION: That the City Council adopt a resolution amending the local guidelines for implementing the California Environmental Quality Act.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AMENDMENTS TO THE LOCAL GUIDELINES FOR IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS: The State of California mandates adoption of local guidelines for the implementation of the California Environmental Quality Act (CEQA) as found in Division 13 of the California Public Resources Code and the Guidelines for Implementation of the California Environmental Quality Act, in Title 14 of the California Code of Regulations; and

WHEREAS: At the regularly scheduled meeting of May 1, 2018, the City Council of the City of Porterville considered amendments to the Local Guidelines for implementation of the California Environmental Quality Act, last adopted by Resolution 92-2004; and

WHEREAS: The amendments are necessary to properly align with the language of Chapter 21 of the Municipal Code, commonly known as the "Development Code;" and to address the growing complexity of environmental law and regulations, which renders staff incapable of preparing certain such documents in-house; and

WHEREAS: Unless otherwise referenced, the City of Porterville defers to the statutes and guidelines for implementing CEQA, as identified above.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve amendments to the Local Guidelines for implementing the California Environmental Quality Act as attached hereto as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 1st day of May, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT “A”

LOCAL GUIDELINES FOR EVALUATING, PREPARING, AND ADMINISTERING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. PURPOSE:

The primary purpose of these local guidelines is for the preparation and administration of environmental documents required under the provisions of the California Environmental Quality Act (CEQA) as codified in Division 13 of the California Public Resources Code, and the Guidelines for Implementation of the California Environmental Quality Act, in Title 14 of the California Code of Regulations.

These guidelines are also adopted to set forth procedures and provisions for implementing CEQA. The local guidelines shall be complimentary to the State CEQA Guidelines, which are incorporated herein by reference; when in conflict, the State CEQA Guidelines shall prevail.

Each public agency is required to adopt objectives, criteria, and specific procedures for administering its responsibilities pursuant to §20182 of CEQA and §15022 of the CEQA Guidelines.

- A. Definitions: All definitions contained in Article 20 of the CEQA Guidelines are hereby incorporated. In addition to those definitions, the following terms and meanings shall be used to interface City of Porterville regulations with CEQA. Further, the definitions and rules for construction of language included in Chapter 21 of the Porterville Municipal Code (Development Code) are to be used when clarification related to local terms is needed.
- B. Zoning Administrator Determinations: The Zoning Administrator acts as the Environmental Coordinator in administering the provisions of CEQA; the two titles are used interchangeably herein. As such, the Zoning Administrator shall make the determination as to the appropriate level of environmental analysis required for projects subject to CEQA. Upon determination by the Environmental Coordinator, and environmental document will be prepared pursuant to CEQA. When compliance with the National Environmental Policy Act (NEPA) is required, the Environmental Coordinator shall process the requisite documents to comply with NEPA.

II. RESPONSIBILITIES OF THE ENVIRONMENTAL COORDINATOR:

The Environmental Coordinator shall act in administering the provisions of the California Environmental Quality Act (CEQA) by undertaking the following:

- A. To determine what activities are not subject to CEQA, and to take an appropriate action on same:
 - a. Statutory Exemptions as defined in Article 18 of the CEQA Guidelines;
 - b. Ministerial actions including the following:
 - i. Issuance of building permits;

- ii. Issuance of business licenses, including as needed, home occupation permits;
 - iii. Approval of final subdivision maps;
 - iv. Approval of individual utility service connections and disconnections;
 - v. Zoning Conformance Review determinations, as outlined in Chapter 602 of Chapter 21 of the Porterville Municipal Code;
 - vi. Administrative Hillside Development Permits, approved in accordance with Chapter 603 of Chapter 21 of the Porterville Municipal Code;
 - vii. Temporary use permits approved in accordance with Chapter 605 of Chapter 21 of the Porterville Municipal Code;
 - viii. Adjustments approved in accordance with Chapter 610 of Chapter 21 of the Porterville Municipal Code;
 - ix. Code enforcement activities and nuisance abatement.
- B. To ensure that all environmental documents are processed pursuant to the CEQA guidelines and the City of Porterville local guidelines for the administration of CEQA;
- C. To review all projects subject to CEQA and determine if a Negative Declaration or an Environmental Impact Report (EIR) will be required for the project;
- D. To ensure that all environmental documents are properly noticed;
- E. To provide for public review periods for Negative Declarations and EIRs as required by CEQA;
- F. To consult with and obtain information and comments from other public agencies, tribal governments, interested parties, members of the public, and others with regard to the potential impacts of a project;
- G. To determine if the project or activity is part of a phased project or a group of projects for which an EIR prepared for the entire project has previously been submitted and approved in accordance with CEQA and local guidelines may be subject to a subsequent EIR, a supplement to said EIR, an addendum, or other required review as described in Article 11 of the CEQA Guidelines. Reasons for such conclusions shall be stated in a memo to file;
- H. To determine if the project or activity is part of a larger project that requires a comprehensive environmental document prepared to evaluate the environmental consequences resulting from the entirety of an action;
- I. To determine if the environmental effects of the proposed project or activity are specifically similar to and warrant the same treatment as those addressed in a previous project for which a Negative Declaration or EIR has previously been prepared and approved in accordance with CEQA. If such a determination is made, a single Negative Declaration or EIR may be utilized for more than one project;
- J. To make recommendation to the City Council;

- K. To adequately evaluate and respond to comments received on environmental documents when appropriate; and
- L. To ask for an appropriate motion which may be for a continuance, approval, in depth study of a part, or all of the Negative Declaration of EIR.

III. LIMITATIONS OF REVIEW OF ENVIRONMENTAL DOCUMENTS BY THE ENVIRONMENTAL COORDINATOR:

In reviewing environmental documents, the Environmental Coordinator shall limit comments to the adequacy or appropriateness of the submitted documents, and shall not comment on the value of the project itself or whether it is to be approved.

IV. EXEMPTIONS:

The CEQA Guidelines provide for projects and activities that are statutorily exempt and categorically exempt. The City of Porterville shall adhere to the CEQA Guidelines when determining whether a project is exempt from CEQA. Those activities described in 600.03 of Chapter 21 of the Porterville Municipal Code and in Section II.A above are hereby considered to be exempt from CEQA as they fall within the classifications of exemptions provided for in CEQA.

V. FILING OF ENVIRONMENTAL INFORMATION FORMS:

Prior to, or concurrent with submittal of the project application, the applicant shall prepare and file an Environmental Information Form and project plans with the Planning Division. Said forms shall be provided by the City and available on the City's website.

Upon receipt of the Environmental Information Form and project plans, the Environmental Coordinator shall determine if the project is subject to CEQA. If the project is determined to be exempt, a Notice of Exemption, which fulfills the environmental requirements of CEQA, shall be filed with the County Clerk. If the project is statutorily exempt or not subject to CEQA, further environmental determination is not needed.

VI. PROCEDURES FOR PREPARING INITIAL STUDIES, NEGATIVE DECLARATIONS, AND ENVIRONMENTAL IMPACT REPORTS:

Chapter 611 of Chapter 21 of the Porterville Municipal Code outlines procedures for processing and preparing all environmental documents, as well as Mitigation Monitoring and Reporting Programs, and preparation of environmental documents by consultants.

VII. SUBMITTING COMMENTS TO OTHER AGENCIES:

The Environmental Coordinator shall be responsible for reviewing and commenting on environmental documents prepared by other lead agencies in the conduct of their activities. Said comments shall be based on the thresholds of significance established by responsible and trustee agencies and defined in the Public Resources Code as the project may affect the environment in and around the City of Porterville.



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Approval of a Resolution in Support of SB 5: Parks and Water Bond Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

SOURCE: Parks and Leisure Services

COMMENT: Senate Bill 5, drafted by Assembly Member Kevin de León, places a \$4 billion bond on the June 2018 statewide ballot for parks, water, and climate and environmental programs. If the voters approve SB 5, local governments will receive funding for local park improvements and will be eligible for numerous grants to fund water, local parks, coastal, and climate resiliency projects.

Every city in the state will benefit from the passage of this bond through a per capita allocation of at least \$200,000 for their parks. Cities will also be eligible to apply for many other grants to fund water, local parks, and coastal and climate resiliency projects.

If this measure passes, the City of Porterville will be able seek competitive grants for park improvements and rehabilitation; grants and loans for water recycling programs; and climate and environmental programs.

RECOMMENDATION: That the City Council approve a Resolution in support of SB 5.

ATTACHMENTS:

1. Brief Breakdown of SB 5 (de León)
2. Ballot Measure Language
3. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

**SB 5 (de Leon) California Drought, Water, Parks, Climate, Coastal Protection, and
Outdoor Access For All Act of 2018
Chapter 852, Statutes of 2017 (Urgency)**

SB 5 (De Leon) places a \$4 billion bond on the June 2018 statewide ballot for parks, water, and climate and environmental programs. If the voters approve SB 5, local governments will receive funding for local park improvements and will be eligible for numerous grants to fund water, local parks, coastal and climate resiliency projects. The following is breakdown of funding in bond:

Parks Funding (Total \$1.283 billion)

- \$725 million for competitive grants for safe neighborhood parks
- \$200 million for per capita grants to cities, counties, and parks districts for local park improvement and rehabilitation
- \$15 million for competitive grants to urbanized counties
- \$30 million for competitive grants for state park facilities in regional parks districts
- \$40 million for per capita grants to local agencies that obtained voter approval for revenue measures between November 1, 2012 and November 30, 2016
- \$218 million for restoration of existing state park facilities, including \$5 million for urgent needs of local agencies that operate a unit of the state park system
- \$30 million for competitive grants for non-motorized infrastructure development
- \$25 million for competitive grants through the Roberti-Z'berg-Harris (RZH) Urban Open Space and Recreation Program

Water Funding (Total \$1.19 billion)

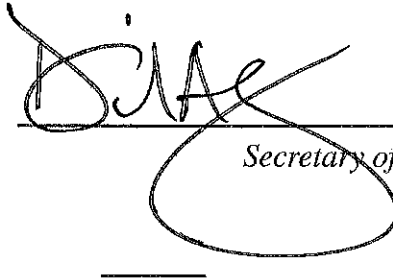
- \$250 million for competitive grants for clean drinking water programs
- \$550 million for flood protection and repair, including \$100 million for stormwater, mudslide and flash-flood-related protections and \$100 million for multibenefit flood management projects and storm water capture in urbanized areas
- \$290 million for competitive grants and loans for drought and groundwater regional sustainability
- \$100 million for grants or loans for water recycling programs

Climate and Environmental Programs Funding (Total \$1.547 billion)

- \$443 million for competitive grants for climate adaptation and resiliency programs
- \$162 million for the California River Parkways Program for grants to enhance urban creeks
- \$567 million for state conservancies and the Wildlife Conservation Board
- \$200 million for Salton Sea restoration activities and habitat
- \$175 million for coastal and ocean protection resources, including \$30 million for grants for lower cost coastal accommodations

Senate Bill No. 5

Passed the Senate September 16, 2017



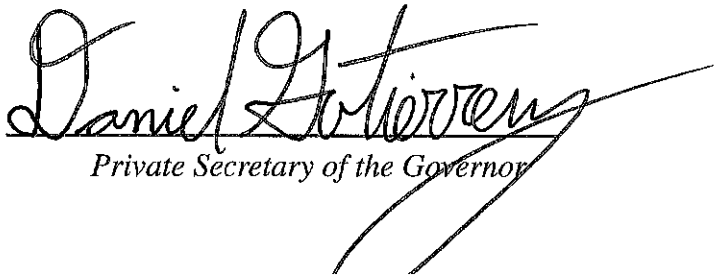
Secretary of the Senate

Passed the Assembly September 15, 2017



Chief Clerk of the Assembly

This bill was received by the Governor this 21st day
of September, 2017, at 5:30 o'clock p.M.



Private Secretary of the Governor

CHAPTER _____

An act to add Sections 5096.611 and 75089.5 to, and to add Division 45 (commencing with Section 80000) to, the Public Resources Code, and to add Section 79772.5 to the Water Code, relating to a drought, water, parks, climate, coastal protection, and outdoor access for all program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, De León. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of \$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization,

reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources.

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate \$100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide primary direct election.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 5096.611 is added to the Public Resources Code, to read:

5096.611. Notwithstanding any other law, two million five hundred fifty-seven thousand dollars (\$2,557,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 5096.610, and eight hundred thousand dollars (\$800,000) of the unissued bonds authorized for the purposes of subdivisions (b) and (c) of Section 5096.652 from the amount allocated pursuant to subdivision (d) of Section 5096.610 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 2. Section 75089.5 is added to the Public Resources Code, to read:

75089.5. Notwithstanding any other law, twelve million dollars (\$12,000,000) of the unissued bonds authorized for the purpose of subdivision (a) of Section 75063, three hundred fifteen thousand dollars (\$315,000) of the unissued bonds authorized for the purposes of subdivision (b) of Section 75063, and four million three hundred twenty-eight thousand dollars (\$4,328,000) of the unissued bonds authorized for the purposes of subdivision (b) of

Section 75065 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000).

SEC. 3. Division 45 (commencing with Section 80000) is added to the Public Resources Code, to read:

DIVISION 45. CALIFORNIA DROUGHT, WATER, PARKS,
CLIMATE, COASTAL PROTECTION, AND OUTDOOR
ACCESS FOR ALL ACT OF 2018

CHAPTER 1. GENERAL PROVISIONS

80000. This division shall be known, and may be cited, as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

80001. (a) The people of California find and declare all of the following:

(1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the rich diversity of outdoor experiences afforded to this state and its citizens.

(2) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.

(3) Many Californians across the state lack access to safe parks, wildlife, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.

(4) Investments to create and improve parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks, wildlife, and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.

(5) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars (\$40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant

savings. Investments in infrastructure improvements such as biking and walking trails and pathways, whether in urban or natural areas, are cost-effective ways to promote physical activity.

(6) Continued investments in the state's parks, wildlife and ecological areas, trails, and natural resources, and greening urban areas will help mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.

(7) California's outdoor recreation economy represents an eighty-seven-billion-dollar (\$87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.

(8) California's state, local, and regional park system infrastructure and national park system infrastructure are aging, and a significant infusion of capital is required to protect this investment.

(9) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.

(10) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.

(11) California's highly variable hydrology puts at risk the state's supply of clean and safe water. In recent years, California has experienced both the state's worst drought and also the wettest winter in recorded history.

(12) Extreme weather changes such as prolonged drought, intense heat events, and a changing snowpack are real climate impacts happening right now in California, and these changes increase the need to safeguard water supply for the quality of life for all Californians.

(13) Every Californian should have access to clean, safe, and reliable drinking water.

(14) California's water infrastructure continues to age and deteriorate.

(15) Encouraging water conservation and recycling are commonsense actions to improve California's water future.

(16) Successfully implementing the Sustainable Groundwater Management Act in collaboration with local government and communities is a key state priority.

(17) Flooding can devastate communities and infrastructure.

(18) Protecting and restoring lakes, rivers, streams, and the state's diverse ecosystems is a critical part of the state's water future and ensures the quality of life for all Californians.

(19) This division provides funding to implement the California Water Action Plan.

(20) Periodic investments are needed to protect, restore, and enhance our natural resources and parks to ensure all Californians have safe, clean, and reliable drinking water, prevent pollution and disruption of our water supplies, prepare for future droughts and floods, and protect and restore our natural resources for the benefit and enjoyment of our children and future generations.

(b) It is the intent of the people of California that all of the following shall occur in the implementation of this division:

(1) The investment of public funds pursuant to this division will result in public benefits that address the most critical statewide needs and priorities for public funding.

(2) In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) To the extent practicable, a project that receives moneys pursuant to this division will include signage informing the public that the project received funds from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

(4) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

(5) To the extent practicable, a project that receives moneys pursuant to this division will provide workforce education and training, contractor, and job opportunities for disadvantaged communities.

(6) To the extent practicable, priority for funding pursuant to this division will be given to local parks projects that have obtained all required permits and entitlements and a commitment of matching funds, if required.

(7) To the extent practicable, administering entities should measure or require measurement of greenhouse gas emissions reductions and carbon sequestrations associated with projects that receive moneys pursuant to this division.

(8) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the public agencies that receive funds pursuant to this division will consider a range of actions that include, but are not limited to, the following:

(A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

(9) To the extent practicable, priority for grant funding under this division will be given to a project that advances solutions to prevent displacement if a potential unintended consequence associated with park creation pursuant to the project is an increase in the cost of housing.

80002. As used in this division, the following terms have the following meanings:

(a) “Committee” means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee created by Section 80162.

(b) “Community access” means engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.

(c) “Conservation actions on private lands” means projects with willing landowners that involve the adaptive flexible management or protection of natural resources in response to changing conditions and threats to habitat and wildlife. The actions may include the acquisition of conservation interests or fee interests in the land. These projects result in habitat conditions on private lands that, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(d) “Department” means the Department of Parks and Recreation.

(e) “Disadvantaged community” means a community with a median household income less than 80 percent of the statewide average.

(f) “Fund” means the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, created by Section 80032.

(g) “Heavily urbanized city” means a city with a population of 300,000 or more.

(h) “Heavily urbanized county” means a county with a population of 3,000,000 or more.

(i) “Interpretation” includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

(j) “Nonprofit organization” means a nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.

(k) “Preservation” means rehabilitation, stabilization, restoration, conservation, development, and reconstruction, or any combination of those activities.

(l) “Protection” means those actions necessary to prevent harm or damage to persons, property, or natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or natural, cultural, and historic resources, and includes site monitoring, acquisition, development, restoration, preservation, and interpretation.

(m) “Restoration” means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, stormwater capture and storage or to otherwise reduce stormwater pollution, the control and elimination of invasive species, the planting of native species, the removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, improving instream, riparian, or managed wetland habitat conditions, and other plant and wildlife habitat improvement to increase the natural system value of the property or coastal or ocean resource. Restoration also includes activities described in subdivision (b) of Section 79737 of the Water Code. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

(n) “Severely disadvantaged community” means a community with a median household income less than 60 percent of the statewide average.

80004. An amount that equals not more than 5 percent of the funds allocated for a grant program pursuant to this division may be used to pay the administrative costs of that program.

80006. (a) Except as provided in subdivision (b), up to 10 percent of funds allocated for each program funded by this division may be expended, including, but not limited to, by grants, for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for “preliminary plans,” “working drawings,” and “construction” as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this division.

Monitoring may include measuring greenhouse gas emissions reductions and carbon sequestration associated with program expenditures under this division.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

80008. (a) (1) Except as provided in paragraph (2), at least 20 percent of the funds available pursuant to each chapter of this division shall be allocated for projects serving severely disadvantaged communities:

(2) At least 15 percent of the funds available pursuant to Chapter 9 (commencing with Section 80120) and Chapter 10 (commencing with Section 80130) shall be allocated for projects serving severely disadvantaged communities.

(b) (1) Except as provided in subdivision (c), up to 10 percent of the funds available pursuant to each chapter of this division may be allocated for technical assistance to disadvantaged communities. The agency administering the moneys shall operate a multidisciplinary technical assistance program for disadvantaged communities.

(2) Funds used for providing technical assistance to disadvantaged communities may exceed 10 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

(c) (1) Up to 5 percent of funds available pursuant to each chapter of this division shall, to the extent permissible under the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) and with the concurrence of the Director of Finance, be allocated for community access projects that include, but are not limited to, the following:

- (A) Transportation.
- (B) Physical activity programming.
- (C) Resource interpretation.
- (D) Multilingual translation.
- (E) Natural science.
- (F) Workforce development and career pathways.
- (G) Education.

(H) Communication related to water, parks, climate, coastal protection, and other outdoor pursuits.

(2) This subdivision does not apply to Chapter 11.1 (commencing with Section 80141) and Chapter 12 (commencing with Section 80150).

80010. Before disbursing grants pursuant to this division, each state agency that receives funding to administer a competitive grant program under this division shall do the following:

(a) (1) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(2) Guidelines adopted pursuant to this subdivision shall encourage, where feasible, inclusion of the following project components:

- (A) Efficient use and conservation of water supplies.
- (B) Use of recycled water.
- (C) The capture of stormwater to reduce stormwater runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof.
- (D) Provision of safe and reliable drinking water supplies to park and open-space visitors.

(b) Conduct three public meetings to consider public comments before finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its Internet Web site at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the central valley of California, and one meeting shall be conducted at a location in southern California.

(c) For statewide competitive grant programs, submit the guidelines to the Secretary of the Natural Resources Agency. The Secretary of the Natural Resources Agency shall verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this division. The Secretary of the Natural Resources Agency shall post an electronic form of the guidelines submitted by state agencies and the subsequent verifications on the Natural Resources Agency's Internet Web site.

(d) Upon adoption, transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(e) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development and adoption of program guidelines and selection criteria adopted pursuant to this division.

80012. (a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this division. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this division not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site in a downloadable spreadsheet format. The spreadsheet shall include information about the location and footprint of each funded project, the project's objectives, the status of the project, anticipated outcomes, any matching moneys provided for the project by the grant recipient, and the applicable chapter of this division pursuant to which the grant recipient received moneys.

(b) If an audit, required by statute, of any entity that receives funding authorized by this division is conducted pursuant to state law and reveals any impropriety, the California State Auditor or the Controller may conduct a full audit of any or all of the activities of that entity.

(c) The state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

(d) The costs associated with the publications, audits, statewide bond tracking, cash management, and related oversight activities provided for in this section shall be funded from this division. These costs shall be shared proportionally by each program through this division. Actual costs incurred to administer nongrant programs authorized by this division shall be paid from the funds authorized in this division.

80014. If any moneys allocated pursuant to this division are not encumbered or expended by the recipient entity within the time period specified by the administering agency, the unexpended moneys shall revert to the administering agency for allocation consistent with the applicable chapter.

80016. To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division.

80018. To the extent feasible, a project that includes water efficiencies, stormwater capture for infiltration or reuse, or carbon sequestration features in the project design may be given priority for grant funding under this division.

80020. Moneys allocated pursuant to this division shall not be used to fulfill any mitigation requirements imposed by law.

80022. (a) To the extent feasible in implementing this division and except as provided in subdivision (b), a state agency receiving funding under this division shall seek to achieve wildlife conservation objectives through projects on public lands or voluntary projects on private lands. Projects on private lands shall be evaluated based on the durability of the benefits created by the investment. Funds may be used for payments for the protection or creation of measurable habitat improvements or other improvements to the condition of endangered or threatened species, including through the development and implementation of habitat credit exchanges.

(b) This section shall not apply to Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 11 (commencing with Section 80140), Chapter 11.5 (commencing with Section 80145), or Chapter 12 (commencing with Section 80150).

80024. A state agency that receives funding to administer a grant program under this division shall report to the Legislature by January 1, 2027, on its expenditures pursuant to this division and the public benefits received from those expenditures.

80026. A state conservancy receiving funding pursuant to this division shall endeavor to allocate funds that are complementary, but not duplicative, of authorized expenditures made pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

80028. Funds provided pursuant to this division, and any appropriation or transfer of those funds, shall not be deemed to be

a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

80030. For grants awarded for projects that serve a disadvantaged community, the administering entity may provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity shall adopt additional requirements for the recipient of the grant regarding the use of the advanced payments to ensure that the moneys are used properly.

80032. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 80172, shall be deposited in the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Fund, which is hereby created in the State Treasury.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Two billion eight hundred thirty million dollars (\$2,830,000,000) for purposes of Chapter 2 (commencing with Section 80050), Chapter 3 (commencing with Section 80060), Chapter 4 (commencing with Section 80070), Chapter 5 (commencing with Section 80080), Chapter 6 (commencing with Section 80090), Chapter 7 (commencing with Section 80100), Chapter 8 (commencing with Section 80110), Chapter 9 (commencing with Section 80120), and Chapter 10 (commencing with Section 80130).

(2) Two hundred fifty million dollars (\$250,000,000) for Chapter 11 (commencing with Section 80140).

(3) Eighty million dollars (\$80,000,000) for Chapter 11.1 (commencing with Section 80141).

(4) Five hundred fifty million dollars (\$550,000,000) for Chapter 11.5 (commencing with Section 80145).

(5) Three hundred ninety million dollars (\$390,000,000) for Chapter 11.6 (commencing with Section 80146).

80034. The Legislature may enact legislation necessary to implement programs funded by this division.

CHAPTER 2. INVESTMENTS IN ENVIRONMENTAL AND SOCIAL EQUITY, ENHANCING CALIFORNIA'S DISADVANTAGED COMMUNITIES

80050. (a) The sum of seven hundred twenty-five million dollars (\$725,000,000) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(b) When developing or revising criteria or guidelines for the grant program, the department may give additional consideration to projects that incorporate stormwater capture and storage or otherwise reduce stormwater pollution.

(c) The department shall perform its due diligence by conducting a rigorous prequalification process to determine the fiscal and operational capacity of a potential grant recipient to manage a project to do both of the following:

(1) Maximize the project's public benefit.

(2) Implement the project in a timely manner.

80051. Of the amount available pursuant to subdivision (a) of Section 80050, not less than 20 percent shall be available for the rehabilitation, repurposing, or substantial improvement of existing park infrastructure in communities of the state that will lead to increased use and enhanced user experiences.

80052. (a) Of the amount available pursuant to subdivision (a) of Section 80050, to correct historic underinvestments in the central valley, Inland Empire, gateway, rural, and desert communities, the sum of forty-eight million dollars (\$48,000,000) shall be available for local park creation and improvement grants to the communities identified by the department as park deficient within those areas for active recreational projects, including aquatic centers, to encourage youth health, fitness, and recreational pursuits. Projects that include the partial or full donation of land, materials, or volunteer services and that demonstrate collaborations of multiple entities and the leveraging of scarce resources may be given consideration. Entities that receive a grant under this section may also be eligible to receive other grants under subdivision (a) of Section 80050.

(b) Of the amount subject to this section, twenty-two million dollars (\$22,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to desert community towns in the County of San Bernardino, incorporated after 1990, with a population estimate of less than 22,000 according to the United States Census Bureau Population Estimates as of July 1, 2016, that have adopted a master plan as of 2008 that includes recommendations for the development of public facilities that will assist in achieving active recreational projects, including aquatic and fitness centers.

CHAPTER 3. INVESTMENTS IN PROTECTING, ENHANCING, AND ACCESSING CALIFORNIA'S LOCAL AND REGIONAL OUTDOOR SPACES

80060. For purposes of this chapter, "district" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of Division 5, or any authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other entity, including, but not limited to, a district operating multiple-use parklands pursuant to Division 20 (commencing with Section 71000) of the Water Code.

80061. (a) The sum of two hundred million dollars (\$200,000,000) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b) The sum of fifteen million dollars (\$15,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized county" means a county with a population of 500,000 or more. An entity

eligible to receive funds under this subdivision shall also be eligible to receive funds available under subdivision (a).

(c) Unless the project has been identified as serving a severely disadvantaged community, an entity that receives an award pursuant to this section shall be required to provide a match of 20 percent as a local share.

80062. (a) (1) The department shall allocate 60 percent of the funds available pursuant to subdivision (a) of Section 80061 to cities and districts, other than a regional park district, regional park and open-space district, open-space authority, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated and unincorporated areas within the county, except that each city or district shall be entitled to a minimum allocation of two hundred thousand dollars (\$200,000). If the boundary of a city overlaps the boundary of a district, the population in the overlapping area shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. If the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds for that area shall be allocated to the district.

(2) On or before April 1, 2020, a city and a district that are subject to paragraph (1), and whose boundaries overlap, shall collaboratively develop and submit to the department a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by that date, the plan has not been developed and submitted to the department, the director shall determine the allocation of the grant funds between the affected jurisdictions.

(b) (1) The department shall allocate 40 percent of the funds available pursuant to subdivision (a) of Section 80061 to counties and regional park districts, regional park and open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5.

(2) Each county's allocation under paragraph (1) shall be in the same ratio that the county's population is to the total state population, except that each county shall be entitled to a minimum allocation of four hundred thousand dollars (\$400,000).

(3) In any county that embraces all or part of the territory of a regional park district, regional park and open-space district, open-space authority, or regional open-space district, and whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between that district and the county in proportion to the population of the county that is included within the territory of the district and the population of the county that is outside the territory of the district.

(c) For the purpose of making the calculations required by this section, population shall be determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other verifiable population data that the department may require to be furnished by the applicant city, county, or district.

(d) The Legislature intends all recipients of funds pursuant to subdivision (a) of Section 80061 to use those funds to supplement local revenues in existence on the effective date of the act adding this division. To receive an allocation pursuant to subdivision (a) of Section 80061, the recipient shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. For purposes of this subdivision, the Controller may request fiscal data from recipients for the preceding three fiscal years. Each recipient shall furnish the data to the Controller no later than 120 days after receiving the request from the Controller.

80063. (a) The director of the department shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivision (a) of Section 80061. The application shall be accompanied by certification that the project is consistent with the park and recreation element of the applicable city or county general plan or the district park recreation plan, as the case may be.

(b) To utilize available grant funds as effectively as possible, overlapping and adjoining jurisdictions and applicants with similar objectives are encouraged to combine projects and submit a joint application. A recipient may allocate all or a portion of its per capita share for a regional or state project.

80065. (a) The sum of thirty million dollars (\$30,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, and regional open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), joint powers authorities, and eligible nonprofit organizations on a competitive grant basis to create, expand, improve, rehabilitate, or restore parks and park facilities, including, but not limited to, trails, regional trail networks, regional sports complexes, low-cost accommodations in park facilities, and visitor, outdoor, and interpretive facilities serving youth and communities of color.

(b) In awarding moneys, the department shall encourage applicants seeking funds for acquisition projects to perform projects in conjunction with new or enhanced public use and public access opportunities.

(c) Preference may be given to multiuse trail projects over single-use trail projects.

(d) Notwithstanding paragraph (a), of the amount subject to this section, the sum of five million dollars (\$5,000,000) shall be available for projects in units of the state parks system that are managed by nonprofit organizations that have entered into operating agreements with the department.

80066. The sum of forty million dollars (\$40,000,000) shall be available to the department, upon appropriation by the Legislature, for grants, awarded proportionally based on populations served, to local agencies that have obtained voter approval between November 1, 2012, through November 30, 2018, inclusive, for revenue enhancement measures aimed at improving and enhancing local or regional park infrastructure. A recipient of a grant under this section shall receive at least two hundred fifty thousand dollars (\$250,000) for the purposes of the revenue enhancement measure.

CHAPTER 4. RESTORING CALIFORNIA'S NATURAL, HISTORIC,
AND CULTURAL LEGACY

80070. The sum of two hundred eighteen million dollars (\$218,000,000) shall be available to the department, upon appropriation by the Legislature, for restoration, preservation, and protection of existing state park facilities and units. Eligible project types include, but are not limited to, the following:

(a) Protection of natural resources to provide climate resilience, water supply, and water quality benefits.

(b) Enhancement of access to state park facilities and units, including protection and improvement of lands adjacent to state park facilities to improve access or management efficiency.

(c) The provision of low-cost overnight accommodations in ways that enhance access and recreational opportunities for disadvantaged community residents and low-income park visitors.

(d) Implementation of projects that address the department's backlog of deferred maintenance.

80071. The department, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to maximize leveraging opportunities to enhance tourism, visitation, and visitor experiences.

80072. Of the amount made available pursuant to Section 80070, ten million dollars (\$10,000,000) shall be available for enterprise projects that facilitate new or enhanced park use and user experiences and increase revenue generation to support operations of the department.

80073. (a) Of the amount made available pursuant to Section 80070, five million dollars (\$5,000,000) shall be available for grants to local agencies that operate a unit of the state park system to address urgent need for the restoration of aging infrastructure.

(b) For the purpose of awarding a grant under this section, a local cost share of not less than 25 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for a disadvantaged community.

80074. Of the amount made available pursuant to Section 80070, eighteen million dollars (\$18,000,000) shall be available to the Division of Fairs and Expositions of the Department of Food and Agriculture to provide for facility improvements for county

fairs, district agricultural associations, including the Sixth District Agricultural Association, as described in Section 4101 of the Food and Agricultural Code, and the Forty-Fifth District Agricultural Association, citrus fruit fairs, and the California Exposition and State Fair.

80075. Of the amount made available pursuant to Section 80070, thirty million dollars (\$30,000,000) shall be available to the department to provide for lower cost coastal accommodation project development in units of the state park system.

80076. Of the amount made available pursuant to Section 80070, not less than twenty-five million dollars (\$25,000,000) shall be available to the department for the protection, restoration, and enhancement of the natural resource values of the state park system, which may include all of the following:

(a) Protection and improvement of water quality and biological health in streams, aquifers, and estuarine ecosystems.

(b) Protection and restoration of natural resources and ecosystems representative of California's diverse landscapes, including landform, habitat, and biological community restoration.

(c) Acquisition, rehabilitation, restoration, protection, and expansion of wildlife corridors, including projects to improve connectivity and reduce barriers between habitat areas.

(d) Improvements of native ecosystem resilience and adaptation to climate change.

(e) Enhancement of the health of redwood forests in order to accelerate old growth characteristics, maximize carbon sequestration, improve water quality, and build climate resilience.

(f) Protection and enhancement of tribal cultural resources.

80077. (a) In expending funds made available pursuant to Section 80070, and giving first priority to the department's criteria for expenditure of funds for deferred maintenance including infrastructure needs to protect public safety, the department shall use best efforts to expend at least ten million dollars (\$10,000,000) in each of the following regions for state park units and properties deferred maintenance projects and projects that may increase tourism and visitor experiences in those regions:

(1) Central Valley, from the City of Sacramento to the base of the Tehachapi Mountains.

(2) Central Coast.

(3) East Bay.

(4) County of Imperial and the Coachella Valley.

(5) Inland Empire.

(b) To the extent the department is unable to allocate funds for parks deferred maintenance in the regions identified in this section, it shall report to the appropriate policy and fiscal committees of the Legislature on the reasons it is unable to do so.

CHAPTER 5. TRAILS AND GREENWAY INVESTMENT

80080. (a) The sum of thirty million dollars (\$30,000,000) shall be available to the Natural Resources Agency, working in cooperation with the department, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, joint powers authorities, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature.

(b) Of the amount made available pursuant to this section, up to 25 percent may be made available to communities for innovative transportation projects that provide new and expanded outdoor experiences to disadvantaged youth.

(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity among parks, waterways, and natural areas may be encouraged.

(d) The Natural Resources Agency is encouraged, when designing guidelines for grants awarded under this chapter, to utilize existing program guidelines, including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1 of Division 5) and, to the extent possible, to design guidelines that are consistent with the California Recreational Trails Plan, as described in Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

80081. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

CHAPTER 6. RURAL RECREATION, TOURISM, AND ECONOMIC ENRICHMENT INVESTMENT

80090. (a) The sum of twenty-five million dollars (\$25,000,000) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5). Notwithstanding subdivisions (c) and (e) of Section 5621 and for the purposes of this section, the definition of "nonurbanized area" shall be updated by the department to reflect current population levels. A nonurbanized area shall include counties with populations of less than 500,000 people and low population densities per square mile, as determined by the department. In awarding the grants, the department may consider the following factors:

(1) Whether the project would provide new recreational opportunities in rural communities that have demonstrated deficiencies and lack of outdoor infrastructure in support of economic and health-related goals.

(2) Whether the project proposes to acquire and develop lands to enhance residential recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include accessibility for individuals with disabilities, trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

(3) Whether the project includes collaboration between public and nonprofit organizations, including, but not limited to, nonprofit land trusts, to facilitate public access to privately owned lands for regional trail development for wildlife viewing, recreation, or outdoor experiences for youth.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

CHAPTER 7. CALIFORNIA RIVER RECREATION, CREEK, AND
WATERWAY IMPROVEMENTS PROGRAM

80100. (a) The sum of one hundred sixty-two million dollars (\$162,000,000) shall be available, upon appropriation by the Legislature, for grants pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750) of Division 5) and the Urban Streams Restoration Program pursuant to Section 7048 of the Water Code. Eligible projects shall include, but are not limited to, projects that protect and enhance urban creeks.

(1) (A) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the Santa Monica Mountains Conservancy. Notwithstanding subdivision (c) of Section 5753, of that amount, fifteen million dollars (\$15,000,000) shall be available for projects within the San Fernando Valley that protect or enhance the Los Angeles River watershed and its tributaries or headwaters, pursuant to Division 23 (commencing with Section 33000).

(B) Of the amount made available pursuant to this subdivision, thirty-seven million five hundred thousand dollars (\$37,500,000) shall be available to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

(C) Funds allocated pursuant to this paragraph shall be expended pursuant to Section 79508 of the Water Code and Division 22.8 (commencing with Section 32600) and Division 23 (commencing with Section 33000).

(2) Of the amount made available pursuant to this subdivision, sixteen million dollars (\$16,000,000) shall be available to the Santa Ana River Conservancy Program pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21. To the extent possible, the conservancy shall distribute funds equitably geographically along the Santa Ana River.

(3) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the Lower American River Conservancy Program pursuant to Chapter 10.5 (commencing with Section 5845) of Division 5.

(4) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural

Resources Agency for projects supporting the preservation of the Los Gatos Creek and Upper Guadalupe River Watersheds and the protection of associated redwoods.

(5) Of the amount made available pursuant to this subdivision, three million dollars (\$3,000,000) shall be available to the Natural Resources Agency for projects supporting a comprehensive regional use management plan for the Russian River to reduce conflict and promote water supply improvements, habitat restoration and protection, cooperative public recreation, and commercial activity.

(6) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(7) Of the amount made available pursuant to this subdivision, five million dollars (\$5,000,000) shall be available to the Natural Resources Agency for improvements in and around Clear Lake and its watershed that demonstrate a comprehensive local and regional approach to restoration, public recreation, and management of the lake and its surrounding resources and recreation areas.

(8) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be available for purposes of the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)).

(9) Of the amount made available pursuant to this subdivision, ten million dollars (\$10,000,000) shall be made available to the Department of Water Resources, upon appropriation by the Legislature, to implement the Urban Streams Restoration Program, established pursuant to Section 7048 of the Water Code.

(10) Of the amount made available pursuant to this subdivision, twenty million dollars (\$20,000,000) shall be available to the Natural Resources Agency for river parkway projects along the Los Angeles River in the City of Glendale that include connectivity to parks and open space in neighboring communities.

(b) Unless the project has been identified as serving a disadvantaged community, an entity that receives an award under this chapter shall be required to provide a match of 20 percent.

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects

proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts, and grants that may complement a natural community conservation plan.

80101. To the maximum extent feasible, the Natural Resources Agency is encouraged, when developing guidelines for grants awarded under this chapter, to utilize existing programs where communities enter into partnerships with state agencies for multibenefit projects to enhance and restore waterways, including, but not limited to, the Riverine Stewardship Technical Assistance program.

CHAPTER 8. STATE CONSERVANCY, WILDLIFE CONSERVATION BOARD, AND AUTHORITY FUNDING

80110. The sum of seven hundred sixty-seven million dollars (\$767,000,000) shall be available, upon appropriation by the Legislature, as described in this chapter.

(a) Thirty million dollars (\$30,000,000) shall be available to the Salton Sea Authority for capital outlay projects that provide air quality and habitat benefits and that implement the Natural Resources Agency's Salton Sea Management Program. Of this amount, not less than ten million dollars (\$10,000,000) shall be available to the Salton Sea Authority for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6.

(b) One hundred eighty million dollars (\$180,000,000) shall be available to the following conservancies according to their governing statutes for their specified purposes in accordance with the following schedule:

- (1) Baldwin Hills Conservancy, six million dollars (\$6,000,000).
- (2) California Tahoe Conservancy, twenty-seven million dollars (\$27,000,000).
- (3) Coachella Valley Mountains Conservancy, seven million dollars (\$7,000,000).
- (4) Sacramento-San Joaquin Delta Conservancy, twelve million dollars (\$12,000,000).
- (5) San Diego River Conservancy, twelve million dollars (\$12,000,000).
- (6) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars (\$30,000,000).

(7) San Joaquin River Conservancy, six million dollars (\$6,000,000).

(8) Santa Monica Mountains Conservancy, thirty million dollars (\$30,000,000).

(9) Sierra Nevada Conservancy, thirty million dollars (\$30,000,000).

(10) State Coastal Conservancy, twenty million dollars (\$20,000,000) for grants pursuant to Section 66704.5 of the Government Code for the purpose of San Francisco Bay restoration in accordance with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code). Notwithstanding subdivision (e) of Section 66704.5 of the Government Code, the State Coastal Conservancy shall establish a matching grant requirement for a grant awarded pursuant to this paragraph.

(c) One hundred thirty-seven million dollars (\$137,000,000) shall be available to the Wildlife Conservation Board.

80111. The amount available to the Wildlife Conservation Board pursuant to subdivision (c) of Section 80110 is allocated as follows:

(a) Five million dollars (\$5,000,000) shall be available for the development of regional conservation investment strategies that are not otherwise funded pursuant to Section 800 of the Streets and Highways Code or any other law.

(b) At least fifty-two million dollars (\$52,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities or other large-scale habitat conservation plans that resolve resource conflicts with provisions for conservation, planning, and economic activities. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required, but may be used as part of a funding partnership to enhance, expand, or augment conservation efforts required by mitigation.

(c) Up to ten million dollars (\$10,000,000) may be granted to the University of California Natural Reserve System for matching

grants for acquisition of land, construction and development of research facilities to improve the management of natural lands, for preservation of California's wildlife resources, and to further research related to climate change. The Wildlife Conservation Board shall establish a matching grant requirement for grants awarded pursuant to this subdivision.

(d) The remainder of the amount available shall be available to the Wildlife Conservation Board to provide funding for the following projects:

(1) Projects to protect and enhance national recreation areas serving heavily urbanized areas or, in coordination with the State Lands Commission, to acquire an interest in federal public lands that may be proposed for sale or disposal.

(2) Projects according to the Wildlife Conservation Board's governing statutes for its specified purposes.

80112. A receiving entity listed in subdivision (b) of Section 80110 shall develop and adopt a strategic master plan that identifies priorities and specific criteria for selecting projects for funding. The strategic plan shall include strategies for providing public access to conserved lands wherever feasible and be consistent with project goals and objectives.

80113. Entities, in expending the funding available under this chapter, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, joint powers authorities, and nongovernmental organizations to acquire open space and create urban greenway corridors.

80114. (a) Of the amount made available pursuant to Section 80110, two hundred million dollars (\$200,000,000) shall be available to the Natural Resources Agency for implementation of voluntary agreements that provide multibenefit water quality, water supply, and watershed protection and restoration for the watersheds of the state to achieve the objectives of integrating regulatory and voluntary efforts, implementing an updated State Water Resources Control Boards' San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan, and ensuring ecological benefits. Expenditure of funds provided in this section shall be in accordance with the following:

(1) For the purposes of this section, watershed restoration includes activities to fund wetland habitat, salmon, steelhead, and fishery benefits, improve and restore river health, modernize stream

crossings, culverts, and bridges, reconnect historical flood plains, install or improve fish screens, provide fish passages, restore river channels, restore or enhance riparian, aquatic, and terrestrial habitat, improve ecological functions, acquire from willing sellers conservation easements for riparian buffer strips, improve local watershed management, predation management, hatchery management, and remove sediment or trash.

(2) For purposes of this section, funds may be used for projects that measurably enhance streamflows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions. Project types that may be eligible include, but are not limited to, water transactions such as lease, purchase, or exchange, change of use petitions to benefit fish and wildlife, surface storage to be used to enhance streamflow, forbearance of water rights, changes in water management, groundwater storage and conjunctive use, habitat restoration projects that reshape the stream hydrograph, water efficiency generally, irrigation efficiency and water infrastructure improvements that save water and enable reshaping of the stream hydrograph, reconnecting flood flows with restored flood plains, and reservoir reoperations both at existing and new storage sites.

(b) The funds authorized by this section shall be available for direct expenditures and local assistance grants by the Natural Resources Agency, in consultation with the Department of Fish and Wildlife, that satisfy all of the following:

(1) Implement voluntary agreements executed by the Department of Fish and Wildlife with federal and state agencies, local government, water districts and agencies, and nongovernmental organizations that improve ecological flows and habitat for species, create water supply and regulatory certainty for water users, and foster a collaborative approach to facilitate implementation of the State Water Resources Control Board's Bay-Delta Water Quality Control Plan.

(2) Implement a voluntary agreement submitted by the Department of Fish and Wildlife to the State Water Resources Control Board on or before June 1, 2018, for consideration.

(3) Implement a voluntary agreement that is of statewide significance, restores natural aquatic or riparian functions or wetlands habitat for birds and aquatic species, protects or promotes the restoration of endangered or threatened species, enhances the

reliability of water supplies on a regional or interregional basis, and provides significant regional or statewide economic benefits.

(c) Funds provided by this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

(d) If the Department of Fish and Wildlife submits a voluntary agreement that satisfies paragraph (2) of subdivision (b), unencumbered funds available pursuant to this section to implement that voluntary agreement shall no longer be available 15 years after the date the State Water Resources Control Board approves the submitted agreement, at which point funds remaining available pursuant to this section shall become available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. If no voluntary agreements are submitted on or before June 1, 2018, any remaining funds shall be available to the Natural Resources Agency for the purposes of Sections 79732 and 79736 of the Water Code. The Secretary of the Natural Resources Agency shall ensure an annual reporting of the funds pursuant to Section 80012.

80115. Of the amount made available pursuant to Section 80110, fifty million dollars (\$50,000,000) shall be available to the Department of Fish and Wildlife for capital improvements that address the Department of Fish and Wildlife's backlog of deferred maintenance. Where practical, the Department of Fish and Wildlife shall partner with nonprofit organizations and nongovernmental organizations to inform the expenditure of these funds, enhance visitor experience, and where feasible, increase engagement with youth and disadvantaged communities.

80116. Of the amount made available pursuant to Section 80110, one hundred seventy million dollars (\$170,000,000) shall be available to the Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10 Year Plan, dated March 2017, the final management plan report, and any subsequent revisions to this plan.

CHAPTER 9. OCEAN, BAY, AND COASTAL PROTECTION

80120. The sum of one hundred seventy-five million dollars (\$175,000,000) shall be available, upon appropriation by the

Legislature, to fund projects that enhance and protect coastal and ocean resources, as follows:

(a) The sum of thirty-five million dollars (\$35,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with Section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

(b) The sum of thirty million dollars (\$30,000,000) shall be available to the State Coastal Conservancy to provide for lower cost coastal accommodation grants and project development to public agencies and nonprofit organizations.

(c) The sum of eighty-five million dollars (\$85,000,000) shall be available to the State Coastal Conservancy for the protection of beaches, bays, wetlands, and coastal watershed resources pursuant to Division 21 (commencing with Section 31000). This shall include the acquisition of, or conservation easements on, land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values, or lands adjacent to marine protected areas, including marine conservation areas, whose preservation will contribute to the ecological quality of those marine protected areas. This shall also include the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

(d) Twenty-five percent of the amount available pursuant to subdivision (c) shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(e) The sum of twenty million dollars (\$20,000,000) shall be available to the State Coastal Conservancy for grants and expenditures for the protection, restoration, and improvement of coastal forest watersheds, including managed forest lands, forest reserve areas, redwood forests, and other forest types. Eligible project types shall include projects that improve water quality and supply, increase coastal watershed storage capacity, reduce fire risk, provide habitat for fish and wildlife, or improve coastal forest health.

(f) The sum of five million dollars (\$5,000,000) shall be available to the State Coastal Conservancy for acquisition of

parcels that will allow for protection and restoration of coastal dune, wetland, upland, and forest habitat associated with estuarine lagoons and designated wildlife areas.

80121. In implementing Section 80120, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of local coastal plans or that complement natural community conservation plans.

CHAPTER 10. CLIMATE PREPAREDNESS, HABITAT RESILIENCY, RESOURCE ENHANCEMENT, AND INNOVATION

80130. The sum of four hundred forty-three million dollars (\$443,000,000) shall be available, upon appropriation by the Legislature, as competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible projects shall improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, develop future recreational opportunities, or enhance drought tolerance, landscape resilience, and water retention.

80131. In implementing Section 80130, special consideration may be given to the acquisition of lands that are in deferred certification areas of local coastal plans.

80132. (a) Of the amount made available pursuant to Section 80130, eighteen million dollars (\$18,000,000) shall be available to the Wildlife Conservation Board for direct expenditures pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and for grants for any of the following:

(1) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas. In awarding grants pursuant to this paragraph, the Wildlife Conservation Board shall give priority to projects that protect wildlife corridors, including wildlife corridors threatened by urban development.

(2) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.

(3) Projects to improve climate adaptation and resilience of natural systems.

(4) Projects to protect and improve existing open-space corridors and trail linkages related to utility, transportation, or water infrastructure that provide habitat connectivity and public access or trails.

(5) Projects for wildlife rehabilitation facilities after consultation with the Department of Fish and Wildlife.

(6) Projects to control invasive plants or insects that degrade wildlife corridors or habitat linkages, inhibit the recovery of threatened or endangered species, or reduce the climate resilience of a natural system.

(7) Projects to enhance wildlife habitat, recognizing the highly variable habitat needs required by fish and wildlife. Eligible projects include acquisition of water or water rights from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers and leases, projects that provide water for fish and wildlife, projects that improve aquatic or riparian habitat conditions, or projects to benefit salmon and steelhead.

(8) Implementation of conservation actions and habitat enhancement actions that measurably advance the conservation objectives of regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code.

(9) Provision of hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreement with private landowners, including opportunities pursuant to Section 1572 of the Fish and Game Code.

(b) In implementing this section, the Wildlife Conservation Board may provide matching grants for incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. A matching grant shall not exceed 50 percent of the total cost of the incentive program.

(c) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas and to protect and restore habitat associated with the Pacific Flyway. In

awarding grants pursuant to this subdivision, priority may be given to projects that protect wildlife corridors. Of the amount described in this subdivision, ten million dollars (\$10,000,000) shall be available for the California Waterfowl Habitat Program.

(d) Of the amount made available pursuant to Section 80130, not less than twenty-five million dollars (\$25,000,000) shall be available to the Department of Fish and Wildlife for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their flood plains, riparian and side-channel habitat restoration activities described in subdivision (b) of Section 79737 of the Water Code, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources. Subdivision (f) of Section 79738 of the Water Code applies to this subdivision. Of the amount available pursuant to this subdivision, at least five million dollars (\$5,000,000) shall be available for restoration projects in the Klamath-Trinity watershed for the benefit of salmon and steelhead. Priority shall be given to projects supported by multistakeholder public or private partnerships, or both, using a science-based approach and measurable objectives to guide identification, design, and implementation of regional actions to benefit salmon and steelhead.

(e) (1) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for construction, repair, modification, or removal of transportation or water resources infrastructure to improve wildlife or fish passage.

(2) Of the amount subject to paragraph (1), at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife for restoration of Southern California Steelhead habitat consistent with the Department of Fish and Wildlife's Steelhead Restoration and Management Plan and the National Marine Fisheries Service's Southern California Steelhead Recovery Plan. Projects that remove significant barriers to steelhead migration and include other habitat restoration and associated infrastructure improvements shall be the highest priority.

(f) Of the amount made available pursuant to Section 80130, not less than sixty million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada

and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

(g) Of the amount made available pursuant to Section 80130, at least thirty million dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. Eligible projects include acquisition of water from willing sellers, acquisition of land that includes water rights or contractual rights to water, short- or long-term water transfers or leases, provision of water for fish and wildlife, or improvement of aquatic or riparian habitat conditions. In implementing this section, the Department of Fish and Wildlife may provide grants under the Fisheries Restoration Grant Program with priority given to coastal waters.

(h) The Wildlife Conservation Board shall update its strategic master plan that identifies priorities and specific criteria for selecting projects pursuant to subdivision (a).

(i) Activities funded pursuant to this section shall be consistent with the state's climate adaptation strategy, as provided in Section 71153, and the statewide objectives provided in Section 71154.

80133. (a) Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available for deposit into the California Ocean Protection Trust Fund, established pursuant to Section 35650, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or habitat restoration and protection, including, but not limited to, the protection of coastal habitat associated with the Pacific Flyway.

(b) Thirty-five percent of the amount available pursuant to this section shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) Twelve percent of the amount available pursuant to this section shall be available to the State Coastal Conservancy to fund a conservation program at West Coyote Hills.

(d) The remainder of the amount available pursuant to this section shall be available pursuant to Section 31113.

80134. (a) Of the amount made available pursuant to Section 80130, thirty million dollars (\$30,000,000) shall be available to plan, develop, and implement innovative farm and ranch management practices and protections that improve climate adaptation and resiliency by improving the soil health, carbon sequestration, and habitat of California's farm and ranch lands and affiliated habitat, including working lands, open space, or riparian corridors, and that increase water retention and absorption, habitat values, species protection, and economic viability to reduce development pressure.

(b) Of the amount subject to this section, the sum of ten million dollars (\$10,000,000) shall be available to the Department of Food and Agriculture for grants to promote practices on farms and ranches that improve agricultural and open-space soil health, carbon soil sequestration, erosion control, water quality, and water retention.

(c) (1) Of the amount subject to this section, the sum of twenty million dollars (\$20,000,000) shall be available to the Department of Conservation to protect, restore, or enhance working lands and riparian corridors through conservation easements or other conservation actions, including actions pursuant to Section 9084 and the California Farmland Conservancy Program (Division 10.2 (commencing with Section 10200)).

(2) Up to fifty percent of the funds available pursuant to this subdivision may be allocated to the Department of Conservation for watershed restoration and conservation projects on agricultural lands pursuant to Section 9084.

80135. (a) Of the amount made available pursuant to Section 80130, fifty million dollars (\$50,000,000) shall be available to the Department of Forestry and Fire Protection, except as provided in subdivision (c), for projects that provide ecological restoration of forests. Projects may include, but are not limited to, forest restoration activities that include hazardous fuel reduction, postfire watershed rehabilitation, prescribed or managed burns, acquisition of forest conservation easements or fee interests, and forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances. The Department of Forestry and Fire Protection shall achieve geographic balance

with the moneys allocated pursuant to this section and may, where appropriate, include activities on lands owned by the United States.

(b) Not less than 30 percent of the amount available pursuant to this section shall be allocated for urban forestry projects pursuant to Section 4799.12. The Department of Forestry and Fire Protection shall allocate no less than 50 percent of the moneys allocated pursuant to this subdivision for the expansion of the urban forestry program to previously underserved local entities in order to achieve geographic balance.

(c) Of the amount subject to this section, 50 percent shall be allocated directly to the Sierra Nevada Conservancy to administer projects pursuant to this section for purposes of implementing the Sierra Nevada Watershed Improvement Program. For purposes of this section, the Sierra Nevada Conservancy may allocate funds to the California Tahoe Conservancy for projects within the jurisdiction of the California Tahoe Conservancy.

80136. Of the amount made available pursuant to Section 80130, forty million dollars (\$40,000,000) shall be available to the California Conservation Corps for projects to rehabilitate or improve local and state parks, restore watersheds and riparian zones, regional and community-level fuel load reduction, compost application and food waste management, resources conservation and restoration projects, and for facility or equipment acquisition, development, restoration, and rehabilitation. Not less than 50 percent of the amount available pursuant to this section shall be allocated for grants to certified local community conservation corps, as defined in Section 14507.5.

80137. (a) Of the amount made available pursuant to Section 80130, sixty million dollars (\$60,000,000) shall be made available to the Natural Resources Agency for competitive grants to local agencies, nonprofit organizations, nongovernmental land conservation organizations, federally recognized Native American tribes, or nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, to do any of the following:

(1) Restore, protect, and acquire Native American, natural, cultural, and historic resources within the state.

(2) Convert and repurpose properties or parts of properties that served as the site of a fossil fuel powerplant that had been retired

on the effective date of this division, or were scheduled to be retired prior to January 1, 2021, to create permanently protected open space, tourism, and park opportunities through fee title or conservation easements.

(3) Enhance visitor experiences through development, expansion, and improvement of science centers operated by foundations or other nonprofit organizations in heavily urbanized areas.

(4) Enhance park, water, and natural resource values through improved recreation, tourism, and natural resource investments in those areas of the state not within the jurisdiction of a state conservancy.

(5) Promote, develop, and improve any of the following:

(A) Community, civic, or athletic venues.

(B) Cultural or visitor centers that recognize that contributions of California's ethnic communities or celebrate the unique traditions of these communities, including those of Asian and Hispanic descent.

(C) Visitor centers or nonprofit aquariums that educate the public about natural landscapes, aquatic species, or wildlife migratory patterns.

(b) Of the amount subject to this section, twenty million dollars (\$20,000,000) shall be available for multibenefit green infrastructure investments in or benefiting disadvantaged or severely disadvantaged communities.

CHAPTER 11. CLEAN DRINKING WATER AND DROUGHT PREPAREDNESS

80140. (a) The sum of two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, for the purposes described in Chapter 5 (commencing with Section 79720) of Division 26.7 of the Water Code.

(b) Of the funds authorized by subdivision (a), thirty million dollars (\$30,000,000) shall be available for grants to regional water supply projects within the San Joaquin River hydrologic unit that diversify local water supplies by providing local surface water to communities that are dependent on contaminated groundwater, reduce municipal groundwater pumping, and benefit agricultural and municipal water supplies.

CHAPTER 11.1. GROUNDWATER SUSTAINABILITY

80141. (a) The sum of eighty million dollars (\$80,000,000) shall be available, upon appropriation by the Legislature, to the state board for competitive grants for projects for treatment and remediation activities that prevent or reduce the contamination of groundwater that serves as a source of drinking water.

(b) Projects shall be prioritized based upon the following criteria:

(1) The threat posed by groundwater contamination to the affected community's overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination. For the purposes of this paragraph, treatment includes ongoing operation and maintenance of existing facilities.

(2) The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.

(3) The potential of the project, if fully implemented, to enhance local water supply reliability.

(4) The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.

(5) The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

(c) Funding authorized by this chapter shall not be used to pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties. Parties that receive funding for remediating groundwater storage aquifers shall exercise reasonable efforts to recover the costs of groundwater cleanup from the parties responsible for the contamination. Funds recovered from

responsible parties may only be used to fund treatment and remediation activities including operations and maintenance.

(d) The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, and uranium.

(e) A project that receives funding pursuant to this chapter shall be selected by a competitive grant process with added consideration for those projects that leverage private, federal, or local funding.

(f) For the purposes of awarding funding under this chapter, a local cost share of not less than 50 percent of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

(g) The state board may assess the capacity of a community to pay for the operation and maintenance of a facility to be funded by a grant awarded under this chapter.

(h) At least 10 percent of the funds available pursuant to this chapter shall be allocated for projects serving severely disadvantaged communities.

(i) Funding authorized by this chapter may include funding for technical assistance to disadvantaged communities. The agency administering this funding shall operate a multidisciplinary technical assistance program for small and disadvantaged communities.

(j) Subdivisions (a) and (b) of Section 16727 of the Government Code do not apply to this chapter.

CHAPTER 11.5. FLOOD PROTECTION AND REPAIR

80145. (a) The sum of five hundred fifty million dollars (\$550,000,000) shall be available, upon appropriation by the Legislature, for flood protection and repair.

(1) (A) Of the funds available pursuant to this subdivision, three hundred fifty million dollars (\$350,000,000) shall be available

to the Department of Water Resources for flood protection facilities, levee improvements, and related investments that protect persons and property from flood damage in the Central Valley. The Department of Water Resources may require that moneys provided under this paragraph be matched by local and regional public agencies.

(B) Of the amount subject to this paragraph, fifty million dollars (\$50,000,000) shall be available for levee repairs and restoration within the Sacramento-San Joaquin Delta.

(C) Of the amount subject to this paragraph, three hundred million dollars (\$300,000,000) shall be available for multibenefit projects that achieve public safety improvements and measurable fish and wildlife enhancement. The Department of Water Resources shall coordinate the expenditure of multibenefit funds with the Central Valley Flood Protection Board and the Department of Fish and Wildlife. Eligible projects include, but are not limited to, levee setbacks, creation or enhancement of flood plains or bypasses, groundwater recharge projects in flood plains, and land acquisition and easements necessary for these projects.

(2) Of the funds available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available for the purposes of stormwater, mudslide, and other flash-flood-related protections.

(3) Of the amount made available pursuant to this subdivision, one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for competitive grants for the purposes of multibenefit projects in urbanized areas to address flooding. Eligible projects shall include, but are not limited to, stormwater capture and reuse, planning and implementation of low-impact development, restoration of urban streams and watersheds, and increasing permeable surfaces to help reduce flooding.

(4) Funding made available pursuant to paragraphs (2) and (3) shall support projects that protect persons and property from flood damage. Unless the project has been identified as serving a disadvantaged community, an entity that receives an award pursuant to paragraphs (2) or (3) shall be required to provide a match of 25 percent as a local share.

(b) Funds provided by this chapter shall not be expended to pay the costs of the design, construction, operation, mitigation, or

maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

CHAPTER 11.6. REGIONAL SUSTAINABILITY FOR DROUGHT AND GROUNDWATER, AND WATER RECYCLING

80146. (a) The sum of two hundred ninety million dollars (\$290,000,000) shall be available, upon appropriation by the Legislature, for drought and groundwater investments to achieve regional sustainability. Expenditure of these funds may include planning, design, and implementation projects through competitive grants and loans for investments in groundwater recharge with surface water, stormwater, recycled water, and other conjunctive use projects, and projects to prevent or clean up contamination of groundwater that serves as a source of drinking water.

(b) Of the funds made available pursuant to this section, fifty million dollars (\$50,000,000) shall be available pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code for the purposes described in Section 79775 of the Water Code.

80147. (a) The sum of one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code, except that the provisions of Section 79143 of the Water Code shall not apply to a loan or grant awarded under this section.

(b) Of the funds made available pursuant to this section, up to twenty million dollars (\$20,000,000) shall be available for the State Water Efficiency and Enhancement Program administered by the Department of Food and Agriculture.

CHAPTER 12. ADVANCE PAYMENT FOR WATER PROJECTS

80150. (a) Within 90 days of notice that a grant under this division for projects included and implemented in an integrated regional water management plan has been awarded, the regional water management group shall provide the administering agency with a list of projects to be funded with the grant funds where the

project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The list shall specify how the projects are consistent with the adopted integrated regional water management plan and shall include all of the following information:

- (1) Descriptive information concerning each project identified.
- (2) The names of the entities that will receive the funding for each project, including, but not limited to, an identification as to whether the project proponent or proponents are nonprofit organizations or a disadvantaged community.

(3) The budget of each project.

(4) The anticipated schedule for each project.

(b) Within 60 days of receiving the project information pursuant to subdivision (a), the administering agency may provide advance payment of 50 percent of the grant award for those projects that satisfy both of the following criteria:

(1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

(2) The grant award for the project is less than one million dollars (\$1,000,000).

(c) Funds advanced pursuant to subdivision (b) shall comply with the following requirements:

(1) The recipient shall place the funds in a noninterest-bearing account until expended.

(2) The funds shall be spent within six months of the date of receipt, unless the administering agency waives this requirement.

(3) The recipient shall, on a quarterly basis, provide an accountability report to the administering agency regarding the expenditure and use of any advance grant funds that provides, at a minimum, the following information:

(A) An itemization as to how advance payment funds provided under this section have been expended.

(B) A project itemization as to how any remaining advance payment funds provided under this section will be expended over the period specified in paragraph (2).

(C) A description of whether the funds are placed in a noninterest-bearing account, and if so, the date that occurred and the dates of withdrawals of funds from that account, if applicable.

(4) If funds are not expended, the unused portion of the grant shall be returned to the administering agency within 60 days after project completion or the end of the grant performance period, whichever is earlier.

(5) The administering agency may adopt additional requirements for the recipient regarding the use of the advance payment to ensure that the funds are used properly.

CHAPTER 13. FISCAL PROVISIONS

80160. (a) Bonds in the total amount of four billion dollars (\$4,000,000,000), and any additional bonds authorized, issued, and appropriated in accordance with this division pursuant to other provisions of law, not including the amount of any refunding bonds issued in accordance with Section 80172, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

80161. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law apply to the bonds and to this division.

80162. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the California Drought, Water, Parks, Climate,

Coastal Protection, and Outdoor Access For All Finance Committee is hereby created. For purposes of this division, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

80163. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

80164. For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

80165. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

80166. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 80169, appropriated without regard to fiscal years.

80167. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned and not yet repaid pursuant to this section and withdrawn from the General Fund pursuant to Section 80169 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

80168. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

80169. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 80172, less any amount loaned pursuant to Section 80167 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in

accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

80170. All moneys deposited in the fund that are derived from premium and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

80171. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

80172. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

80173. The proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 4. Section 79772.5 is added to the Water Code, to read:

79772.5. Notwithstanding any other law, eighty million dollars (\$80,000,000) of the unissued bonds authorized for the purposes

of Section 79772 are reallocated to finance the purposes of, and shall be authorized, issued, and appropriated in accordance with, Division 45 (commencing with Section 80000) of the Public Resources Code.

SEC. 5. Sections 1 to 4, inclusive, of this act shall take effect upon the approval by the voters of the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, as set forth in Section 3 of this act, including changes to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, as set forth in Section 1 of this act, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, as set forth in Section 2 of this act, and the Water Quality, Supply, and Infrastructure Improvement Act of 2014, as set forth in Section 4 of this act.

SEC. 6. Sections 1 to 4, inclusive, of this act shall be submitted to the voters at the June 5, 2018, statewide primary direct election in accordance with provisions of the Government Code and the Elections Code governing the submission of a statewide measure to the voters.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to fund a California drought, water, parks, climate, coastal protection, and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.

FILED

In the office of the Secretary of State
of the State of California

OCT 15 2017

At 11:45 O'Clock P. M.

By Nick Panichini
Deputy Secretary of State

Approved OCT 15, 2017

Ed R Brown
Governor

RESOLUTION NO. _____

RESOLUTION OF THE PORTERVILLE CITY COUNCIL IN SUPPORT SB 5, THE CALIFORNIA
DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION,
AND OUTDOOR ACCESS FOR ALL ACT OF 2018

Whereas, the Legislature adopted and governor signed SB 5, a \$4 Billion General Obligation Bond to be placed on the June 2018 ballot entitled the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018; and

Whereas, SB 5 represents the first legislatively authorized debt instrument for parks, resources and environmental improvements since 2002; and

Whereas, investments in California's urban, suburban and rural park and resources-related landscapes promote the notion of community and provide health, environmental and aesthetic benefits; and

Whereas, cities are eligible for at least \$1.69 billion in funding for parks, water, and climate and environmental programs; and

Whereas, SB 5 contains \$200 million in per capita funding to assist all of California's communities in underwriting priority park-related improvements; and

Whereas, SB 5 includes an additional \$15 million for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population; and

Whereas, SB 5 contains an additional \$40 million shall be available in block grant awards for communities that self-tax for park related improvements; and

Whereas, SB 5 invests \$725 million in grants for the creation and expansion of safe neighborhood parks in park-poor neighborhoods under the Statewide Park Development and Community Revitalization Act of 2008's; and

Whereas, SB 5 invests no less than \$1 billion in California's most economically challenged communities, eradicating blight and promoting greater access to the outdoors and health-related pursuits; and

Whereas, SB 5 expends \$200 million on California's State Park system, addressing a greater than \$1 billion backlog in deferred maintenance which will translate into greater tourism and visitorship opportunities in adjacent communities; and

Whereas, SB 5 invests \$30 million in trail network improvements promoting non-motorized recreational and commuter opportunities throughout the state; and

Whereas, SB 5 expends hundreds of millions on other important investments in resource-related infrastructure including California's rivers, coast, and other waterways; and

Whereas, SB 5 invests hundreds of millions toward combatting global warming through investments in urban greening projects, promoting healthy forests and carbon farming applications; and

Whereas, SB 5 underwrites \$250 million in investments in improving local water systems, and providing safe and reliable drinking water to all Californians; and

Whereas, SB 5 spends \$80 million in competitive grants for treatment and remediation to promote access to safe drinking water in some of California's most economically challenged communities; and

Whereas, SB 5 underwrites improvements in the state flood management systems, armoring against calamities that beset the state including Oroville and elsewhere.

Therefore, be it resolved, that the City of Porterville does hereby support SB 5, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and any subsequent iteration titled otherwise by the Secretary of State that is scheduled to appear on the June 2018 statewide ballot.

Adopted this 1st day of May, 2018

Milt Stowe, Mayor

ATTEST:

John Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Quarterly Portfolio Summary

SOURCE: Finance

COMMENT: This report reflects the investment portfolio of the City of Porterville as of March 31, 2018, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include the portfolio composition, weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary report.

ATTACHMENTS: 1. Quarterly Portfolio Summary

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF MARCH 31, 2018

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	9,542,945	\$ 9,542,945	1.510%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	6,721,588	6,745,451	1.820%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	8,962,144	8,841,595	1.710%	DAILY	DAILY	30
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	1,041,904	1,041,904	4.000%	1/15/2015	7/15/2039	7,776
912833KT6	US TREASURY	985,510	988,990	1.781%	1/18/2018	11/15/2018	229
313388G21	FEDERAL HOME LOAN BANKS	1,000,000	998,670	1.200%	6/20/2013	6/20/2018	81
3133EGKA2	FEDERAL FARM CREDIT BANK	1,000,000	966,470	1.500%	6/29/2016	7/6/2021	1,193
3130A9VY4	FEDERAL HOME LOAN BANKS	1,000,000	964,140	1.650%	11/23/2016	11/23/2021	1,333
3130AARH3	FEDERAL HOME LOAN BANKS	1,000,000	989,120	2.250%	2/28/2017	2/28/2022	1,430
3130ABCS3	FEDERAL HOME LOAN BANKS	1,000,000	971,580	2.100%	5/18/2017	5/18/2022	1,509
3134GBYP1	FEDERAL HOME LOAN MTG CORP	1,000,000	1,000,400	2.250%	7/26/2017	7/26/2022	1,578
3130ACF66	FEDERAL HOME LOAN BANKS	1,000,000	973,600	2.150%	9/26/2017	9/26/2022	1,640
3134GBM74	FEDERAL HOME LOAN MTG CORP	1,000,000	974,490	2.150%	9/29/2017	9/29/2022	1,643
3134GB6A5	FEDERAL HOME LOAN MTG CORP	1,000,000	984,960	2.400%	12/28/2017	12/28/2022	1,733
3134GSEQ4	FEDERAL HOME LOAN MTG CORP	1,000,000	1,000,140	3.000%	3/15/2018	3/15/2023	1,810
24422ESW0	JOHN DEERE CAP CORP	1,000,000	986,660	2.050%	3/10/2015	3/10/2020	710
38148TMC0	GOLDMAN SACHS GROUP INC	1,000,000	983,430	2.000%	4/29/2016	4/29/2021	1,125
46625HQJ2	JP MORGAN CHASE & CO NOTE	997,500	983,940	2.550%	12/28/2016	3/1/2021	1,066
06744CFN6	BARCLAYS BANK PLC MTN	1,000,000	967,715	2.250%	8/25/2017	8/25/2022	1,608
89236TEC5	TOYOTA MOTOR CRD CORP	1,000,000	962,430	2.150%	9/8/2017	9/8/2022	1,622
037833DE7	APPLE INC NOTE	993,000	971,080	2.400%	1/16/2018	1/31/2023	1,767
36160NS83	CERTIFICATE OF DEPOSIT	245,000	244,579	2.000%	5/23/2014	5/23/2019	418
48126XFX8	CERTIFICATE OF DEPOSIT	200,000	191,836	1.700%	9/30/2016	9/30/2021	1,279
02587CAF7	CERTIFICATE OF DEPOSIT	246,383	246,150	1.950%	7/17/2014	7/17/2019	473
74267GUQ8	CERTIFICATE OF DEPOSIT	247,000	246,266	2.000%	7/22/2014	7/22/2019	478
29266NB30	CERTIFICATE OF DEPOSIT	247,000	246,252	2.050%	8/28/2014	8/28/2019	515
254672NN4	CERTIFICATE OF DEPOSIT	247,000	244,177	2.000%	5/13/2015	5/13/2020	774
20033AKP0	CERTIFICATE OF DEPOSIT	249,000	245,810	1.900%	5/26/2015	5/26/2020	787
140420RT9	CERTIFICATE OF DEPOSIT	247,380	244,791	1.850%	6/3/2015	6/3/2020	795
46147UQL7	CERTIFICATE OF DEPOSIT	248,378	245,427	1.900%	6/17/2015	6/17/2020	809
981571BN1	CERTIFICATE OF DEPOSIT	200,000	197,534	2.300%	6/25/2015	6/25/2020	817
29976DYV6	CERTIFICATE OF DEPOSIT	246,382	243,658	1.950%	6/30/2015	6/30/2020	822
14042E4P2	CERTIFICATE OF DEPOSIT	246,000	243,953	2.300%	7/15/2015	7/15/2020	837
31938QN26	CERTIFICATE OF DEPOSIT	247,000	244,110	2.050%	7/17/2015	7/17/2020	839
58403BY67	CERTIFICATE OF DEPOSIT	247,000	244,952	2.250%	7/27/2015	7/27/2020	849
05580ACW2	CERTIFICATE OF DEPOSIT	247,000	244,970	2.200%	9/22/2015	9/18/2020	902
02587DL30	CERTIFICATE OF DEPOSIT	246,000	242,308	2.300%	12/23/2015	12/23/2020	998
9497486Z5	CERTIFICATE OF DEPOSIT	249,000	239,314	1.600%	8/3/2016	8/3/2021	1,221
06062QXG4	CERTIFICATE OF DEPOSIT	247,000	239,714	1.850%	11/23/2016	11/23/2021	1,333
58733ADT3	CERTIFICATE OF DEPOSIT	240,000	234,619	2.100%	1/27/2017	1/27/2022	1,398
38148PGX9	CERTIFICATE OF DEPOSIT	245,000	241,117	2.300%	3/8/2017	3/8/2022	1,438
857894SK6	CERTIFICATE OF DEPOSIT	249,000	243,049	2.050%	1/13/2017	1/13/2022	1,384
71270QQJ8	CERTIFICATE OF DEPOSIT	246,000	240,116	2.050%	1/18/2017	1/18/2022	1,389
8562845Z3	CERTIFICATE OF DEPOSIT	246,000	242,736	2.350%	1/26/2017	1/26/2022	1,397
33767A2G5	CERTIFICATE OF DEPOSIT	249,000	242,909	2.100%	4/19/2017	4/19/2022	1,480
55266CVB9	CERTIFICATE OF DEPOSIT	248,502	241,401	1.950%	4/28/2017	4/28/2022	1,489
67054NAK9	CERTIFICATE OF DEPOSIT	249,000	244,431	2.300%	6/21/2017	6/21/2022	1,543
9819962K6	CERTIFICATE OF DEPOSIT	200,000	196,528	2.400%	4/19/2017	4/19/2022	1,480
795450D36	CERTIFICATE OF DEPOSIT	240,000	235,716	2.350%	8/23/2017	8/23/2022	1,606
06740KKD8	CERTIFICATE OF DEPOSIT	247,000	241,359	2.200%	7/12/2017	7/12/2022	1,564
33715LAP5	CERTIFICATE OF DEPOSIT	248,378	243,261	2.250%	9/28/2017	9/28/2022	1,642
62384RAB2	CERTIFICATE OF DEPOSIT	249,000	243,691	2.300%	10/12/2017	10/12/2022	1,656
01748DAY2	CERTIFICATE OF DEPOSIT	248,402	242,471	2.200%	11/3/2017	11/3/2022	1,678
61747MF63	CERTIFICATE OF DEPOSIT	246,000	243,988	2.650%	1/11/2018	1/11/2023	1,747
22239MAR9	CERTIFICATE OF DEPOSIT	249,000	246,283	2.600%	2/2/2018	2/2/2023	1,769
366526AR2	CERTIFICATE OF DEPOSIT	248,378	246,774	2.650%	2/16/2018	2/16/2023	1,783
819866AE4	CERTIFICATE OF DEPOSIT	249,000	248,395	2.800%	3/5/2018	3/6/2023	1,801
1204	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/9/2013	4/9/2018	9
1208	CERTIFICATE OF DEPOSIT	122,408	122,408	1.100%	5/9/2013	5/9/2018	39
1209	CERTIFICATE OF DEPOSIT	99,000	99,000	1.050%	5/16/2013	5/16/2018	46

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1224	CERTIFICATE OF DEPOSIT	250,000	250,000	1.950%	10/14/2013	10/14/2018	197
1228	CERTIFICATE OF DEPOSIT	250,000	250,000	1.850%	10/30/2013	10/30/2018	213
1248	CERTIFICATE OF DEPOSIT	100,002	100,002	1.260%	5/8/2015	5/8/2018	38
1254	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	9/8/2014	9/8/2019	526
1280	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	5/21/2013	5/21/2018	51
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	1.390%	5/14/2013	5/14/2018	44
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	1.300%	6/21/2013	6/21/2018	82
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	5/9/2013	5/8/2018	38
1284	CERTIFICATE OF DEPOSIT	250,000	250,000	1.250%	4/23/2013	4/23/2018	23
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	1.500%	4/29/2013	4/29/2018	29
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	6/25/2013	6/25/2018	86
1287	CERTIFICATE OF DEPOSIT	250,000	250,000	1.600%	7/19/2013	7/19/2018	110
1288	CERTIFICATE OF DEPOSIT	250,000	250,000	1.590%	7/24/2013	7/24/2018	115
1289	CERTIFICATE OF DEPOSIT	273,290	273,290	1.980%	9/18/2013	9/18/2018	171
1290	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	10/11/2013	10/11/2018	194
1291	CERTIFICATE OF DEPOSIT	250,000	250,000	2.250%	2/7/2014	2/7/2019	313
1292	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	7/31/2014	7/31/2019	487
1293	CERTIFICATE OF DEPOSIT	250,000	250,000	1.940%	7/18/2014	7/18/2019	474
1294	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/3/2015	4/3/2020	734
1295	CERTIFICATE OF DEPOSIT	250,000	250,000	2.084%	4/20/2015	4/20/2020	751
1296	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/8/2015	5/8/2020	769
1297	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/14/2015	5/14/2020	775
1298	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	11/4/2015	11/4/2020	949
1299	CERTIFICATE OF DEPOSIT	250,000	250,000	2.030%	4/30/2015	3/30/2020	730
1300	CERTIFICATE OF DEPOSIT	250,000	250,000	2.100%	12/8/2015	12/8/2020	983
1301	CERTIFICATE OF DEPOSIT	250,000	250,000	2.080%	2/4/2016	2/4/2021	1,041
1302	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	1/11/2016	1/11/2021	1,017
1303	CERTIFICATE OF DEPOSIT	250,000	250,000	2.150%	4/19/2016	4/19/2021	1,115
1304	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	5/19/2016	5/19/2021	1,145
1305	CERTIFICATE OF DEPOSIT	250,000	250,000	2.000%	6/3/2016	6/3/2021	1,160
1306	CERTIFICATE OF DEPOSIT	249,000	249,000	1.935%	10/28/2016	10/28/2021	1,307
1307	CERTIFICATE OF DEPOSIT	249,000	249,000	1.900%	12/20/2016	12/20/2021	1,360
1308	CERTIFICATE OF DEPOSIT	249,000	249,000	2.000%	1/20/2017	1/20/2022	1,391
1309	CERTIFICATE OF DEPOSIT	249,000	249,000	2.150%	2/14/2017	2/14/2022	1,416
1310	CERTIFICATE OF DEPOSIT	249,000	249,000	2.100%	5/1/2017	5/2/2022	1,493
1311	CERTIFICATE OF DEPOSIT	250,000	250,000	2.110%	6/23/2017	6/23/2022	1,545
1312	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	7/26/2017	7/26/2022	1,578
1313	CERTIFICATE OF DEPOSIT	249,000	249,000	2.230%	7/11/2017	7/11/2022	1,563
1314	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	7/21/2017	7/21/2022	1,573
1315	CERTIFICATE OF DEPOSIT	249,000	249,000	2.350%	9/22/2017	9/22/2022	1,636
1316	CERTIFICATE OF DEPOSIT	249,000	249,000	2.600%	10/6/2017	10/6/2022	1,650
1317	CERTIFICATE OF DEPOSIT	249,000	249,000	2.428%	11/16/2017	11/16/2022	1,691
1318	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	3/22/2018	3/22/2023	1,817
TOTALS		\$ 63,077,473	\$ 62,537,055				

WEIGHTED AVERAGE RATE OF EARNINGS				% OF LIQUID		WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT	PORTFOLIO	
3/31/2017	6/30/2017	9/30/2017	12/31/2017	3/31/2018	HOLDINGS	
1.620%	1.596%	1.705%	1.723%	1.939%	39.993%	788

Comments:

Portfolio holdings as of March 31, 2018, are in compliance with the current Investment Policy. With 39.993% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the second calendar quarter ending June 30, 2018, and will be presented during the August 7, 2018 Council meeting.



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Interim Financial Status Reports

SOURCE: Finance

COMMENT: The City Charter requires financial status reports to be provided to City Council on a monthly basis. Council Minute Order #10-011607 approved the recommended change in submittal of the interim financial status reports and established the requirements and parameters in the presentation of the reports.

In accordance with Council Minute Order #10-011607, the interim financial status reports for the third fiscal quarter ended March 31, 2018 are submitted.

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

ATTACHMENTS: 1. Interim Financial Status Reports

Appropriated/Funded:

Review By:

Department Director:

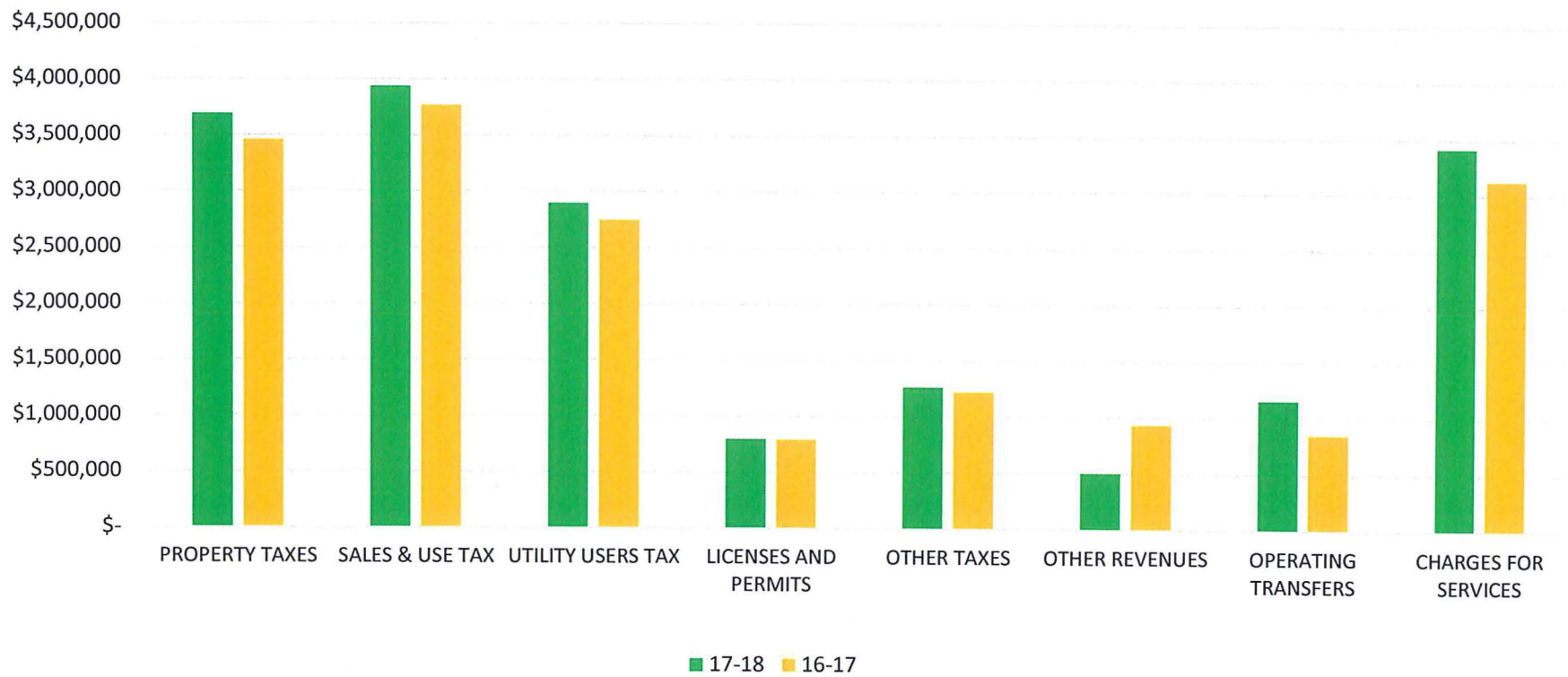
Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

**REVENUE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2018 AND MARCH 31, 2017**

REVENUE SOURCE	2017-2018 ESTIMATED REVENUE	2017-2018 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2016-2017 ESTIMATED REVENUE	2016-2017 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 6,500,000	\$ 3,692,074	56.80%	\$ 5,990,000	\$ 3,458,507	57.74%
OTHER TAXES:						
SALES AND USE TAX	5,909,737	3,777,490	63.92%	5,850,109	3,614,222	61.78%
UTILITY USERS TAX	4,000,000	2,898,912	72.47%	4,000,000	2,749,997	68.75%
TRANSIENT OCCUPANCY TAX	500,000	311,320	62.26%	475,000	279,329	58.81%
PROPERTY TRANSFER TAX	65,000	63,695	97.99%	65,000	55,478	85.35%
FRANCHISE TAX	1,561,134	847,661	54.30%	1,551,134	847,927	54.66%
SALES TAX - PUBLIC SAFETY	200,000	161,552	80.78%	200,000	154,661	77.33%
LICENSES AND PERMITS:						
BUSINESS LICENSES	464,800	457,628	98.46%	457,600	442,877	96.78%
CONSTRUCTION PERMITS	475,000	339,112	71.39%	475,000	348,804	73.43%
REVENUE FROM AGENCIES-TAXES:						
VEHICLE LICENSE FEES	25,000	31,535	126.14%	22,000	26,910	122.32%
OTHER TAXES	25,000	12,411	49.64%	25,000	12,520	50.08%
REVENUE FROM AGENCIES-GRANTS	187,535	61,987	33.05%	380,337	186,619	49.07%
USE OF MONEY AND PROPERTY	470,000	359,016	76.39%	440,506	378,193	85.85%
FINES AND FORFEITURES	36,000	22,634	62.87%	56,500	26,408	46.74%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	107,000	120,837	112.93%	80,000	105,856	132.32%
POLICE	334,000	124,539	37.29%	317,000	99,995	31.54%
FIRE	45,000	45,056	100.12%	45,000	18,752	41.67%
LIBRARY	40,000	31,561	78.90%	43,000	30,673	71.33%
RECREATIONAL	2,374,100	1,330,862	56.06%	2,370,734	1,217,540	51.36%
INTERDEPARTMENTAL	2,200,000	1,751,092	79.60%	1,700,000	1,646,133	96.83%
OTHER	9,954	16,892	169.70%	11,835	10,593	89.50%
OTHER REVENUES	87,200	62,026	71.13%	65,000	347,001	533.85%
SUBTOTALS	\$ 25,616,460	\$ 16,519,890	64.49%	\$ 24,620,755	\$ 16,058,994	65.23%
OPERATING TRANSFERS	1,205,696	870,735	72.22%	1,211,656	660,622	54.52%
DEBT SERVICE TRANSFERS	199,455	143,430	71.91%	201,670	191,384	94.90%
TOTALS	\$ 27,021,611	\$ 17,534,055	64.89%	\$ 26,034,081	\$ 16,911,000	64.96%

City of Porterville General Fund Revenues

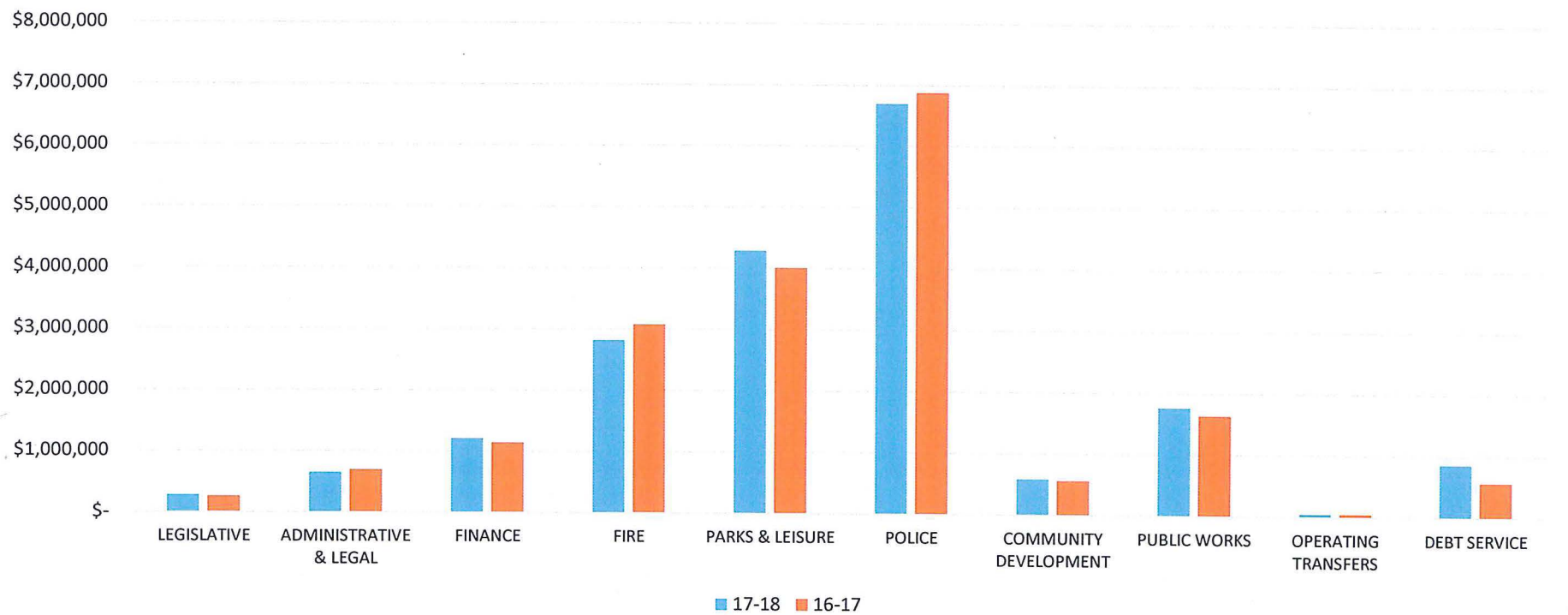


CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE NINE MONTHS ENDED
MARCH 31, 2018 AND MARCH 31, 2017**

	2017-2018 AMENDED APPROP	2017-2018 YEAR-TO-DATE EXPEND	% OF APPROP	2016-2017 AMENDED APPROP	2016-2017 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 262,917	\$ 117,751	44.8%	\$ 262,917	\$ 101,915	38.8%
COMMUNITY PROMOTION	223,583	166,204	74.3%	216,302	161,938	74.9%
EMERGENCY OPERATIONS						
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	308,902	226,719	73.4%	306,049	220,747	72.1%
CITY CLERK	189,358	122,564	64.7%	242,560	132,818	54.8%
HUMAN RESOURCES	264,520	224,311	84.8%	287,898	238,731	82.9%
CITY ATTORNEY	225,000	80,853	35.9%	225,000	101,834	45.3%
FINANCE:						
FINANCE & ACCOUNTING	903,042	678,584	75.1%	901,271	649,239	72.0%
INFORMATION SERVICES	442,125	315,502	71.4%	437,890	277,995	63.5%
ADMINISTRATIVE SERVICES	364,286	212,986	58.5%	374,974	206,840	55.2%
POLICE PROTECTION	10,069,130	6,695,217	66.5%	9,741,892	6,874,432	70.6%
FIRE PROTECTION	4,081,607	2,816,534	69.0%	4,039,522	3,076,838	76.2%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	599,243	404,388	67.5%	600,456	362,193	60.3%
ECONOMIC DEVELOPMENT	368,288	181,291	49.2%	349,147	195,704	56.1%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,155,870	816,583	70.6%	1,161,258	782,855	67.4%
STREET MAINTENANCE	457,032	369,707	80.9%	448,795	288,593	64.3%
SIGNALS, SIGNING & STRIPING	368,776	181,983	49.3%	381,647	253,654	66.5%
STREET LIGHTING	507,421	334,199	65.9%	507,578	235,874	46.5%
STORM DRAINS	106,707	23,303	21.8%	102,987	40,255	39.1%
PARKING LOTS	47,285	33,684	71.2%	47,442	32,918	69.4%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	1,906,589	1,400,230	73.4%	1,739,539	1,346,448	77.4%
STREET TREES & PARKWAYS	214,028	159,629	74.6%	179,146	136,588	76.2%
COMMUNITY CENTERS	229,255	177,003	77.2%	223,208	178,541	80.0%
LEISURE SERVICES	276,091	217,592	78.8%	276,013	218,719	79.2%
LEISURE SERVICES - SPECIAL PROG	2,130,920	1,689,277	79.3%	2,175,443	1,486,590	68.3%
SWIMMING POOL	153,238	97,842	63.8%	147,833	93,571	63.3%
LIBRARY OPERATIONS	764,416	535,507	70.1%	786,435	532,206	67.7%
SPECIAL PROJECTS	24,519	13,190	53.8%	24,519	11,462	46.7%
SUB TOTALS	26,644,148	\$ 18,292,633	68.7%	26,187,721	\$ 18,239,498	69.6%
OPERATING TRANSFERS	79,000	51,750	65.5%	79,000	51,750	65.5%
DEBT SERVICE	1,727,854	865,035	50.1%	1,432,666	567,358	39.6%
	<u>\$ 28,451,002</u>	<u>\$ 19,209,418</u>	67.5%	<u>\$ 27,699,387</u>	<u>\$ 18,858,605</u>	68.1%

City of Porterville General Fund Expenditures



CITY OF PORTERVILLE

REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2018 AND MARCH 31, 2017

REVENUE SOURCE	2017-2018 ESTIMATED REVENUE	2017-2018 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2016-2017 ESTIMATED REVENUE	2016-2017 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 3,574,391	\$ 2,355,661	65.9%	\$ 3,517,446	\$ 2,242,435	63.8%
SPECIAL GAS TAX	2,658,716	1,571,877	59.1%	2,449,118	1,438,131	58.7%
LOCAL TRANSPORTATION FUNDS (LTF)	4,232,000	1,152,999	27.2%	4,150,000	820,653	19.8%
TRAFFIC SAFETY FUND	150,400	80,110	53.3%	165,500	119,970	72.5%
ZALUD ESTATE	7,600	7,226	95.1%	5,800	7,555	130.3%
COMMUNITY DEVELOPMENT BLOCK GRANT	747,540	626,861	83.9%	800,525	434,462	54.3%
TRANSIT	18,505,246	620,855	3.4%	18,853,152	1,540,839	8.2%
SPECIAL SAFETY GRANTS	328,700	154,614	47.0%	219,886	261,573	119.0%
SEWER OPERATING	7,118,596	5,380,305	75.6%	6,864,596	5,339,105	77.8%
REFUSE REMOVAL	5,913,000	4,467,173	75.5%	5,900,000	4,404,512	74.7%
AIRPORT OPERATIONS	1,661,882	1,386,169	83.4%	1,420,700	1,909,347	134.4%
GOLF COURSE	198,000	116,636	58.9%	195,000	124,230	63.7%
WATER OPERATING	11,200,000	8,897,332	79.4%	5,677,980	7,862,622	138.5%
RISK MANAGEMENT	6,571,520	4,705,611	71.6%	6,342,698	4,978,711	78.5%
EQUIPMENT MAINTENANCE	3,235,000	2,525,939	78.1%	3,110,000	2,520,589	81.0%
LANDSCAPE MAINTENANCE DISTRICT	115,500	39,318	34.0%	92,500	42,187	45.6%
WATER REPLACEMENT	14,389,100	391,806	2.7%	3,324,276	596,768	18.0%
SOLID WASTE RESERVE	2,260,188	749,538	33.2%	2,248,548	690,143	30.7%
SEWER REVOLVING	308,426	227,550	73.8%	305,426	391,442	128.2%
TRANSPORTATION DEVELOPMENT	210,000	179,393	85.4%	160,000	269,442	168.4%
PARK DEVELOPMENT	50,055	28,494	56.9%	50,050	78,162	156.2%
TREATMENT PLANT RESERVE	565,364	378,309	66.9%	585,364	1,247,536	213.1%
STORM DRAIN DEVELOPMENT	118,000	182,282	154.5%	115,000	360,462	313.4%
BUILDING CONSTRUCTION	5,000	6,700	134.0%	8,500	4,852	57.1%
TOTALS	\$ 84,124,224	\$ 36,232,759	43.1%	\$ 66,562,065	\$ 37,685,729	56.6%

City of Porterville Revenue by Fund Type

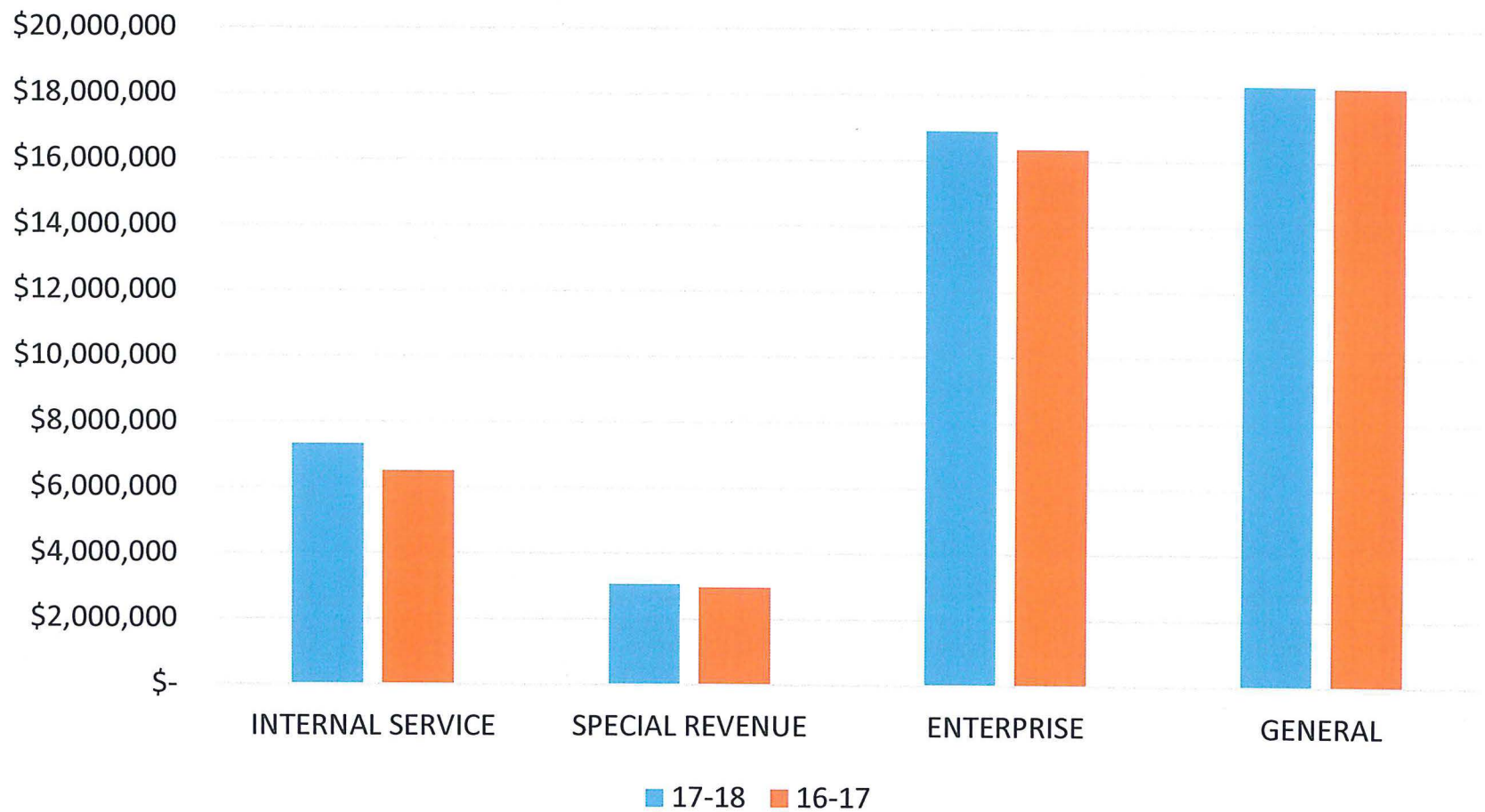


CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE NINE MONTHS ENDED
MARCH 31, 2018 AND MARCH 31, 2017

	2017-2018 AMENDED APPROP	2017-2018 YEAR-TO-DATE EXPEND	% OF APPROP	2016-2017 AMENDED APPROP	2016-2017 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 3,684,193	\$ 2,587,370	70.2%	\$ 3,686,114	\$ 2,463,524	66.8%
ZALUD ESTATE	22,305	17,241	77.3%	22,255	15,616	70.2%
COMMUNITY DEVELOPMENT BLOCK GRANT	735,972	118,358	16.1%	1,224,602	102,687	8.4%
TRANSIT	4,076,426	2,788,701	68.4%	3,874,835	2,631,265	67.9%
SPECIAL SAFETY GRANTS	427,926	260,407	60.9%	423,799	298,882	70.5%
SEWER OPERATING	6,436,780	4,093,453	63.6%	6,501,442	4,167,946	64.1%
REFUSE REMOVAL	6,317,200	4,378,513	69.3%	6,206,240	4,338,254	69.9%
AIRPORT	1,467,186	1,117,833	76.2%	1,374,616	1,022,113	74.4%
GOLF COURSE	395,502	309,856	78.3%	380,775	290,657	76.3%
WATER OPERATING	7,180,425	4,202,900	58.5%	4,969,717	3,878,157	78.0%
RISK MANAGEMENT	6,351,146	4,920,922	77.5%	6,075,995	4,114,383	67.7%
EQUIPMENT MAINTENANCE	3,289,286	2,409,589	73.3%	3,116,140	2,378,154	76.3%
LANDSCAPE MAINTENANCE DISTRICT	164,336	101,216	61.6%	174,405	90,051	51.6%
TOTALS	\$ <u>40,548,683</u>	\$ <u>27,306,360</u>	67.3%	\$ <u>38,030,935</u>	\$ <u>25,791,690</u>	67.8%

City of Porterville Expenditures by Fund Type



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Nine Months Ended March 31, 2018 and March 31, 2017

	<u>FY 2017-18</u>	<u>FY 2016-17</u>
REVENUES		
Sales Tax - Measure H	\$ 2,346,257	2,237,550
Interest	6,120	2,967
Police Services	3,284	918
Contributions	-	1,000
TOTAL REVENUES	<u>2,355,661</u>	<u>2,242,435</u>
EXPENDITURES		
Police Department	1,161,483	1,173,069
Fire Department	1,068,665	953,234
Public Safety Station	24,146	23,034
Library & Literacy	333,075	314,186
TOTAL EXPENDITURES	<u>2,587,370</u>	<u>2,463,524</u>
CAPITAL PROJECTS		
Library Literacy Center	-	6,122
TOTAL CAPITAL PROJECTS	<u>-</u>	<u>6,122</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ (231,709)</u>	<u>\$ (227,211)</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Nine Months Ended March 31, 2018 and March 31, 2017

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>3/31/2018 NET OPERATING PROFIT (LOSS)</u>	<u>3/31/2017 NET OPERATING PROFIT (LOSS)</u>
Zalud Estate	\$ 7,226	\$ (17,241)	\$ (10,016)	\$ (8,061)
Transit	620,855	(2,788,701)	\$ (2,167,846)	(1,090,426)
Sewer Operating	5,380,305	(4,093,453)	1,286,852	1,171,159
Solid Waste	4,467,173	(4,378,513)	88,660	66,258
Airport	1,386,169	(1,117,833)	268,336	887,235
Golf	116,636	(309,856)	(193,220)	(166,427)
Water Operating	8,897,332	(4,202,900)	4,694,432	3,984,466



CITY COUNCIL AGENDA – MAY 1, 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 April 17, 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 had committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally. Self-Help has recently notified the affected residences that due to lack of continued State funding, the water delivery program will cease effective June 30, 2018. City staff is concerned about the lack of continued support for these residences while the extension of water mains and permanent connections will likely not occur for approximately a year.

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

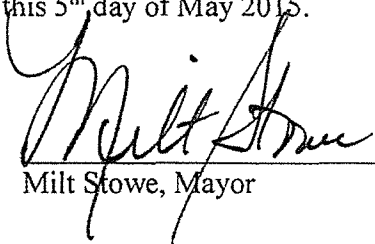
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

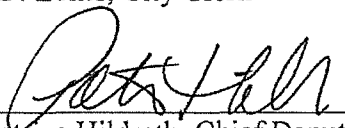
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrell Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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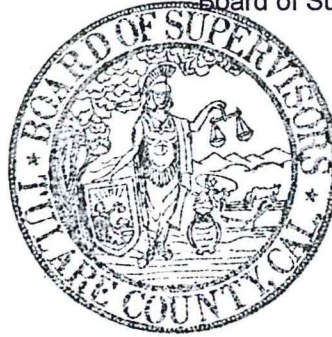
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. G. [Signature] for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

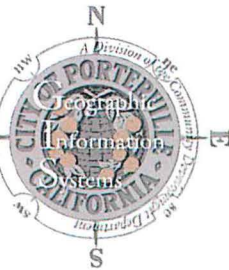
BY J. L. [Signature]
John Lollis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

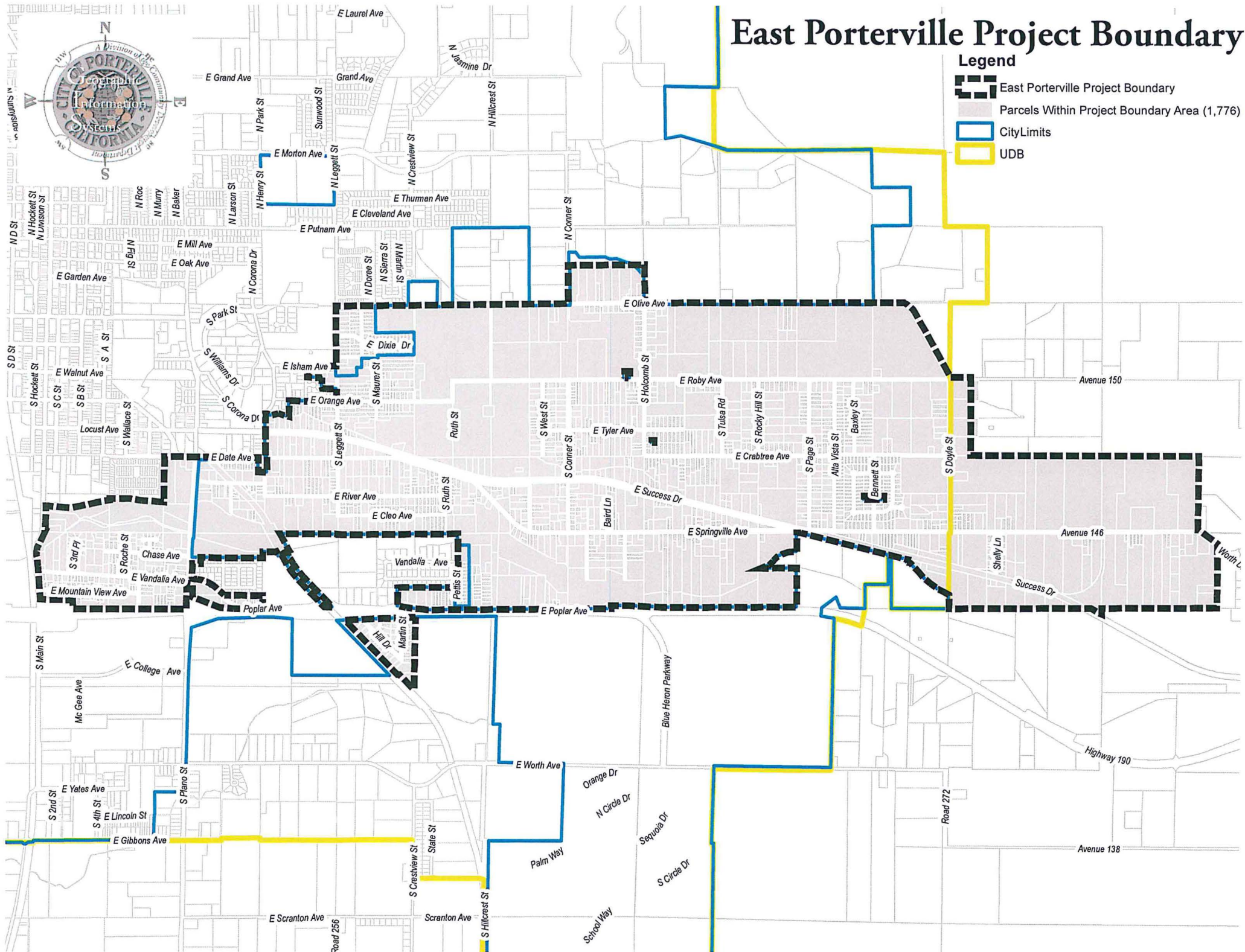


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

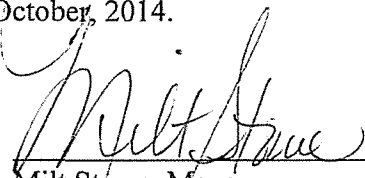
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

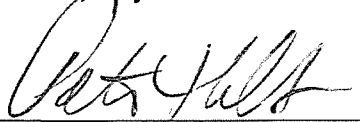
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 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.

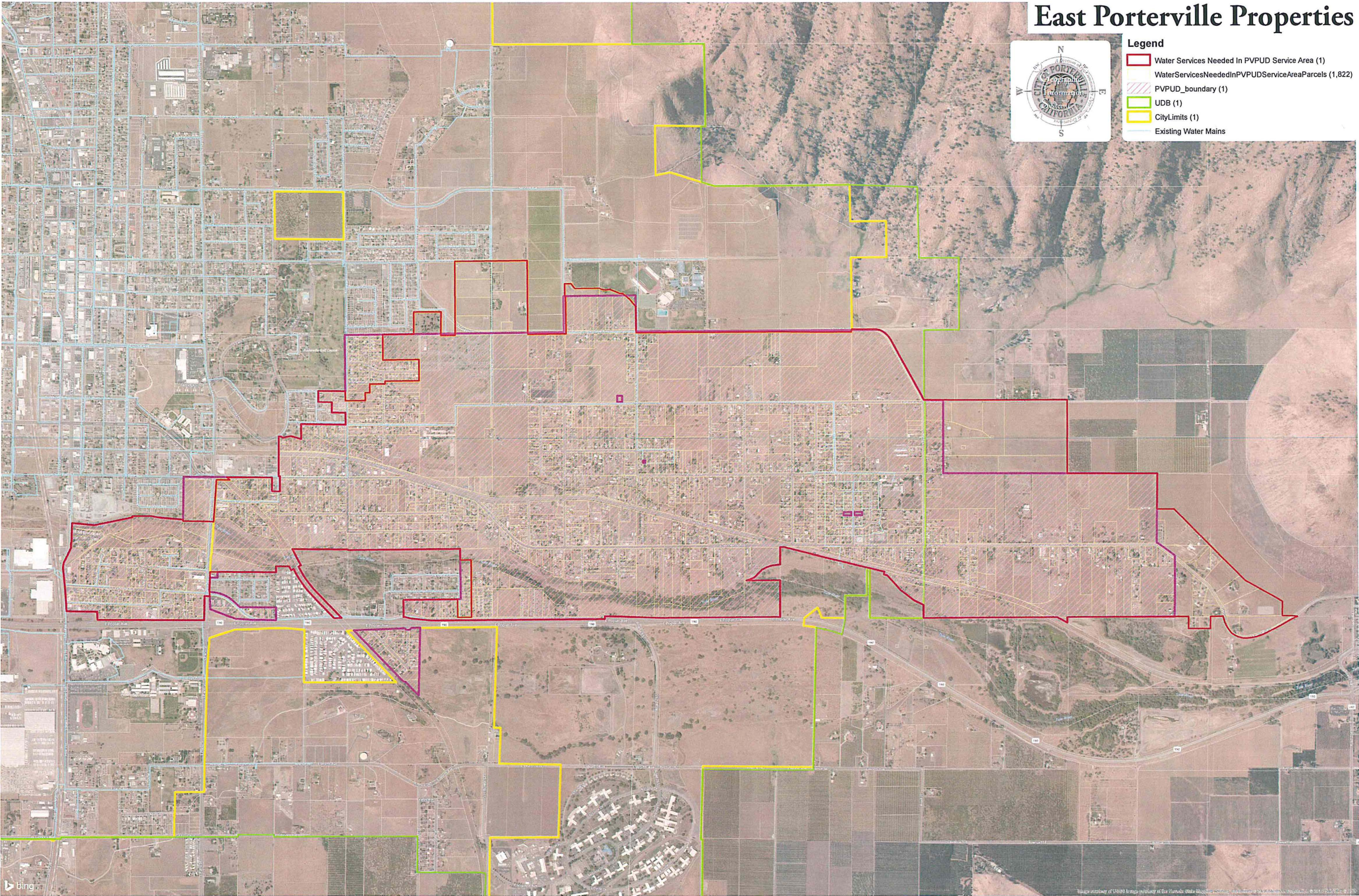
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues 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



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



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

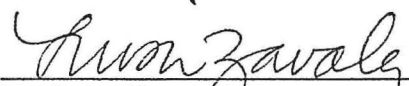

By: Luisa Zavala, Deputy City Clerk

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

City of Porterville

County of Tulare



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Faulkenberry".

Kevin Faulkenberry, Chief
South Central Region Office

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





CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Continued Public Hearing to Consider Modification No. 1 to Conditional Use Permit 4-97 for the Cellar Steak House

SOURCE: Community Development

BACKGROUND:

On April 17, 2018, the City Council opened a public hearing to consider a modification of Conditional Use Permit 4-97, for The Cellar Restaurant. The Conditional Use Permit was originally approved on June 3, 1997, when the City Council adopted Resolution 62-97 to allow the sale of alcoholic beverages with a Type 47 On-Sale General license (beer, wine, and distilled spirits in conjunction with a bona-fide eating establishment). In March of 2018, the applicant requested a modification to Conditional Use Permit 4-97 to extend hours of operation and allow for entertainment and dancing. Based on the activities described by the applicant, the proposed use is defined in the Porterville Municipal Code as a Bar/Night Club/Lounge, which allows for serving of meals. Conversely, the definition of restaurants, per Section 701 of Chapter 21 of the Porterville Municipal Code, "excludes establishments that provide dancing or entertainment (see Bars/Night Clubs/Lounges)." Based on the new use definition, staff presented the item to the City Council as including a modification to a Type 50 alcohol license, which is defined by the California Department of Alcoholic Beverage Control as on-sale general for club. On the evening of the City Council meeting, the applicant approached staff and explained that they will not be pursuing a modification to the Type 50 license. However, the proposed operations described by the applicant would still require a modification to the Conditional Use Permit. At the applicant's request, the City Council continued the public hearing to the meeting of May 1, 2018. The hearing was opened and comments were received, both in favor and opposed to the proposed modification. After further review, staff concedes that the appropriate type of license issued is determined by the California Department of Alcoholic Beverage Control. Conditions of approval have been modified to identify the appropriate license as "an ABC-approved general on-sale license."

COMMENT: The applicants met with the Project Review Committee on March 28, 2018. While the applicant is not intending to modify to the current Type 47 license to a Type 50 Club, they have an interest in providing entertainment and dancing. Currently, the applicant intends to host a DJ to provide music so patrons may dance on a designated dance floor. The applicant has indicated they plan to continue the restaurant component. The applicant has also indicated an interest in extending permitted hours of operation, so that the restaurant could operate up to 24 hours per day, seven days per week. Staff has included in the draft resolution

Item No. 13.

proposed conditions for the facility to operate and be maintained so as not to be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity, including a condition that any violations relating to the sales or consumption of alcohol and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit. As the Cellar has three entry points, the Police Department has additionally conditioned that at least three security staff and management is on the premises at all times during the hours of operation. Security must check patron's identification at all entry and exits. Furthermore, the Police Department has required that after 10 p.m. all patrons must be over 21 years of age. In compliance with the California Department of Alcoholic Beverage Control (ABC), only food may be served between the hours of 2 a.m. to 6 a.m. All activities would be confined to the interior of the building.

While no modification to the alcohol sales are proposed, staff notes that ABC allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 licenses for alcohol sales; twelve on-sale and seven off-sale. One of the existing on-sale licenses is the Cellar’s current Type 47 on-sale license.

ANALYSIS: The property is zoned DR-N (Downtown Retail North of Olive) with the general plan land use designation as Downtown Retail. The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N. The DR-N designation is intended to maintain the pedestrian- and transit- oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville’s Downtown. The proposed modification for a night club, with the service of food would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales, entertainment, and dancing may be permitted in that zone with the requested Conditional Use Permit.

The modification of the Conditional Use Permit to allow nightclub activities would not become effective until the building meets all applicable building and fire code requirements. Improvements include such details as exit illumination and fire sprinklers.

ENVIRONMENTAL REVIEW:

On April 3, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council consider the draft resolution approving Modification #1 to Conditional Use Permit 4-97.

ATTACHMENTS:

1. Resolution 62-97
2. Locator Map
3. Floor Plan
4. Existing licenses in Census Tract 38.02
5. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 62-97

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE CONTAINING FINDINGS
AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 4-97 TO ALLOW EXPANSION
OF THE AREA IN WHICH THE SALE OF ALCOHOLIC BEVERAGES
WILL BE ALLOWED UNDER A TYPE 47 ON-SALE LICENSE
WITHIN A 4,800 SQUARE FOOT RESTAURANT PORTION OF A 7,200
SQUARE FOOT BUILDING LOCATED AT 244 NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 1997, conducted a public hearing to consider Conditional Use Permit 4-97 being a request to allow the sale of alcoholic beverages within a 4,800± square foot portion (basement and ground floor) of a 7,200± square foot building under a Type 47 on-sale license in conjunction with the operation of a restaurant located in the C-2 (Central Commercial) zone at 244 North Main Street; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

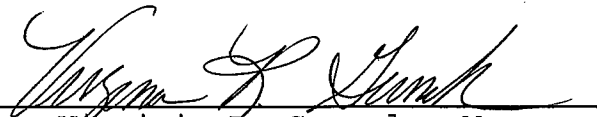
1. That the proposed project is consistent with the General Plan.
2. That the design and operation of the proposed project are consistent with the General Plan.
3. That the proposed use is not likely to cause substantial environmental damage.
4. That pursuant to Class 23, Section 15323 of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the expansion of the sale of alcoholic beverages into an additional 2,400± square foot portion (the ground floor) of a 7,200± square foot building under a Type 47 on-sale license in conjunction with the operation of a restaurant is Categorically Exempt.
5. That the proposed location of the project and the conditions under which it will be operated or maintained

will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

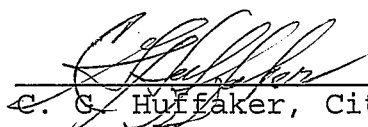
6. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the proposed sale of alcoholic beverages under an on-sale license is allowed in the C-2 zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-97 subject to the following conditions:

1. The hours and days of operation during which alcoholic beverages may be sold under the on-sale license shall be from 11:00 a.m. to 10:00 p.m. seven (7) days a week.
2. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.
3. All alcoholic beverages sold under the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a "take out" basis shall be expressly prohibited.
4. A maximum seating capacity of 157 persons shall be maintained.


Virginia R. Gurrola, Mayor

ATTEST:


C. C. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

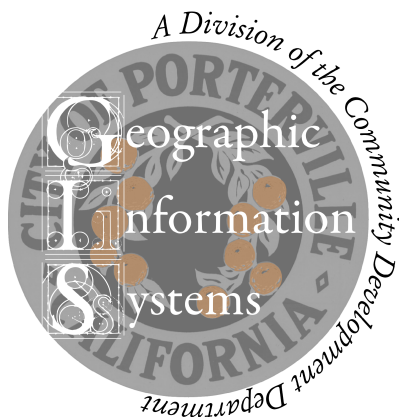
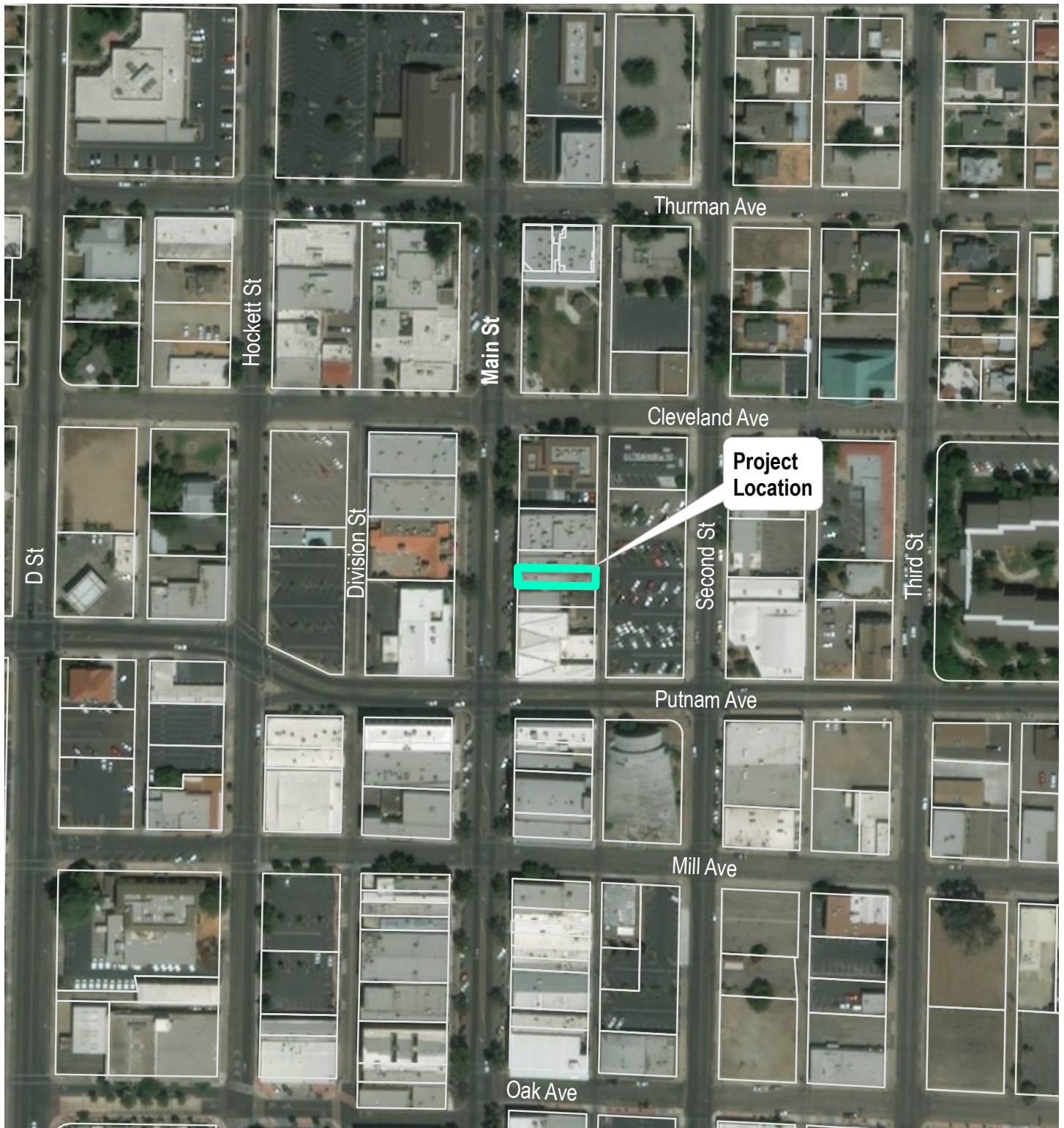
I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of June, 1997.

THAT said resolution was duly passed adopted by the following vote:

Councilmen:	IRISH	GIBBONS	LEAVITT	CHOATE	GURROLA
AYES:	X	X		X	X
NOES:					
ABSENT:			X		
ABSTAIN:					

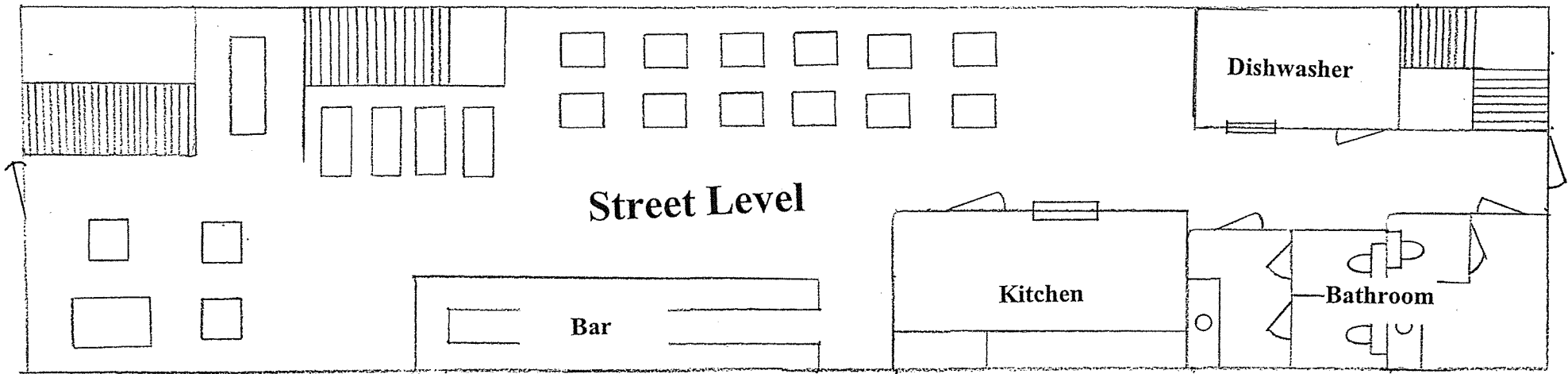
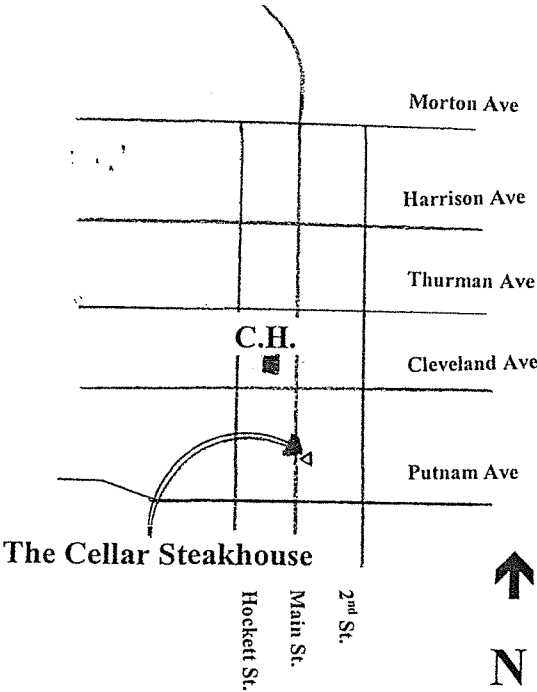
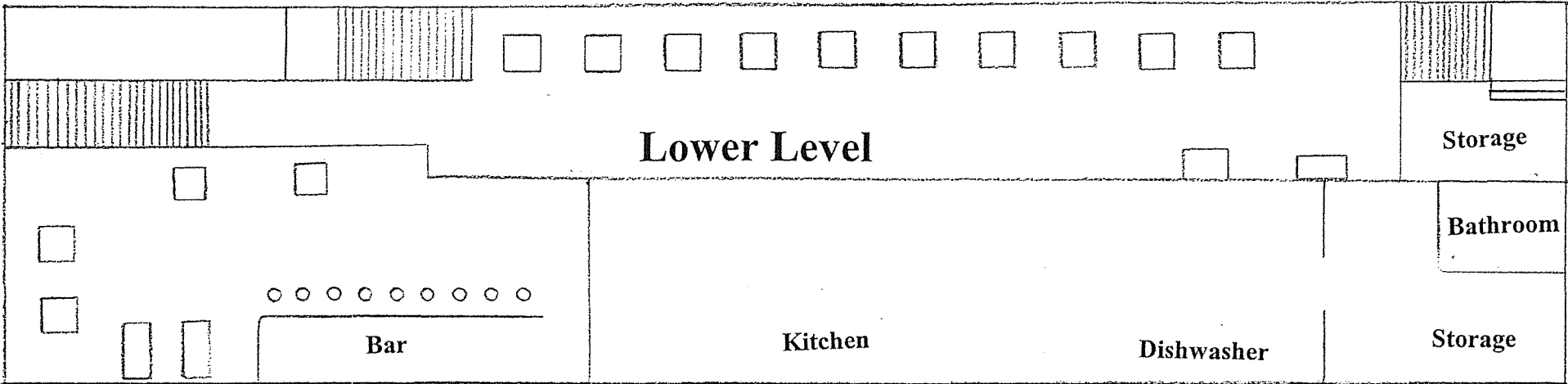
C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk



PRC 2018-018
The Cellar- MOD of CUP 62-97
@ 244 N. Main St
Project Locator Map
1" = 200ft

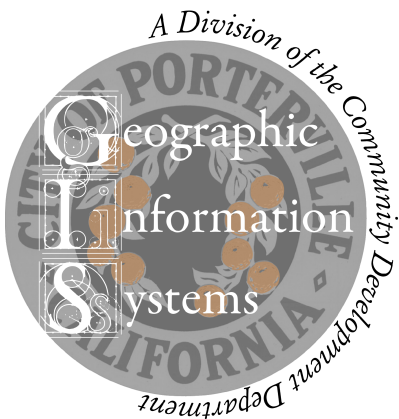
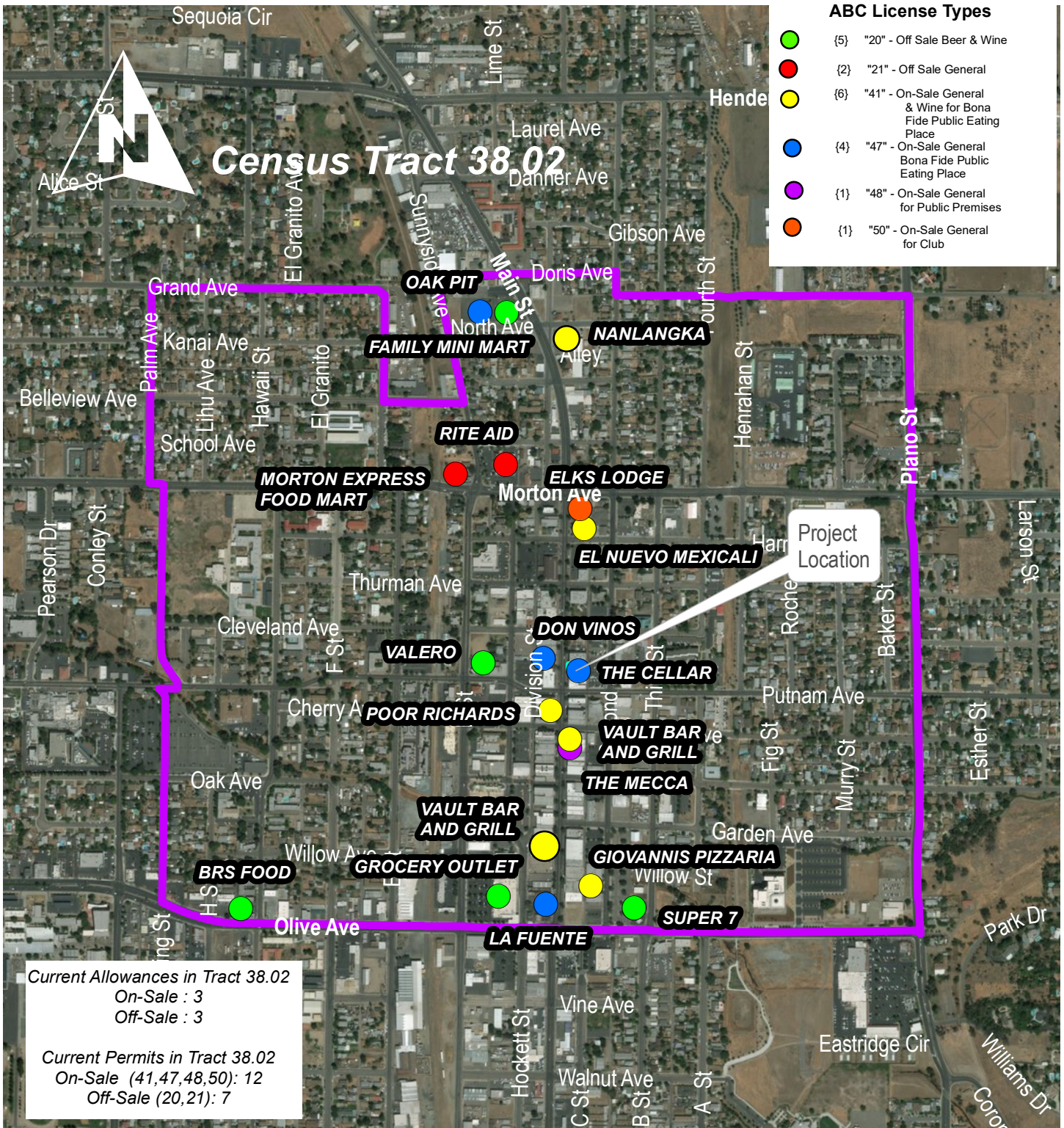
The Cellar Steak House



**Madie E. McCullar &
Carol R. Wheat**
244 ½ Main Street
Porterville, CA 93257

1" = 10'





PRC 2018-018
The Cellar - Mod of CUP 62-97
@ 244 N. Main St
ABC Permit Map

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION #1 TO
CONDITIONAL USE PERMIT 4-97 (PRC 2018-018-M) FOR CHANGE OF USE FROM A
RESTAURANT TO A NIGHT CLUB
LOCATED AT THE CELLAR STEAK HOUSE, 244 N. MAIN STREET

WHEREAS: On June 3, 1997, City Council adopted Resolution 62-97 approving Conditional Use Permit 4-97 to allow the expansion of the area in which the sale of alcoholic beverages would be allowed under a Type 47 On-Sale License (beer, wine, and distilled spirits in conjunction with a bona-fide eating establishment) to include the basement and the ground floor of a 7,200± square foot building at 244 N. Main Street; and

WHEREAS: On April 17, 2018, the City Council opened a public hearing to consider a modification of Conditional Use Permit 4-97, for The Cellar Restaurant, in response to the applicant's request to extend hours of operation and allow for entertainment and dancing. Based on the activities described by the applicant, the proposed use is defined in the Porterville Municipal Code as a Bar/Night Club/Lounge, which allows for serving of meals. Conversely, the definition of restaurants, per Section 701 of Chapter 21 of the Porterville Municipal Code, "excludes establishments that provide dancing or entertainment (see Bars/Night Clubs/Lounges)." Based on the new use definition, staff presented the item to the City Council as including a modification to a Type 50 alcohol license, which is defined by the California Department of Alcoholic Beverage Control as on-sale general for club. On the evening of the City Council meeting, the applicant approached staff and explained that they will not be pursuing a modification to the Type 50 license. However, the proposed operations described by the applicant would still require a modification to the Conditional Use Permit. At the applicant's request, the City Council continued the public hearing to the meeting of May 1, 2018. The hearing was opened and comments were received, both in favor and opposed to the proposed modification; and

WHEREAS: While the applicant is not intending to modify to the current Type 47 license to a Type 50 Club, they have an interest in providing entertainment and dancing. Currently, the applicant intends to host a DJ to provide music so patrons may dance on a designated dance floor. The applicant has indicated they plan to continue the restaurant component. The applicant has also indicated an interest in extending permitted hours of operation, so that the restaurant could operate up to 24 hours per day, seven days per week; and

WHEREAS: On April 5, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted.

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N (Downtown Retail - North of Olive Avenue). The DR-N designation is intended to maintain the pedestrian-and transit-oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville's Downtown. The proposed modification for a club, with the service of food, would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol on premises, in association with an ABC-approved general on-sale license shall be exclusively confined to the interior of the building.

Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 license for alcohol sales: twelve on-sale and seven off-sale. One of the existing on-sale licenses is the Cellar's current Type 47 on-sale license.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby revoke Resolution 62-97, and replace herewith a resolution to approve Modification #1 to Conditional Use Permit 4-97 (PRC 2018-018-M) subject to the following conditions:

1. Any violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.

2. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
3. The provisions within this modification that allow entertainment and dancing activities shall not become effective until the building meets all applicable California Building and Fire Code requirements, including but not limited to the installation of automatic fire sprinklers.
4. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
5. Hours of operation are hereby extended to 24 hours a day, seven days per week. The hours of operation during which alcoholic beverages may be sold shall be in compliance with the Department of Alcoholic Beverage Control.
6. At least three security staff and management shall be on the premises at all times during the hours of operation.
7. After 10 p.m., all patrons must be over 21 years of age. The applicant/manager shall have policies and procedures in place that ensure all patrons under 21 years of age have exited the establishment prior to 10 p.m., and that all patrons entering after 10 p.m. are 21 years of age or older.
8. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages, entertainment, or dancing.
9. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.
10. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.
11. All activities associated with the proposed use shall be exclusively confined to the interior of the building.
12. The applicant/owner shall maintain all exterior lighting in compliance with the Porterville Municipal Code and to the satisfaction of the Police Chief.
13. The uses approved through this permit shall in no way be interpreted to allow those uses restricted by Chapter 301.17 of Chapter 21 of the Porterville Municipal Code.

14. Pursuant to Section 601.10(d) the City Council may revoke the permit if it makes any of the following findings:
- a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Consideration of General Plan Amendment and Zone Change for Burton School District Non-Educational Facility

SOURCE: Community Development

BACKGROUND:

Burton School District recently acquired a building for use as a non-educational facility. Located at 2440 West Henderson Avenue, the 1.5 acre site includes a 9900± square foot structure that has in the past been used as a private club (Masonic Lodge), and more recently as a church. The parcel currently has a General Plan designation of High Density Residential and a corresponding zoning of RM-3, which are inconsistent with the proposed use.

The building was constructed and operated for nearly 25 years as a Club/Lodge (the Masonic Lodge). In 2017, the City Council approved a Conditional Use Permit for establishment of a church at this location. As CUPs run with the land, associated with use, this CUP (Resolution 49-2017) may or may not continue to exist, depending on whether or not the School District leases the space for the Church to continue functioning. In any event, after two years of a lapse of the use, the CUP will expire.

COMMENT: The District's representative has stated that the intended use of the building is for staff meetings, including in-service training or other similar gatherings. No students would be on-site, and the building will not serve in an educational capacity due to the additional standards and regulations on such uses by the California Department of General Service, Division of the State Architect (DSA). In the future, the District may wish to compartmentalize the space into offices for administrative staff, but due to other funding priorities, no construction activities are proposed for this site at this time.

ANALYSIS: The proposed use of the subject site aligns more with the General Plan Designation of Public/Institutional, and a Zoning of PS (Public/Semi-public). A resolution has been drafted to support the changes necessary to accommodate the proposed use. Staff has evaluated the adjacent land uses, which are summarized in the table below.

North	Retirement Community Housing	High-density Residential/RM-3
South	Single-family residential development	Low-density Residential/RS-2
East	Irrigated farmland (strawberry field)	Neighborhood Commercial/CN
West	Retirement Community Housing	High-density Residential/RM-3

In most situations, staff would not support a land use designation of a single parcel that is inconsistent with neighboring parcels. However, by their nature, public facilities are scattered throughout the community to best serve the public. Unnecessary clustering of schools, school offices, or other related land uses would impede the function and accessibility of such uses, where supporting individual campuses and off-site support facilities allows for more focused, distinct operations.

ENVIRONMENTAL REVIEW:

Section 15183 of Article 12 of the California Code of Regulations states that projects which are consistent with General Plan policies for which an EIR was certified do not require additional environmental review. Chapter 5.3 of the Porterville General Plan, Parks, Schools and Community Facilities Element, establishes a policy to promote and support schools.

RECOMMENDATION:

That the City Council:

1. Adopt the draft resolution approving a General Plan Amendment (2018-014) from High Density Residential to Public/Institutional for the subject property; and
2. Approve the draft ordinance, amending the zoning from RM-3 (High Density Residential) to PS (Public/Semi-public), give first reading, waive further reading and order the ordinance to print.

ATTACHMENTS:

1. Locator Map
2. Draft Resolution - General Plan Amendment
3. Draft Ordinance - Zone Change

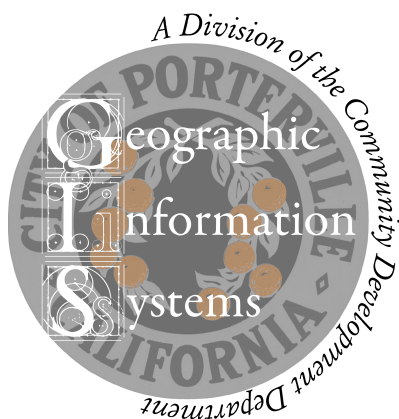
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: Patrice Hildreth, Administrative Services Dir



PRC 2018-014
Burton School District Building
@ 2440 W Henderson Ave
Project Locator Map
1" = 200ft

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A GENERAL PLAN
AMENDMENT (2018-014-G) FOR THE PROPOSED BURTON SCHOOL DISTRICT
ADMINISTRATIVE OFFICE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 6, 1993, approved "D" Overlay Design Review 2-93 to allow the development of an 8,832+/- square foot structure in the C-1(D) Neighborhood Commercial with a Design Review Overlay) zone, located on the north side of Henderson Avenue 310± feet west of Westwood Street; and

WHEREAS: The building was constructed and operated for nearly 25 years as Club/Lodge (the Masonic Lodge). In 2017 the City Council approved a CUP for establishment of a church at this location. As CUPs run with the land, associated with the use, that CUP (Resolution 49-2017) may or may not continue to exist, depending on whether or not the School District leases the space for the Church to continue functioning. In any event, after two years of a lapse of the use, the CUP will expire; and

WHEREAS: Burton School District recently acquired this site for use as a non-educational facility. The District's representative has stated that the intended use of the building is for staff meetings, including in-service training or other similar gatherings. No students would be on-site, and the building will not serve in an educational capacity due to the additional standards and regulations on such uses by the California Department of General Service, Division of the State Architect (DSA). In the future, the District may wish to compartmentalize the space into offices for administrative staff, but due to other funding priorities, no construction activities are proposed for this site at this time; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 1, 2018, conducted a public meeting to consider approval of a General Plan amendment from High Density Residential to Public and Semi-Public for a 1.55± acre parcel, for the parcel located on the north side of Henderson Avenue, 310± feet west of Westwood Street (APN 240-050-026), as represented in Exhibit A, attached hereto; and

WHEREAS: The subject site is entirely developed and the new use of administrative offices will not cause adverse effects to neighboring uses; and

WHEREAS: On March 13, 2018, the Environmental Coordinator made a preliminary determination that a Notice of Exemption would be appropriate for the proposed project; and

WHEREAS: The proposed General Plan Amendment is supported by staff due to the fact that by their nature, public and governmental uses must be intermittently distributed throughout the community. Approval of the General Plan Amendment and Zone Change would bring the current zoning of the subject parcels into consistency and compliance with the proposed use.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The subject site was originally approved in compliance with the City of Porterville Development Ordinance. The public semi-public use is adjacent to high density residential districts on the west and north sides of the property and to the east is a vacant neighborhood commercial zoned parcel. The change will be consistent with the goals of the General Plan to provide public and quasi-public facilities that address location and other characteristics of a public and semi-public use.
2. The proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcel (APN 240-050-026) does not infringe on the goals of the General Plan to provide sites that relate well to adjacent neighborhood centers and parks. Further, by utilizing an existing building the project will also support the General Plan growth strategy by emphasizing infill development.
3. The City Council is the decision-making body for the project.

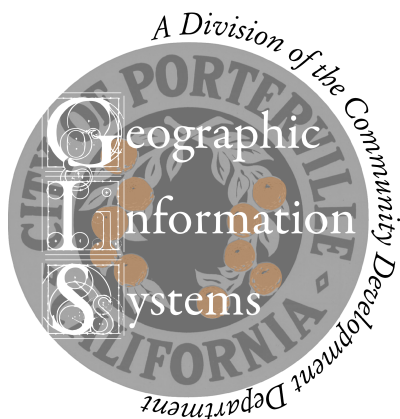
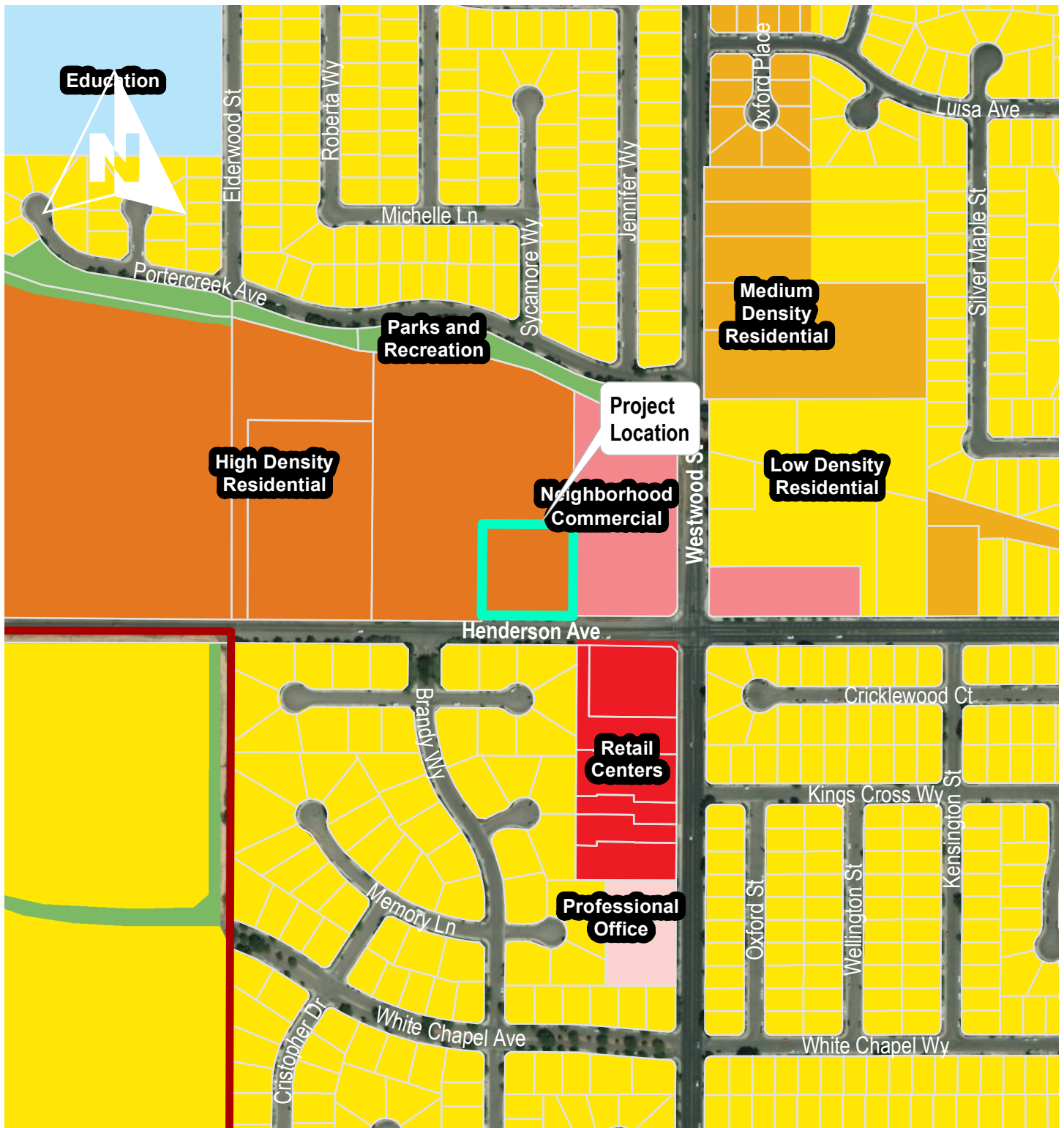
BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from High Density Residential to public and semi-public on APN 240-050-026 for the proposed Burton School District Administrative Offices at 2440 W. Henderson Avenue (PRC 2018-014-G).

PASSED, APPROVED AND ADOPTED this 1st day of May, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PRC 2018-014
Burton School District Building
@ 2440 W Henderson Ave
General Plan Land Use Map
1" = 400 ft.

ORDINANCE NO. ____-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2018-014-Z) FROM RM-3 (HIGH DENSITY
RESIDENTIAL) TO PS (PUBLIC AND SEMI-PUBLIC) FOR THAT 1.55 ± ACRE SITE
LOCATED GENERALLY AT THE NORTHWEST CORNER OF HENDERSON AVENUE
AND WESTWOOD STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 6, 1993, considered “D” Overlay Design Review 2-93 to allow the development of an 8,832+/- square foot structure in the C-1(D) Neighborhood Commercial with a Design Review Overlay zone; and

WHEREAS: Burton School District recently acquired this site for use as a non-educational facility. The District's representative has stated that the intended use of the building is for staff meetings, including in-service training or other similar gatherings. No students would be on-site, and the building will not serve in an educational capacity due to the additional standards and regulations on such uses by the California Department of General Service, Division of the State Architect (DSA). In the future, the District may wish to compartmentalize the space into offices for administrative staff, but due to other funding priorities, no construction activities are proposed for this site at this time; and

WHEREAS: The proposed use is inconsistent with the current zoning designation, and in contrast to the initial use, this inconsistency cannot be rectified with a Conditional Use Permit. The proper remedy is a change of designation for zoning and land use; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 1, 2018, conducted a public hearing to consider findings in support of Zone Change (PRC 2018-014), being a change of zone from RM-3 (High Density Residential) to PS (Public and Semi-Public) for the parcel located 310± feet west of Westwood Street, north of Henderson Avenue (APN 240-050-026); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2018-014) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That the zone change, inasmuch as the activity is consistent with General Plan Policies identified in Chapter 5.3 of the Porterville General Plan, does not merit further environmental review, as established in Section 15183 of Article 12 of the California Code of Regulations (CEQA Statutes); and

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

- a. The project supports and complies with the following General Plan policies:

LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.

LU-G-3: Promote sustainability in the design and development of public and private development projects.

PSCF-G-4: Support efforts to provide superior public and private educational opportunities for all segments of the population.

- b. Use of the existing building for administrative services will support the general plan growth strategy to encourage infill development, while supporting increased use of existing and future school campuses, by making rooms available at those campuses for educational purposes.
- c. The General Plan designation for the subject area was approved by the City Council on May 1, 2018 modifying the General Plan designation of the subject parcel from High Density Residential to Public/Semi-Public.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when standards of the Development Ordinance and General Plan are applied to the subsequent development project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2018-014-Z, is hereby rezoned from RM-3 (High Density Residential) to PS (Public and Semi-Public), pursuant to Section 2 below, for the parcel described herein as Assessor's Parcel Number 240-050-026 located generally 310± feet west of Westwood Street on the east side of Prospect Street; and

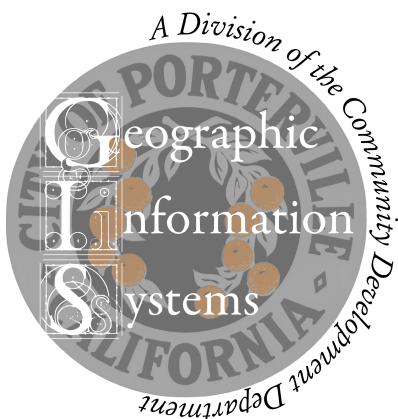
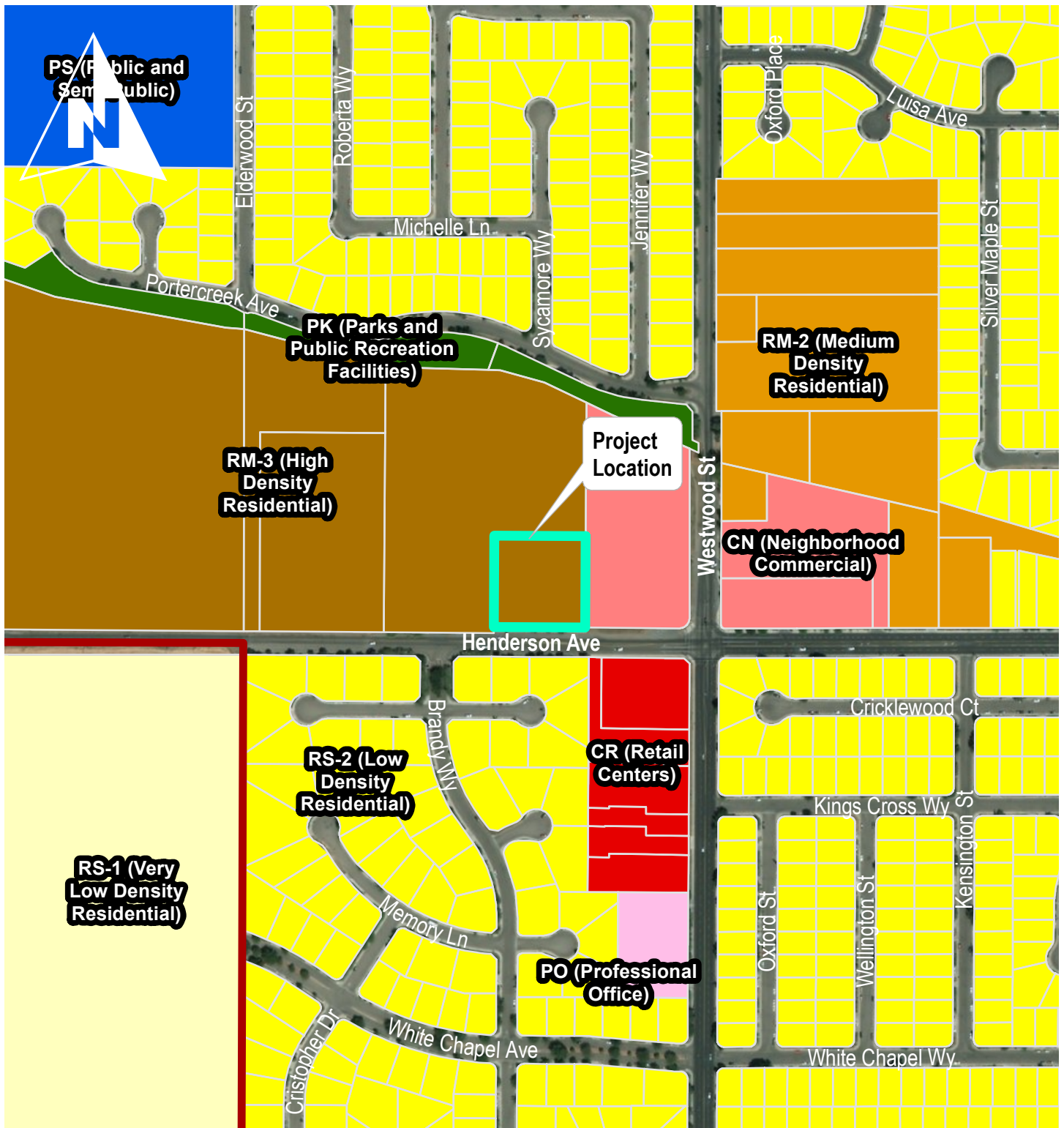
Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RM-3 (High Density Residential) to PS (Public and Semi- Public) for the parcel described above, more particularly shown on the attached map as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 1st day of May, 2018.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PRC 2018-014
Burton School District Building
@ 2440 W Henderson Ave
Zoning Land Use Map
1" = 400 ft.



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Consideration of a Conditional Use Permit for Temple of Praise Religious Facility

SOURCE: Community Development

BACKGROUND:

The subject site, 22213 Ave. 152 (APN 240-320-011), was annexed into Porterville City limits with Annexation 478 as part of a series of island annexations completed in 2015. The site is located in the RM-3 (High Density Residential) Zone District; religious facilities may be permitted in the RM-3 Zone District, with approval of a conditional use permit. Previous uses have included a variety of commercial services. The church acquired the property in September 2016, to provide a location for their growing congregation.

COMMENT: On December 13, 2017, the Project Review Committee (PRC) met with the applicant and applicant's agent to discuss a request for a conditional use permit to establish a religious facility at the aforementioned site. Staff reviewed the process and conditions related to pursuing a Conditional Use Permit, which addressed concepts such as floor plan configuration, parking, and occupancy. One item of interest discussed at the PRC meeting was a billboard on the property. The applicant provided documentation of the lease for said billboard, and staff was able to confirm that the structure was legally established in the County. Off-site signage, such as this billboard, are not allowed in the City of Porterville. However, pursuant to Section 305.14(a) of the Development Code, legal non-conforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time. The non-conformity cannot be legalized with the Conditional Use Permit, but can remain, subject to the standards of the Development Code. It should be further noted that this sign will lose its legal nonconforming status when it is unused for 180 days, at which time it shall be considered an abandoned sign, and must be removed.

The Temple of Praise Christian Fellowship Church proposed hours of operation are Fridays 5:00 p.m. to 8:00 p.m. and Sundays 9:30 a.m. to 12:00 p.m. The church intends to operate in compliance with all applicable codes. The use of a religious facility at an existing site supports the General Plan Land Use Guiding Policy (LU-G-8) in that it will promote infill development in existing neighborhoods.

ANALYSIS: During review of the project, staff determined that based on the size of the

structure and the proposed use, 25 parking stalls are required. The applicant has submitted a revised site plan that identifies the number of required stalls but will require an amendment to the design to accommodate the landscaped island requirements. Additionally a block wall would be required for the nonresidential use to be established adjacent to the residential uses. Section 300.10(e)(4) states, if the residential use develops prior to the nonresidential use, a six foot high wood fence may be constructed. If the nonresidential use or residential use develops adjacent to existing development the wall shall be constructed with the new development. Those uses subject to a Conditional Use Permit may be evaluated to determine applicability of the wall requirement. The applicant submitted a formal letter stating that the church is planning to install a block wall along the east and west boundary lines of the property, but due to the high-cost of the block wall, they are appealing to Council for the consideration to allow the church leave the existing chain-link wire fence along the southern boundary line as is. The southern boundary is also the City limit line and is currently a materials yard. The project is conditioned to operate in such a manner as to preserve the public safety health and welfare and to prevent the use from becoming a nuisance. Further, pursuant to Section 601.10(d) of the Porterville Development Ordinance, the City Council may revoke the permit if it finds that the approval was obtained by means of fraud or misrepresentation of a material fact, the use in question has ceased to exist or has been suspended for one year or more, that there has been a violation of or failure to observe the terms of the resolution or that the use to which the permit applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.

ENVIRONMENTAL REVIEW:

On April 19, 2018, the Environmental Coordinator made a preliminary determination that the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301, Existing Facilities.

RECOMMENDATION:

That the City Council adopt the draft resolution approving the establishment of The Temple of Praise Christian Fellowship Church located at 22213 Ave. 152 in the RM-3 Zone District.

ATTACHMENTS:

1. Locator Map
2. Zoning Map
3. Billboard Lease
4. Site Plan & Floor Plan
5. Relief from Block Wall
6. Project Review Committee Letter
7. Draft Resolution

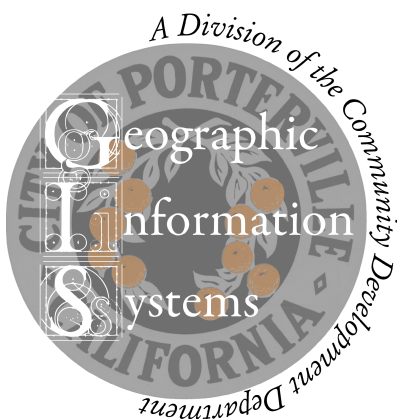
Appropriated/Funded:

Review By:

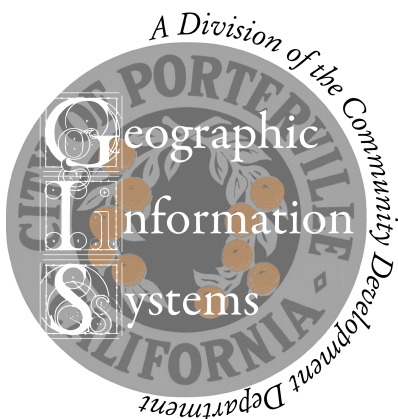
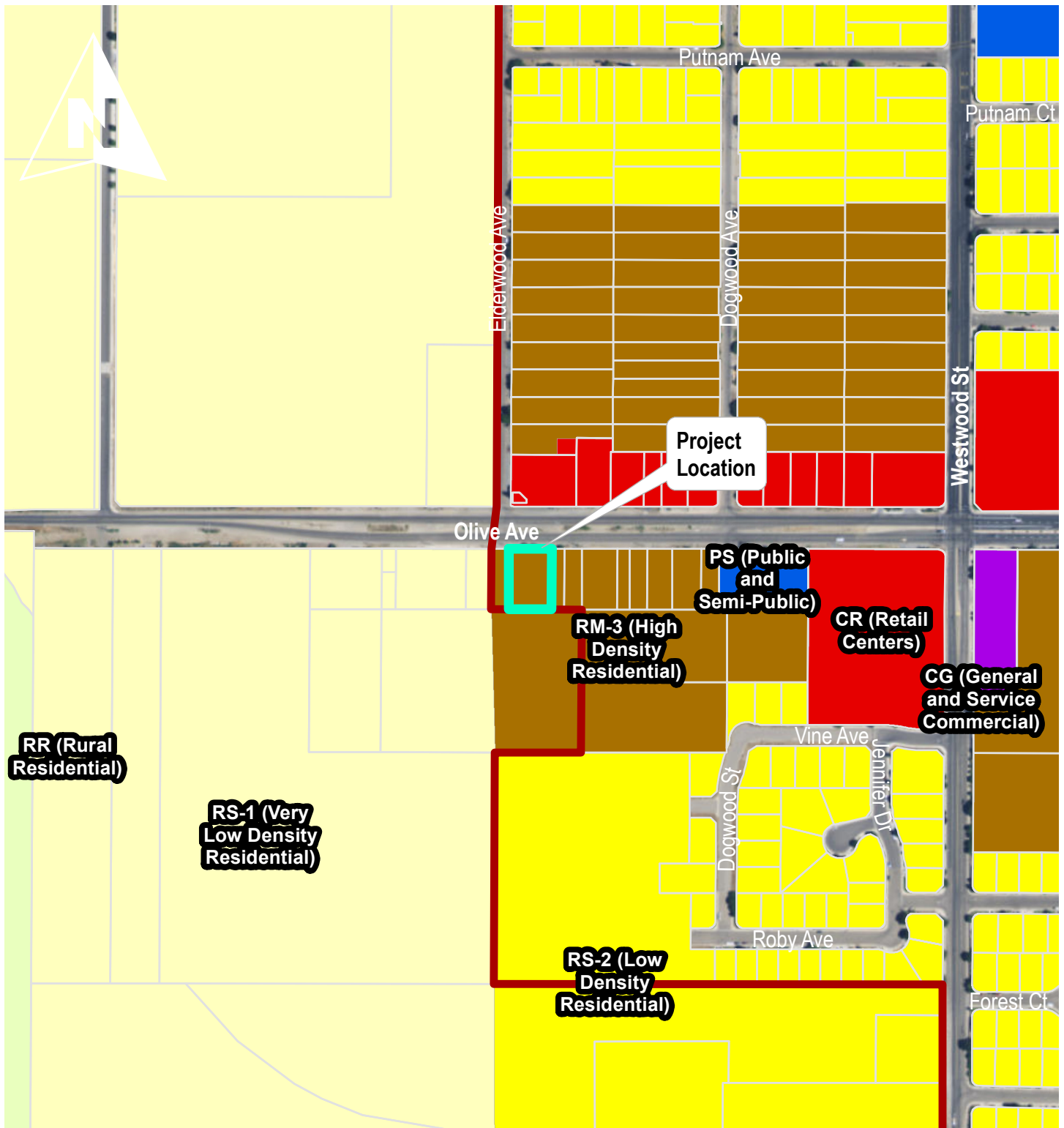
Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PRC 2017-060
Temple of Praise Christian Fellowship
Conditional Use Permit
@ 22213 Ave. 152
Project Locator Map
1" = 200ft



PRC 2017-060
 Temple of Praise Christian Fellowship
 Conditional Use Permit
 @ 22213 Ave. 152
 Zoning Land Use Map
 1" = 400 ft.

**STANDARD OUTDOOR ADVERTISING STRUCTURE SITE LEASE
PHIPPS GENERAL PARTNERSHIP**

THIS STANDARD OUTDOOR ADVERTISING STRUCTURE SITE LEASE ("Lease"), is made and entered into on this 15 day of March, 2007, (the "Effective Date") by and between Rose Jones and Bill Jones ("Lessor") , whose primary address is 31789 Mill Drive Springville CA 93265, and PHIPPS GENERAL PARTNERSHIP, a California general partnership ("Lessee") whose primary address is 1330 Squirrel Creek Place, Auburn, CA 95602. The Lessor and Lessee are at times collectively referred to as the "Parties" or individually as the "Party."

RECITALS

A. Lessor is the owner of that certain real property located at 22213 Ave. 152 Porterville CA 93257, in the county of Tulare, California ("Lessor's Property").

B. Lessee desires to lease a portion of Lessor's Property sufficient to sustain [a single pole] billboard, together with a right-of-way for access and utilities, and Lessor is willing to enter into such arrangement on the terms and conditions of this Lease.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual obligations and agreements herein contained, the Parties hereby agree as follows:

1. PROPERTY.

A. The legal description of Lessor's Property is contained in Exhibit "A-1" attached hereto and by this reference incorporated herein.

B. The portion of the Lessor's Property which is the subject of this Lease (the "Site") is comprised of approximately fifteen (15) square feet for the footing of the support pole, and approximately (120) square feet of airspace above (the area over which the faces, lights and cat-walks hang but do not touch the ground), substantially situated as shown on Exhibit "A-2" attached hereto and by this reference incorporated herein.

2. LEASE AND EASEMENT. In consideration of the lease payments by Lessee to Lessor as agreed to herein, Lessor hereby leases the Site to Lessee and grants to Lessee an irrevocable, non-exclusive easement (during the term of this Lease) over, across and under Lessor's Property to for the installation and maintenance of the billboard structure and to provide for ingress and egress to and from the Site to the nearest public road or right-of-way and for the installation and maintenance of utility wires, cable, conduits and pipes extending from the Site to the nearest appropriate public utilities' connections available to service the Site and to grant, if necessary, to appropriate utility companies the easements needed for the provision of required utilities to illuminate or otherwise service the advertising structure constructed on the Site. Lessor hereby gives permission to Lessee and/or the applicable electric utility company to establish electrical service to the Site via the easement described herein.

3. TERM, OPTION AND RENT.

A. This Lease shall be effective as of the date of execution by both Parties. The initial term of this Lease shall be for fifteen (15) years and shall commence on the first day of the month following the date the Lessee completes the construction of the Structure on the Site, including utility service (the "Commencement Date").

B. Lessee shall pay "Annual Rent" to Landlord equal to ten percent (10%) of the annual net rent revenues received by Lessee from advertising copy placed on the Structure after deduction for vinyl posting costs, vinyl product costs, and agency costs, or an annual payment of one thousand (\$1,000), whichever is greater. Lessor shall have the right within sixty (60) days after receipt of Lessee's Annual Rent payment to review Lessee's records of rent receipts and operating and servicing costs at reasonable times at Lessee's offices.

The Annual Rent shall be paid to Lessor at the address provided above with ninety (90) days after the end of each calendar year during the term of the Lease. Annual Rent for any partial lease year shall be prorated.

C. Lessee is hereby granted options to extend this Lease on the same terms and conditions for three (3) additional ten (10) year period(s) ("Option Period(s)") after the initial term expires by giving Lessor written notice of its intention to do so at least thirty (30) days prior to the date that the then-current term would otherwise end. The Parties agree that Annual Rent for the Option Period(s) shall continue the same as specified in 3-B of this contract.

D. Should the Lease still be in effect at the conclusion of the Option Periods provided for herein, Lessee having exercised all of its options to extend, this Lease shall continue in force upon the same terms and conditions for a further period of five (5) years and for like annual periods thereafter, until and unless terminated by either Party by giving to the other written notice of its intention to so terminate at least ninety (90) days prior to the date of lease expiration. Rental adjustments (if any) shall be made during any such additional period(s), just as if the final Option Period of this Lease were still in effect.

4. USE.

A. Lessee may use the Site for the purpose of constructing, operating, maintaining, repairing, and servicing, from time to time, of a billboard or other outdoor advertising structure (the "Structure"). The rights granted under this Lease include, without limitation, the rights to remove, replace, reconstruct, relocate, re-orientate, redesign and upgrade and otherwise modify the Structure and related devices, supports, connections, power poles and conduits on or under the Site and the easement area from time to time as shall be determined in Lessee's sole and absolute, and the right to attach, remove and/or replace signs, placards or other advertising materials or copy on the Structure and to perform all other activities necessary or useful in connection therewith. Lessee agrees to use commercially reasonable efforts not to disturb Lessor or its tenants' enjoyment of the Lessor's Property while changing display copy.

B. The design of the Structure shall be determined by Lessee in Lessee's sole and absolute discretion and may be illuminated as so determined by Lessee. The Structure may have up to a maximum overall "face" area of six hundred square feet (600 s.f.) and width and height to accommodate the dimensions of the Structure (such as a "parallel" or "V" structure) as shall be determined by Lessee in its sole and absolute discretion to maximize the visibility of the Structure from nearby traffic and to comply with laws, rules and regulations applicable to the Structure in effect at the time of installation. Lessee shall have the right in connection with any subsequent modification, repair, upgrade or replacement to relocate and re-orientate the Structure.

C. The installation of all improvements, equipment and conduits pursuant to this Lease shall be at Lessee's expense, and this installation shall be at the sole discretion and option of Lessee. The structure and all improvements, equipment related to the Structure, and all materials and displays placed on the Site by Lessee pertinent to the Structure, shall remain the property of Lessee and may be removed by Lessee at any time prior to, or within the time period provided in Paragraph 5.C below after the termination or expiration of this Lease.

D. Lessor agrees that Lessee shall have the exclusive right to utilize the Lessor's Property or any improvement constructed thereon for a bill board or outdoor advertising structure, and that Lessor will not utilize or grant any rights to any third party to utilize the Lessor's Property or any improvement constructed thereon for a bill board or advertising structure without the prior written consent of Lessee.

E. Lessor agrees to cooperate and assist Lessee in obtaining all governmental certificates, permits, licenses and approvals required for the construction and operation of the Structure and hereby empowers Lessee with full authority to act as the agent for Lessor in all such matters. Lessor further agrees not take any action or permit any action to be taken with respect to the Lessor's Property that in any way interferes with the operation of the Structure permitted hereunder. Any such interference shall be deemed a material breach by Lessor of this Lease Agreement and Lessor shall have the responsibility to promptly eliminate said interference.

F. Without limiting the generality of the foregoing covenant, Lessor further agrees to provide Lessee with an unrestricted line of sight over the Lessor's Property for the Structure to all visible public roads adjacent to or bordering the Lessor's Property. Such unrestricted line of sight over the Lessor's Property shall be to permit line of sight for at least 500 feet from all nearby roads, to include, but not limited to Avenue 152 (also known as Olive Ave.). Lessor shall not cause or permit any structure, barrier, fence, tree, bush or other vegetative growth on the Lessor's Property to obstruct the visibility of the Structure on the Site to passing traffic, and Lessee shall have the right (but not the obligation) enter onto the Lessor's Property to trim, cut or remove trees, bushes and other vegetative growth, fences, structures or other obstructions that presently occupy or that hereafter grow or are placed on the Lessor's Property within the area of the line of sight described in this paragraph, in order to permit a view of the Structure for 500 feet to passing local traffic.

5. TERMINATION.

A. Lessee, and Lessee only, shall have the right to terminate this Lease contract upon thirty (30) days prior written notice to Lessor in the event of any of the following: (i) if any of the required certificates, permits,

licenses or other approvals required from any federal, state or local authority for the installation and operation of the Structure is denied, rejected, revoked or otherwise cancelled, withdrawn or terminated; or (ii) if Lessee, in its sole discretion, determines that it is not economically feasible to use the Site for its intended purpose or that for any other reason it is unable to use the Site for its intended purpose.

B. Lessee shall notify Lessor of Lessee's exercise of its right to terminate this Lease, and this Lease shall terminate within thirty (30) days after Lessor's receipt of such notice. Lessor shall be entitled to retain all rent paid prior to the date of such termination and thereafter both Parties shall be relieved of any further obligations under this Lease, although each shall continue to have any and all remedies for any breach of a lease obligation which occurred prior to the date of termination.

C. Within ninety (90) days following the expiration or termination of this Lease, Lessee shall at its sole cost and expense, remove its personal property and fixtures and restore the Site and the right-of-way to its original condition, reasonable wear and tear excepted; provided the Lessee shall not be obligated or liable at any time to remove any portions of the Structure installed more than three (3) feet below the surface of the Site.

6. TAXES. Lessee shall be responsible for all real property taxes assessed against the improvements constructed by Lessee on the Site, if any.

7. UTILITIES. Lessee shall be responsible directly to the serving entities for all utilities required by Lessee's use of the Site.

8. ASSIGNMENT AND SUBLETTING. Lessee shall have the right to assign or encumber its interest in this Lease or in the Site, and to sublease or license all or any part of the Structure, without Lessor's prior written consent.

9. LESSOR'S CONVEYANCE. Any conveyance of the Lessor's Property to a third party is subject to this Lease which shall be binding on all future owners of Lessor's Property. In the event of a change of ownership of the Lessor's Property, Lessor agrees to promptly notify Lessee and provide the new landlord with a copy of this Lease. Unless the Lessor's Property is sold or transferred, this Lease may not be assigned or transferred by Lessor to a third party without prior consent of Lessee.

10. CONDEMNATION. In the event that all or any part of the Site and/or the easement area is acquired or sought to be acquired by any entity having or delegated the power of eminent domain, Lessee shall, at its election and in its sole discretion, be entitled to: (i) contest the acquisition or defend against the taking of Lessee's interest in the Site and/or the easement area, (ii) relocate the Site and the easement area and the Structure onto any other portion of the Lessor's Property not acquired or to be acquired; and/or (iii) be compensated from any award or consideration payable by the acquiring entity for all costs, damages and value loss incurred by Lessee relating to its leasehold, as improved with the Structure. Lessor may not terminate this Lease under any right or circumstance if the Site has been taken or is threatened to be taken by eminent domain, or if the Site is conveyed to any entity or its agent with eminent domain authority. No contemporary or subsequent modification of this Lease or the foregoing sentence shall be effective unless it specifically references this paragraph and the foregoing sentence.

11. INDEMNITIES. Each of the Parties hereby agrees to indemnify the other and the other's partners, affiliates, agents and employees against and holds the other and all such persons and entities harmless from any and all costs (including reasonable attorney's fees and costs) and claims of liability for or loss from personal injury and/or property damage to the extent such claims result from or arise out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents in connection with the use and/or occupancy of the Property by such indemnifying Party. Notwithstanding the preceding, this paragraph shall not apply to the extent any such claim results from or arises out of the negligent or willful misconduct of the indemnified Party or of any agent, servant or employee of said Party.

12. LESSEE DEFAULTS/REMEDIES.

A. In the event there is a default by Lessee with respect to any of the provisions of this Lease or its obligations under it, including the payment of rent, Lessor shall give Lessee written notice of such default. After receipt of such written notice, Lessee shall have ninety (90) days in which to cure any monetary default and ninety (90) days in which to cure any non-monetary default, provided Lessee shall have such extended period as may be required beyond the ninety (90) days if the nature of the cure is such that it reasonably requires more than ninety (90) days and Lessee commences the cure within the ninety (90) day period and thereafter continuously and diligently pursues the cure to completion. Lessee shall not be in breach of this Lease, and Lessor may not maintain any action or effect any remedies for default or breach against Lessee unless and until Lessee has failed to cure the default within the time periods provided in this paragraph.

B. In the event there is a default by Lessor with respect to any of the provisions of this Lease or its obligations under it, Lessee shall give Lessor written notice of such default. After receipt of such written notice, Lessor shall have thirty (30) days in which to cure any such default, provided Lessor shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and Lessor commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. Lessee may not maintain any action or effect any remedies for default or breach against Lessor unless and until Lessor has failed to cure the default within the time periods provided in this paragraph.

C. Upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor.

D. In the event of a default by either Party with respect to a material provision of this Lease, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Lease and/or pursue any remedy now or hereafter available to the non-defaulting Party under the laws or judicial decisions of the State of California; provided, however, Lessor shall use reasonable efforts to mitigate its damages in connection with a default by Lessee. In addition to the other remedies provided for in this Lease, Lessor and Lessee shall be entitled to immediate restraint by injunction of any violation of any of the covenants, conditions or provisions herein contained.

13. NOTICES. All notices hereunder must be in writing and, unless otherwise provided herein, shall be deemed validly given if sent by certified mail, return receipt requested, addressed to the Parties at the addresses provided above (or to any other mailing address which the Party to be notified may designate to the other Party by such notice). Should Lessor or Lessee have a change of address, the other Party shall immediately be notified as provided in this paragraph of such change.

14. MISCELLANEOUS.

A. Lessor represents, covenants and warrants that Lessee, upon paying the rent and performing the covenants herein provided, shall peaceably and quietly have, hold and enjoy the Site and appurtenant easements and rights-of-way.

B. Lessor represents, covenants and warrants that Lessor is seized of good and sufficient title to and interest in the Lessor's Property and has full authority to enter into and execute this Lease. Lessor further covenants that there are no undisclosed liens, judgments or impediments of title on the Lessor's Property that would affect this Lease.

C. It is agreed and understood that this Lease contains all agreements, promises and understandings between Lessor and Lessee, and no verbal or oral agreements, promises or understandings shall or will be binding upon either Lessor or Lessee, and any addition, variation or modification to this Lease shall be void and ineffective unless made in writing and signed by the Parties hereto. In the event any provision of the Lease is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Lease. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Lease or to exercise any of its rights under the Lease shall not waive such rights and such Party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Lease, in law or in equity.

D. This Lease, and each and every covenant and condition herein, shall extend to and bind the heirs, personal representatives, successors and assigns of the Parties hereto.

E. The Parties agree that all of the provisions hereof shall be construed as both covenants and conditions, the same as if the words importing such covenants and conditions had been used in each separate paragraph.

F. If either Party institutes any action or proceeding in court to enforce any provision(s) hereof, or any action for damages by reason of any alleged breach of any of the provisions hereof, then the prevailing Party in any such action or proceeding shall be entitled to receive from the losing Party such amount as the court may adjudge to be reasonable attorneys' fees for the services rendered to the prevailing Party, together with its other reasonable litigation costs and expenses.

G. The language of all of the parts of this Lease shall be construed simply and according to its fair meaning, and this Lease shall never be construed either for or against either Party.

H. The captions of the paragraphs of this Lease are for convenience of reference only and shall not affect the interpretation of this Lease or limit or amplify any of its terms or provisions.

I. Concurrently with the execution of this Lease, Lessor shall execute before a notary and deliver to Lessee for recording a "Memorandum of Standard Outdoor Advertising Structure Site Lease" in the form of Exhibit "B" attached hereto and by this reference incorporated herein, which Memorandum of Standard Outdoor Advertising Structure Site Lease may be recorded by Lessee in the official records of the county where the Lessor's Property is located.

IN WITNESS WHEREOF, Lessor and Lessee have duly executed this Lease on the day and year first above written.

LANDLORD: Rose Jones and Bill Jones

TENANT:

PHIPPS GENERAL PARTNERSHIP,
a California general partnership

By: Bill R. Jones

By: J Phipps

Name: Bill R. Jones

Name: Jason Mark Phipps

Title: Owner

Title: General Partner

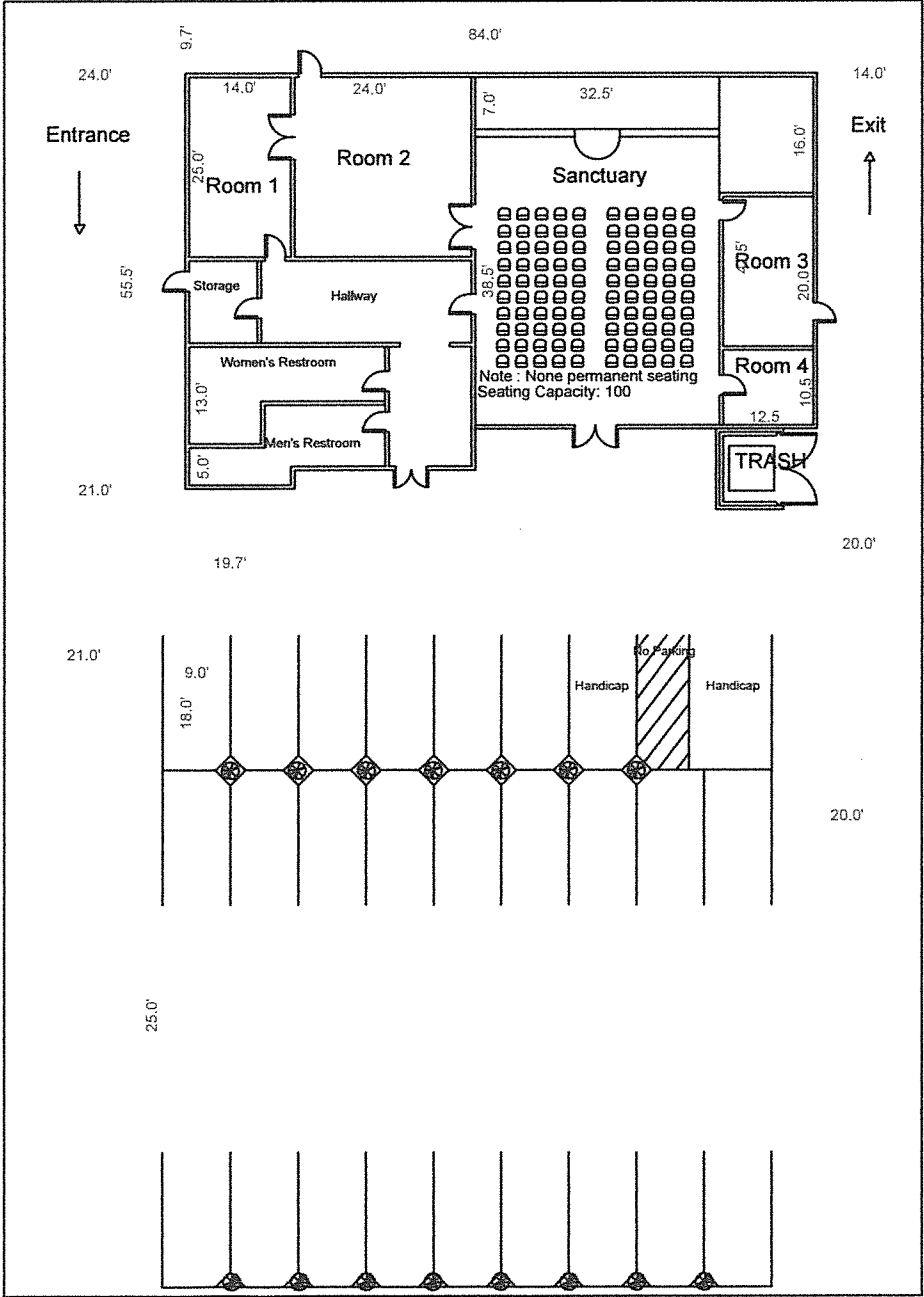
Date: 3-15-07

Date: 3/15/07

240 110 017 000

Floor Plan

Parcel # 240-110-017
Project Name: Temple of Praise Christian Fellowship
Address : 22213 Avenue 152, Porterville , Ca 93257
Purpose : Church Building
Scale : 1 feet : 1 mm



City of Porterville
291 North Main Street
Porterville, CA 93257

March 12, 2018

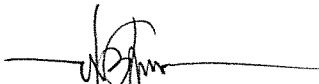
Dear Honorable Council Members:

The members of Temple of Praise Christian Fellowship are excited about the project which we have undertaken at 22213 Avenue 152 in Porterville. We are committed to be positive contributors for the betterment of this great city as well as its residents.

The church is planning to put up a block wall along the east and west boundary lines of the property. Due to high-cost of a block wall, we are appealing for your consideration to allow the church to leave the existing chain-link wire fence along the southern boundary line as is. There's no residential house or building south of the property, only a vacant area.

Your assistance in this matter is greatly appreciated. We are grateful. Thank you. May God richly bless you for your kindness.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Wayne B. Picar, Sr.', with a horizontal line extending to the left and right.

Wayne B. Picar, Sr.
Minister

TEMPLE OF PRAISE CHRISTIAN FELLOWSHIP

PRC 2017-060

PROPOSED OPERATIONAL HOURS:

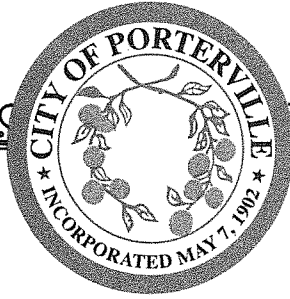
Fridays: 5:00 PM – 8:00 PM

Sundays: 9:30 AM – 12:00 NOON

Outdoor amplifiers would not be used at this facility.

Respectfully submitted by:

Wayne B. Picar, Pastor



Community Development
Department

February 7, 2018

Filipino Assemblies of the First Born
798 West 3rd St
Stockton, CA 95206

Wayne B Picar
390 Campbell Ct
Tulare, CA 93274

RE: PRC 2017-060 Conditional Use Permit to establish a religious facility for Temple of Praise Christian Fellowship (A-3 Occupancy) at 22213 Ave 152 in the RM-3 (High Density Residential) Zone District

Next Level of Submittal: SEE ATTACHED

Dear Whom It May Concern:

[X] The Project Review Committee, during the course of its regularly scheduled meeting of has determined that materials and data submitted for City review of the above-referenced project are complete as of this date and the procedural steps for consideration of those items shall commence as of **December 13, 2017**.

[] This item has been deemed incomplete pursuant to California Government Code Section §65920. The Project Review Committee, during the course of its regularly scheduled meeting of _____ determined that additional materials, forms, fees and/or data submitted for City review of the above-referenced project are required. Please see attached.

303

cc: Parks and Leisure Services
Building Division
Police Department
Fire Department
File Copy

The Project Review Committee (PRC) has reviewed the proposed project for a conditional use permit to establish a religious facility in at 22213 Ave. 152 in the RM-3, (High Density Residential) Zone District. The following topics and requirements were discussed at the Project Review Committee (PRC) Meeting on **December 13, 2017**. Any changes upon further submittals may result in additional comments not addressed in PRC. The project shall be required to comply with State Laws, the City of Porterville Development Ordinance (PDO), adopted Building Codes and all other applicable laws and ordinances.

The project is required to be developed and maintained in accordance with the PDO. This letter includes several references to specific sections of the PDO. The PDO can be found in its entirety at:

<http://www.ci.porterville.ca.us/depts/CommunityDevelopment/PortervilleDevelopmentOrdinance.cfm>.

1. The following are standard applications and fees required for a Conditional Use Permit.
 - a. Conditional use permit \$1,164.00. CEQA.
 - b. The activity, in that it requires discretionary approval by the City Council, is subject to the California Environmental Quality Act (CEQA). As a categorically exempt activity, the fee is \$79.00.
 - c. A filing fee payable to the Tulare County Clerk in the amount of \$58.00.
 - d. Radius Map. In order to comply with noticing requirements, a map representing all parcels within a 300 foot radius of the subject property as well as mailing labels to each of the properties within said radius is required. The City of Porterville can prepare this information an optional fee of \$26.50, or the applicant can work with a local title company to provide the information.
2. When an application is submitted for the CUP, please include the additional operational information:
 - a. What are the proposed operational hours?
 - b. Are outdoor amplifiers proposed?
3. Pursuant to Section 300.11 an applicant for a Conditional Use Permit shall be required to provide for said public improvements along the frontage of such property. See Section 300.11(a-f).
4. Plans indicate that outdoor storage is to be removed, staff wanted to make the applicant aware of section 300.09, Outdoor Storage is not permitted in any residential zone district. All storage shall be within an enclosed building.
5. 300.10(e) Common Property Lines; A six foot high masonry block wall shall be provided on the interior lot lines that abut a residential district. Any use subject to a CUP may be evaluated to determine applicability of the wall requirement.
6. Parking for religious facilities is calculated as one for every 50 sf of assembly area where temporary or moveable seats are provided. Site plan shows 20 proposed parking spaces.

Per dimensions listed on floor plan the assembly area is about 1,251SF requiring 25 parking spaces to be developed in compliance with Section 304.10 Parking Area Design and Development Standards

- a. Table 304.10(c)(1) Aisle width shall be 25' for 90 degrees parking.
 - b. 304.10(e) all parking stalls shall be clearly outlined with striping and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
 - c. Public parking areas designed to accommodate ten or more vehicles shall be provided in accordance with section 304.10(g)
 - d. Parking landscaping in compliance with 304.10(i)
 - e. Landscaped planters shall be provided in accordance with Section 303.04(c) along 20% of the building face.
7. Pursuant to 305.06, any sign directing attention to a service that is not offered on the same lot is prohibited. Offsite signage shall be removed within one month of Council approval of a Conditional Use Permit.
 8. Pursuant to Section 306.08 Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
 9. With the application of a conditional use permit to allow a religious facility, staff wanted to advise the applicant that if the religious facility desired to have natural turf on site, they could make this request with the conditional use permit application. Natural turf is prohibited otherwise.
 10. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and Standard Drawings, Standard Specifications for Public Works Construction (2015 Edition), and Standard Plans and Specifications (2015 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
 11. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
 12. The developer/applicant shall comply with Appendix J, "Grading" of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. Drainage calculations must be submitted to verify that onsite drainage area will capture necessary runoff. A minimum amount of runoff must be contained onsite per the State's MS4 requirements. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306).
 13. Calculations shall be submitted to verify whether the existing septic tank is sufficient for

the proposed project or if a larger size is required.

14. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ordinance No. 1306). Existing frontage improvements were evaluated and determined that a portion of the improvements are non-compliant. An accessible path of travel must be provided across both Olive Avenue driveways serving the property.
15. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development Ordinance and driveway separation from property line per City standards.
16. The developer/applicant shall design the parking lot in conformance with Chapter 304 of the Development Ordinance if the project includes establishment, alteration, expansion, or change in any use or structure. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas. The parking lot is to be designed to convey water to the City drainage system without crossing driveways. The developer/applicant is required to install a sidewalk channel drain at the low side of the driveway, where needed.
17. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
18. The developer/applicant shall install a dual refuse container enclosure that will accommodate solid waste and recyclable materials removal or collection according to City Standards (Sec. 13-15). The enclosure location is to be approved by the City prior to the issuance of the building permit. The enclosure should be oriented for direct pick up. An accessible path to the enclosure must be provided for employee use to comply with current accessibility standards. The developer/ applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
19. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 1000 square feet or more. The City will require payment of impact fees based on estimated usage and will monitor actual water usage for one year. The City will bill/credit the owner the difference between the estimated impact fees paid and the actual water usage.
20. The developer/applicant shall move existing utility structures (i.e., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet of clear space in the sidewalk

area and a minimum of two feet of clear space from the curb face to the structure, unless the utility structures are below grade (Title 24 OSA).

21. The developer/applicant shall submit three complete sets of plans, signed by a licensed Architect or Engineer, including two sets of energy calculations and structural calculations.
22. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
23. Plan submittals shall comply with all current applicable Codes.
 - a. A complete set of plans is required and shall include upgrades to the restrooms for accessibility.
 - b. Will need clearance from San Joaquin Valley Air Pollution Control District release for the demolition of the existing storage unit.
 1. Release can be submitted separately to obtain separate demolition permit or can be submitted as part of the construction plans.
24. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
25. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
26. Restrooms, main entrance/s, and paths of travel from the required accessible parking stalls and public sidewalk shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
27. Signs require separate plan submittal and separate permit per the Development Ordinances.
28. The Building Official has designated the proposed construction to be an "A-3" Occupancy Classification.
29. Allow two weeks review time for the initial plan check submittal and an additional two weeks review time for each subsequent re-submittal.
30. No deferred items. Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
31. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
32. The project must comply with latest applicable codes
33. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required

34. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code officials.
35. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought on the site.
36. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
37. Fire hydrant spacing shall be one hydrant installed at 300-foot intervals or as required by Appendix C California Fire Code.
38. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved onto or within the City of Porterville. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
39. Areas identified as "Fire Lands" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1
40. A Knox box will be required. A "Grand Master" key that opens all locked areas will also be required and placed inside the Knox Box. An application may be obtained for the Fire Department. <http://www.knoxbox.com/>
41. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required.
42. Additional access may be required per CFC 2016 Section 503.1.2 The Fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Sincerely,



Elena Barragan
Assistant Planner

RESOLUTION NO. ____ -2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF CONDITIONAL USE
PERMIT TO ALLOW THE ESTABLISHMENT OF A RELIGIOUS FACILITY,
THE TEMPLE OF PRAISE CHRISTIAN FELLOWSHIP AT 22213 AVE 152

WHEREAS: The subject site 22213 Ave. 152, (APN 240-320-011), was annexed into the Porterville City limits on April 7, 2015 as part of Annexation 478; and

WHEREAS: The subject site is currently zoned RM-3 (High Density Residential), with a corresponding General Plan land use designation of High Density Residential. Religious facilities are allowed in the RM-3 (High Density Residential) Zone District, subject to review and approval of a conditional use permit; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 1, 2018, conducted a public hearing to consider Conditional Use Permit (PRC 2017-060-C), to allow the establishment of The Temple of Praise Christian Fellowship Church as a religious facility at 22213 Ave. 152 in the RM-3 (High Density Residential) Zone District; and

WHEREAS: The City Council received testimony from all interested parties at its regularly scheduled meeting of May 1, 2018, related to the requested conditional use permit; and

WHEREAS: The City Council made the following findings:

1. That the project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted.

This project supports and complies with Land Use Guiding Policy (LU-G-8) in that it will promote infill development in existing neighborhoods.

2. That the proposed location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan adopted by the City Council.

The proposed location, size and operating characteristics of the religious facility are compatible with the surrounding land uses and conditions of approval are in place to protect the public's safety and interest. The religious facility does not propose to have outdoor amplifiers and any activity associated with the church shall be related to the organization's activities.

3. On April 19, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the California Code of Regulation (CEQA Guidelines).

This project is Categorical Exempt pursuant to CEQA Guidelines §15301 Existing Facilities, because it does not involve an expansion of an existing use.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2017-015-C), subject to the following conditions:

1. The developer/applicant shall comply with Chapter 26, Article 1, Division 6, as it relates to water conservation and landscaping irrigation.
2. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council pursuant to section 601.09 of the Porterville Development Ordinance.
3. The applicant shall operate the establishment in such a manner as to preserve the public safety health and welfare, to prevent the use from becoming a nuisance. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
4. Pursuant to Section 601.10(d) The City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
5. Project shall comply with performance standards identified in Chapter 306 of the Porterville Development Ordinance.
6. Project shall comply with Project Review Committee letter dated December 13, 2017.

PASSED, APPROVED AND ADOPTED this 1st day of May 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Public Hearing to Consider Ordinance Establishing By-District Elections and Adoption of Map

SOURCE: Administrative Services

COMMENT: On April 3, 2018, the City Council held its second public hearing to consider three draft maps, Green, Yellow and Purple 2, and based on public commentary and council consideration, approved the Green Map as the District Map for City Council at-large elections. Now that a District Map has been approved, it is an appropriate time in the process to proceed with amending the City's Municipal Code to transition from an at-large to a by-district election system. As such, for Council's consideration is the draft ordinance to add Sections 2-1.1 through 2-1.5 to Chapter 2, Article I of the Municipal Code.

History

In August 2017, the City received written notice alleging that the City's at-large system violates the California Voting Rights Act. While the City disputes the allegation, the Council determined that it was in the best interest of the City to transition from at-large elections to by-district elections. In October, the City began the process by holding public hearings to solicit commentary prior to the drawing of draft district maps. On December 19, 2017, judgment was entered in Tulare County Superior Court enjoining the City from utilizing an at-large voting system and ordering the City to proceed with the implementation of by-district elections. In March and April, the Council held public hearings to receive public commentary on three draft district maps and election sequencing, with the Green Map being approved on April 3, 2018.

By-District Elections

The draft ordinance provides that members of the City Council shall be elected by-district in five single-member districts, with one member elected from each district by the voters of that district alone. Each member of the Council shall serve a four-year term until their successor is qualified.

City Council Members elected to represent a district must reside in that district and be a registered voter in that district. Further, any candidate for City Council must reside in, and be a registered voter in, the district in which they seek election at the time nomination papers are issued.

Council Districts Established

The boundaries and identifying number of each of the five City Council districts shall be described on the City Council District Map as provided in this staff

report, also known as the "Green Map." The boundaries of the City Council Districts shall be reapportioned from time to time as required by applicable law.

Implementation

The By-district election system shall be implemented beginning at the general municipal election held in November 2018. Members of the City Council shall be elected in Districts 1 and 2 beginning in November 2018, and every four years thereafter. Members of the City Council shall be elected in Districts 3, 4, and 5 beginning in November 2020, and every four years thereafter.

RECOMMENDATION: That the City Council:

1. Hold a public hearing to receive comment concerning the adoption of an Ordinance establishing By-District Council Elections and adopting the District Map; and
2. Adopt the draft Ordinance of the Council of the City of Porterville Adding Sections 2-1.1 through 2-1.5 of Chapter 2, Article I, to the Porterville Municipal Code Relating to Elections of City Council Members By Districts; and
3. Give first reading of the Ordinance, waiver further reading, and order the ordinance to print.

ATTACHMENTS:

1. Draft CVRA Ordinance
2. Exhibit A-Map

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
PORTERVILLE ADDING SECTIONS 2-1.1 THROUGH 2-
1.5 OF CHAPTER 2, ARTICLE I, TO THE PORTERVILLE
MUNICIPAL CODE RELATING TO ELECTION OF CITY
COUNCIL MEMBERS BY DISTRICTS**

WHEREAS, members of the City Council of the City of Porterville (“City”) are currently elected in “at-large” elections, in which each City Council Member is elected by the registered voters of the entire City, held concurrently with the State-wide General Election in November of even-numbered years;

WHEREAS, in August 2017 the City received written notice alleging that the City’s at large system results in or has resulted in violations of the California Voting Rights Act, and while the City disputes this claim, it has determined that it is in the best interest of the City to shift from its current at large election system to a by district election for members of the City Council;

WHEREAS, California Government Code 34886, effective January 1, 2016, permits the City Council of the a city with a population of fewer than 100,000 people to change the city’s method of election by ordinance from an at-large system to a by-district system;

WHEREAS, as a Charter City, the City of Porterville may adopt such an ordinance adding such regulations to the municipal code if those regulations become effective upon the approval by the voters of an amendment to the City’s charter, or if otherwise required by a court order or other appropriate legal determination;

WHEREAS, on December 19, 2017 Judgment was entered in Tulare County Superior Court enjoining the City from utilizing an “at-large voting system” and ordering the City to proceed with the implementation of a by-district election system;

WHEREAS, the City Council held public hearings as required by California law prior to and after the development of draft district maps in order to receive testimony regarding the potential composition of City Council districts;

WHEREAS, on April 3, 2018, the City Council selected one of the proposed district maps to establish the City Council electoral districts in the City, which is attached hereto as Exhibit “A”;

WHEREAS, on May 1, 2018, the City Council held a duly noticed public hearing after which the City Council voted to introduce this Ordinance for a first reading; and

WHEREAS, the City Council now desires to adopt this Ordinance to establish by-district elections in five single-member districts in the City, and to adopt the map describing the boundaries and identifying number of the five City Council districts in the City;

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

SECTION 1: Recitals. The City Council of the City of Porterville hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

SECTION 2: The City Council hereby adds Sections 2-1.1 through 2-1.5, to Chapter 2, Article I to read as follows:

2-1.1 Declaration of Purpose

The City Council of the City hereby declares the purpose of this Chapter is to further the purposes of the California Voting Rights Act of 2001 (Elections Code section 14025, et seq.), as amended.

2-1.2 By-District Elections for City Council

- A. Members of the City Council shall be elected by-district in five single-member districts. One member of the City Council shall be elected from each district by the voters of that district alone. Each member of the City Council shall serve a four-year term until his or her successor is qualified.
- B. The City Council Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued.

2-1.3 City Council Districts Established

- A. The boundaries and identifying number of each of the five City Council districts shall be as described on the City Council District Map attached hereto as Exhibit "A", and incorporated by this reference.
- B. The City Council districts described in subsection A above shall continue in effect until they are amended or repealed in accordance with law. The boundaries of the city council districts shall be reapportioned from time to time as required by applicable law.

2-1.4 Implementation of By-District Elections

- A. The by-district system of elections shall be implemented, beginning at the general municipal election held in November 2018, as follows:

1. Members of the city council shall be elected in Districts 1 and 2 beginning at the general municipal election in November 2018, and every four years thereafter; and
 2. Members of the city council shall be elected in Districts 3, 4, and 5 beginning at the general municipal election November 2020, and every four years thereafter.
- B. No term of any member of the City Council that commenced prior to the effective date of this Chapter shall be affected by the adoption of this Chapter.

2-1.5 Severability

In any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty (30) days after its final adoption by the City Council. The City Clerk shall cause this ordinance, or a summary thereof, to be published in accordance with applicable law.

Brian Ward, Mayor Pro Tem

ATTEST:

John D. Lollis, City Clerk

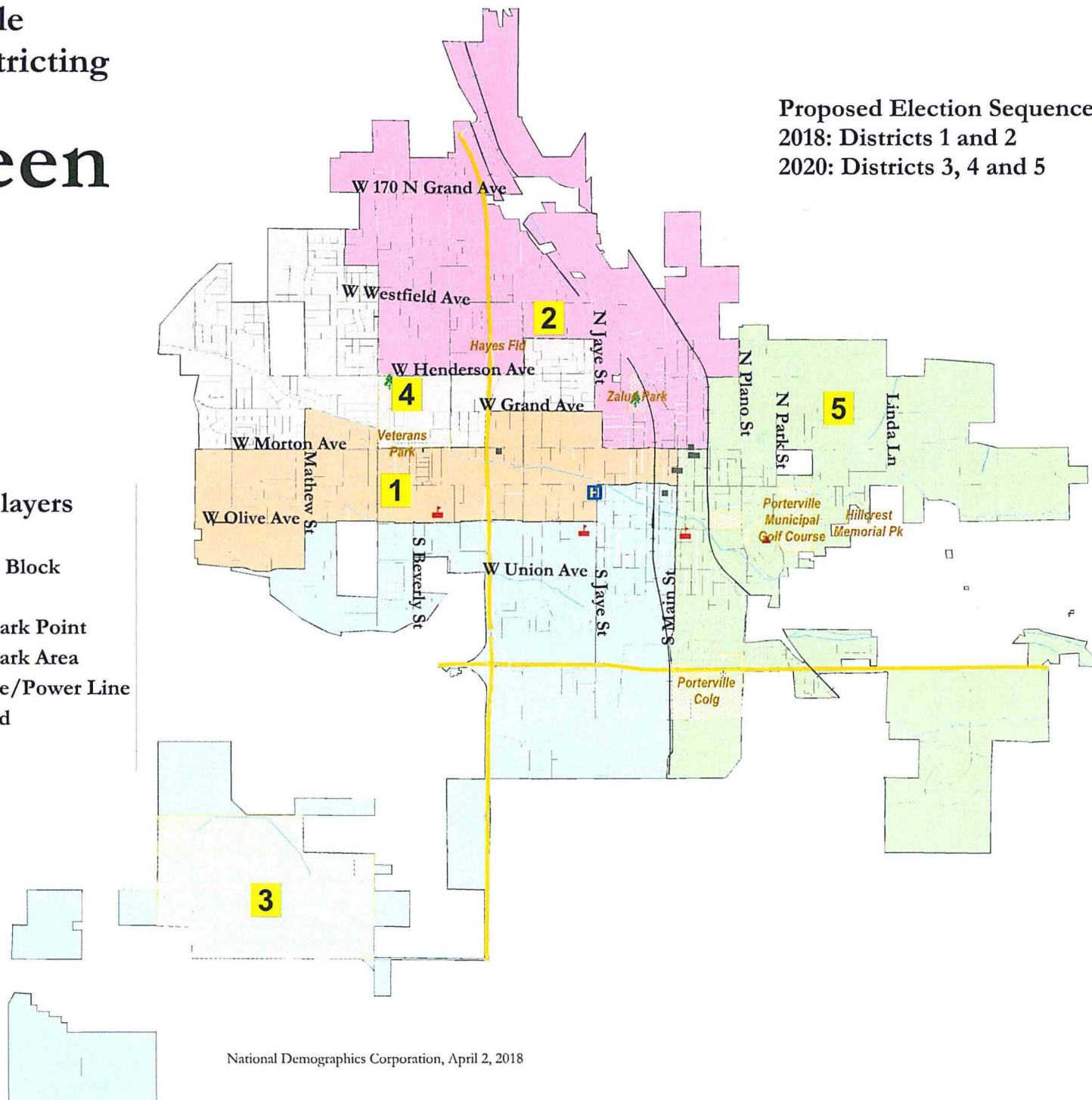
By: Patrice Hildreth

Porterville 2018 Districting

Green

Proposed Election Sequence:
2018: Districts 1 and 2
2020: Districts 3, 4 and 5

- Map layers**
-  Green
 -  Census Block
 -  Streets
 -  Landmark Point
 -  Landmark Area
 -  Pipeline/Power Line
 -  Railroad
 -  River



National Demographics Corporation, April 2, 2018

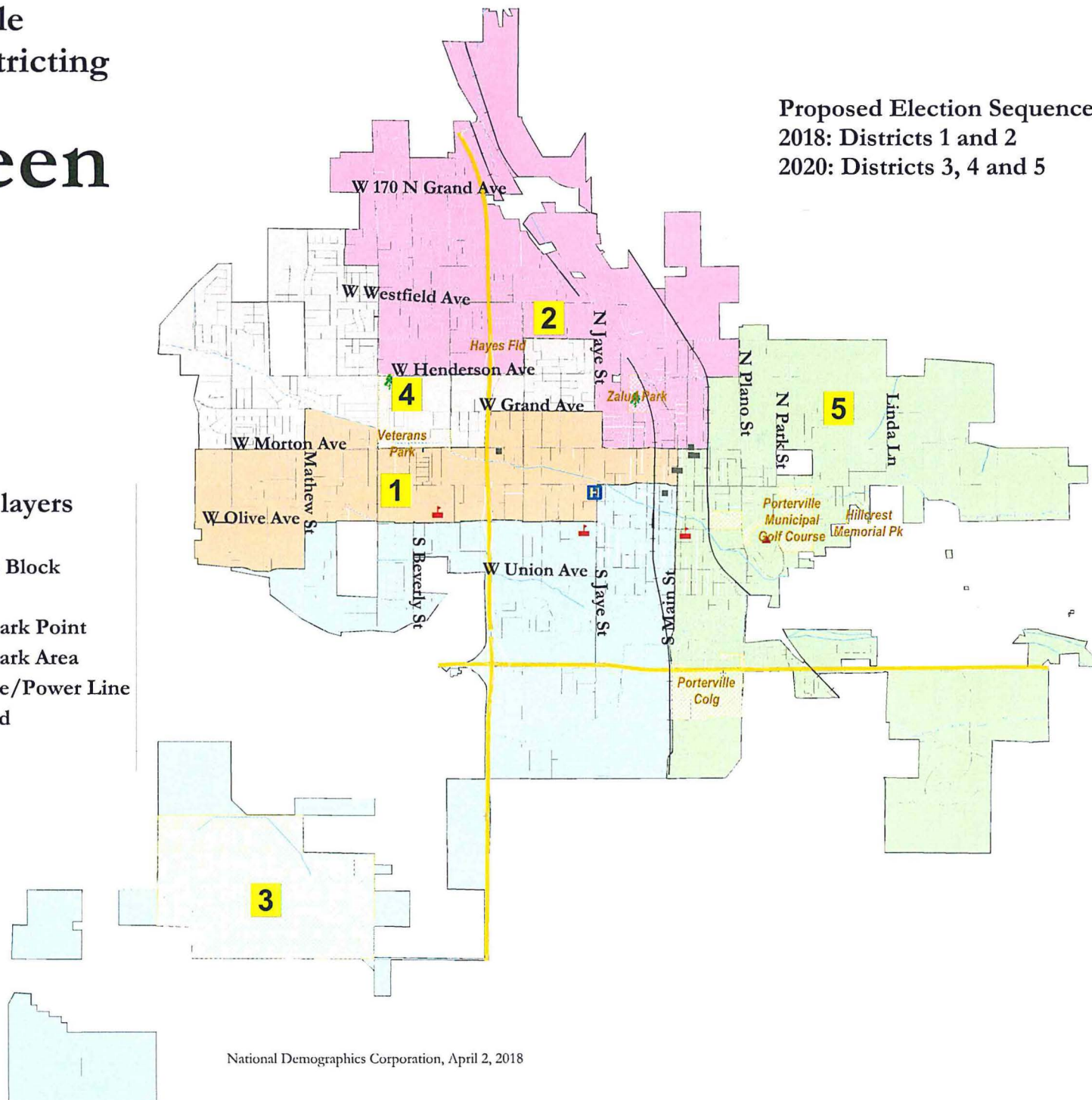
Exhibit A

Porterville 2018 Districting

Green

Proposed Election Sequence:
2018: Districts 1 and 2
2020: Districts 3, 4 and 5

- Map layers**
-  Green
 -  Census Block
 -  Streets
 -  Landmark Point
 -  Landmark Area
 -  Pipeline/Power Line
 -  Railroad
 -  River



National Demographics Corporation, April 2, 2018

Exhibit A



CITY COUNCIL AGENDA – MAY 1, 2018

SUBJECT: Consideration of a Resolution of Support for the Federal Lawsuit Against the State of California Concerning Senate Bill 54

SOURCE: City Manager's Office

COMMENT: At its meeting of April 17, 2018, the City Council authorized a Scheduled Matter on the Agenda for its meeting of May 1, 2018, to consider a Resolution of Support for the Federal lawsuit against the State of California concerning Senate Bill 54. Council Member Hamilton has prepared a Draft Resolution for Council's consideration, which is provided as an attachment.

Senate Bill 54 (de León; Law enforcement: sharing data) was approved by the Governor and filed with the Secretary of State on October 5, 2017, of which the Bill text is provided as an attachment. On March 6, 2018, the United States Department of Justice filed a legal action against the State of California in the United States Eastern District Court of California in Sacramento, regarding certain provisions of Senate Bill 54, as well as Assembly Bill 103 and Assembly Bill 450. The legal complaint is provided as an attachment, as well as the current case status.

A number of California agencies have recently adopted Resolutions in support of the Federal lawsuit and/or in opposition to Senate Bill 54, including Aliso Viejo, Beaumont, Dana Point, Laguna Niguel, Lake Forest, Newport Beach, Ripon, San Juan Capistrano, Orange County, and Shasta County. Copies of the Resolutions are provided as attachments.

RECOMMENDATION: That the City Council consider a Resolution of Support for the Federal lawsuit against the State of California concerning Senate Bill 54.

ATTACHMENTS:

1. Draft Resolution
2. Senate Bill 54
3. United States of America v. State of California, et al.
4. United States Eastern District Court of California - Case Status
5. Resolution - City of Aliso Viejo
6. Resolution - City of Beaumont
7. Resolution - City of Dana Point
8. Resolution - City of Laguna Niguel
9. Resolution - City of Lake Forest

10. Resolution - City of Newport Beach
11. Resolution - City of Ripon
12. Resolution - City of San Juan Capistrano
13. Resolution - Orange County
14. Resolution - Shasta County

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,
IN SUPPORT OF THE CIVIL ACTION OF THE UNITED STATES OF AMERICA
V. THE STATE OF CALIFORNIA, ET AL.

(United States District Court Case No. 2:18-cv-00490-JAM-KJN)

WHEREAS, the City Council of the City of Porterville has taken an oath to support and defend the Constitution of the United States of America and the Constitution of the State of California; and

WHEREAS, the Constitution of the United States of America is the supreme law of the land, and the states within the union have certain rights to enact laws that are not in conflict with the federal laws; and

WHEREAS, the City Council of the City of Porterville accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

WHEREAS, the City of Porterville believes in the rule of law of both as it applies to our service to the United States of America and to the State of California, and

WHEREAS, the 2017 passage of Assembly Bill 103, Assembly Bill 450, and Senate Bill 54 by the California Legislature has only served to polarize the electorate and to create confusion concerning the proper role of state and local governments with respect to immigration policy; and

WHEREAS, Assembly Bill 103, Assembly Bill 450, and Senate Bill 54 are the subjects of a legal challenge by the Federal government, which creates further uncertainty for cities and counties in California; and

WHEREAS, legal experts warn that Senate Bill 54 is inconsistent with and constitutes a direct challenge to existing federal law, including but not limited to the Illegal Immigration Reform and Immigration Responsibility Act, and as such is constitutionally suspect; and

WHEREAS, within Senate Bill 54, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled “Cooperation with Immigration Authorities,” which generally limits California’s law enforcement agencies and creates a threat to public safety by not only by restricting law enforcement agencies’ ability to cooperate and work with federal immigration authorities, but also releasing perpetrators who have committed serious felonies (including, but not limited to, sex crimes, domestic violence, assault and battery, identity theft, robbery, and homicide) into communities who otherwise would be subject to further federal immigration penalties, including and up to deportation; and

WHEREAS, the City of Porterville, when accepting federal contracts and/or grants must comply with federal law, including lawful demands to access certain premises; and

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

1. The City Council of the City of Porterville does hereby reaffirm its sworn oath to uphold and defend all laws, including the Constitution of the United States and the State of California, and all relevant federal immigration laws.
2. The City Council is committed to protecting the City of Porterville’s residents through the enforcement of local, state, and federal laws, and that the adoption of Senate Bill 54 has created a conflict between state and federal law, restricting law enforcement’s ability to cooperate with federal authorities in investigations and enforcement actions to protect California’s residents.
3. The City Council will continue to support the efforts of local law enforcement partners in keeping our communities safe.

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 1st day of May, 2018.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 5, 2017. Filed with
Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require

that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

(a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.

(b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed.

(2) The individual has been acquitted of all criminal charges filed against him or her.

(3) The individual has served all the time required for his or her sentence.

(4) The individual has posted a bond.

(5) The individual is otherwise eligible for release under state or local law, or local policy.

(c) “Hold request,” “notification request,” and “transfer request” have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

(d) “Law enforcement official” means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(e) “Local agency” means any city, county, city and county, special district, or other political subdivision of the state.

(f) “Serious felony” means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.

(g) “Violent felony” means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d,

266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration

officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. COOPERATION WITH IMMIGRATION AUTHORITIES

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

“California law enforcement agency” does not include the Department of Corrections and Rehabilitation.

(b) “Civil immigration warrant” means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) “Immigration authority” means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) “Health facility” includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

(g) “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) “Judicial probable cause determination” means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) “Judicial warrant” means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) “Public schools” means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) “School police and security departments” includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual’s immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through

the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this

section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity

for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF CALIFORNIA;
EDMUND GERALD BROWN JR.,
Governor of California, in his Official
Capacity; and XAVIER BECERRA,
Attorney General of California, in his
Official Capacity,

Defendants.

No. 18-264

COMPLAINT

Plaintiff, the United States of America, by and through its undersigned counsel, brings
this civil action for declaratory and injunctive relief, and alleges as follows:

PRELIMINARY STATEMENT

- 1
2 1. In this action, the United States seeks a declaration invalidating and preliminarily and
3 permanently enjoining the enforcement of certain provisions of California law. These
4 provisions are preempted by federal law and impermissibly discriminate against the
5 United States, and therefore violate the Supremacy Clause of the United States
6 Constitution.
7
- 8 2. The United States has undoubted, preeminent authority to regulate immigration matters.
9 This authority derives from the United States Constitution and numerous acts of
10 Congress. California has no authority to enforce laws that obstruct or otherwise conflict
11 with, or discriminate against, federal immigration enforcement efforts.
12
- 13 3. This lawsuit challenges three California statutes that reflect a deliberate effort by
14 California to obstruct the United States' enforcement of federal immigration law, to
15 regulate private entities that seek to cooperate with federal authorities consistent with
16 their obligations under federal law, and to impede consultation and communication
17 between federal and state law enforcement officials.
18
- 19 4. The first statute, the "Immigrant Worker Protection Act," Assembly Bill 450 ("AB 450"),
20 prohibits private employers in California from voluntarily cooperating with federal
21 officials who seek information relevant to immigration enforcement that occurs in places
22 of employment.
23
- 24 5. The second statute, Assembly Bill 103 ("AB 103"), creates an inspection and review
25 scheme that requires the Attorney General of California to investigate the immigration
26 enforcement efforts of federal agents.
27
- 28 6. The third statute, Senate Bill 54 ("SB 54"), which includes the "California Values Act,"

1 limits the ability of state and local law enforcement officers to provide the United States
2 with basic information about individuals who are in their custody and are subject to
3 federal immigration custody, or to transfer such individuals to federal immigration
4 custody.

5 7. The provisions of state law at issue have the purpose and effect of making it more
6 difficult for federal immigration officers to carry out their responsibilities in California.
7 The Supremacy Clause does not allow California to obstruct the United States' ability to
8 enforce laws that Congress has enacted or to take actions entrusted to it by the
9 Constitution. Accordingly, the provisions at issue here are invalid.
10

11 **JURISDICTION AND VENUE**
12

13 8. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

14 9. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because Defendants reside
15 within the Eastern District of California and because a substantial part of the acts or
16 omissions giving rise to this Complaint arose from events occurring within this judicial
17 district.
18

19 10. The Court has the authority to provide the relief requested under the Supremacy Clause,
20 U.S. Const. art. VI, cl. 2, as well as 28 U.S.C. §§ 1651, 2201, and 2202, and its inherent
21 equitable powers.
22

23 **PARTIES**
24

25 11. Plaintiff, the United States, regulates immigration under its constitutional and statutory
26 authorities, and it enforces the immigration laws through its Executive agencies,
27 including the Departments of Justice, State, and Labor, and the Department of Homeland
28 Security (DHS) including its component agencies U.S. Immigration and Customs

Enforcement (ICE), and U.S. Customs and Border Protection (CBP).

12. Defendant State of California is a state of the United States.

13. Defendant Edmund Gerald Brown Jr. is the Governor of the State of California and is being sued in his official capacity.

14. Defendant Xavier Becerra is Attorney General for the State of California and is being sued in his official capacity.

FEDERAL IMMIGRATION LAW

15. The Constitution affords Congress the power to “establish an uniform Rule of Naturalization,” U.S. Const., art. I § 8, cl. 4, and to “regulate Commerce with foreign Nations,” U.S. Const., art. I § 8, cl. 3, and affords the President of the United States the authority to “take Care that the Laws be faithfully executed.” U.S. Const., art. II § 3.

16. The Supremacy Clause of the Constitution mandates that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const., art. VI, cl. 2. Thus, a state enactment is invalid if it “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress,” *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941), or if it “discriminate[s] against the United States or those with whom it deals,” *South Carolina v. Baker*, 485 U.S. 505, 523 (1988).

17. Based on its enumerated powers and its constitutional power as a sovereign to control and conduct relations with foreign nations, the United States has broad authority to establish immigration laws, the execution of which the States cannot obstruct or discriminate against. *See Arizona v. United States*, 567 U.S. 387, 394-95 (2012); *accord North*

Dakota v. United States, 495 U.S. 423, 435 (1990) (plurality); *id.* at 444-47 (Scalia, J., concurring).

18. Congress has exercised its authority to make laws governing the entry, presence, status, and removal of aliens within the United States by enacting various provisions of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603, 100 Stat 3359, codified at 8 U.S.C. § 1324a *et seq.*, and other laws regulating immigration.

19. These laws codify the Executive Branch’s authority to inspect, investigate, arrest, detain, and remove aliens who are suspected of being, or found to be, unlawfully in the United States. *See* 8 U.S.C. §§ 1182, 1225, 1226, 1227, 1228, 1231, 1357.

20. Congress has also codified basic principles of cooperation and comity between state and local authorities and the United States. For example, federal law contemplates that removable aliens in state custody who have been convicted of state or local offenses will generally serve their state or local criminal sentences before being subject to removal, but that they will be taken into federal custody upon the expiration of their state prison terms. *See id.* §§ 1226(c), 1231(a)(1)(B)(iii), (a)(4).

21. “Consultation between federal and state officials is an important feature of the immigration system.” *Arizona*, 567 U.S. at 411. Congress has therefore directed that a federal, state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, DHS “information regarding the citizenship or immigration status of an individual.” 8 U.S.C. § 1373(a); *see* 8 U.S.C. § 1644 (same); *see also* 8 U.S.C. § 1357(g)(10)(A) (providing for state and local “communicat[ion] with [DHS] regarding the immigration status of any

individual, including reporting knowledge that a particular alien is not lawfully present in the United States”). Congress also authorized states and localities “to cooperate with the [Secretary] in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.” *Id.* § 1357(g)(10)(B).

22. Federal law also explicitly recognizes the United States’ authority to “arrange for appropriate places of detention for aliens detained pending removal or a decision on removal,” including the lease or rental of state, local, and private facilities. *See* 8 U.S.C. § 1231(g); *accord* 8 U.S.C. § 1103(a)(11).

23. Federal regulation provides that “[n]o person, including any state or local government entity or any privately operated detention facility, that houses, maintains, provides services to, or otherwise holds any detainee on behalf of [DHS] (whether by contract or otherwise), and no other person who by virtue of any official or contractual relationship with such person obtains information relating to any detainee, shall disclose or otherwise permit to be made public the name of, or other information relating to, such detainee. Such information shall be under the control of [DHS] and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders.” 8 C.F.R. § 236.6.

24. Congress, through IRCA, has also enacted a “comprehensive framework for combating the employment of illegal aliens.” *Arizona*, 567 U.S. at 404. IRCA makes it illegal for employers to knowingly hire, recruit, refer, or continue to employ aliens without appropriate work authorization. *See* 8 U.S.C. § 1324a(a)(1)(A), (a)(2). It also requires every employer to verify the employment authorization status of prospective employees. *See id.* § 1324a(a)(1)(B), (b). DHS enforces these requirements through criminal

1 penalties and an escalating series of civil penalties tied to the number of times an
2 employer has violated the provisions. *See* 8 U.S.C. §§ 1324a(e)(4), (f).

3 25. As a means of enforcing IRCA's criminal and civil penalties, Congress established a
4 nationally uniform inspection process whereby employers are required to retain
5 documentary evidence of authorized employment of aliens, and to permit federal
6 investigative officers to inspect such documents. *See* 8 U.S.C. § 1324a(b), (e)(2)(A).

7
8 26. DHS, through ICE and CBP, performs a significant portion of its law enforcement
9 activities in California. In Fiscal Year 2017, ICE's Enforcement and Removal Operations
10 (ERO) apprehended 20,201 aliens in California alone, or roughly 14% of the aliens
11 apprehended nationwide. Thus far in 2018, ICE ERO has apprehended 8,588 aliens in
12 California, or roughly 14% of the aliens apprehended nationwide. Of those aliens
13 apprehended nationwide in 2016, 2017, and thus far in 2018, 92%, 90%, and 87%
14 respectively, were criminal aliens. In Fiscal Year 2017, ICE ERO booked a total of
15 323,591 aliens into custody, 41,880 of whom were detained in California. And CBP is
16 responsible for enforcing the immigration laws at ports of entry and areas near the border
17 in California, including apprehending recent entrants with criminal convictions or who
18 are national security concerns, and patrolling the border for narcotics.
19
20

21 CALIFORNIA PROVISIONS

22 Restrictions on Cooperation with Workplace Immigration Enforcement (AB 450)

23
24 27. On October 5, 2017, Governor Brown signed into law the "Immigrant Worker Protection
25 Act," Assembly Bill 450 (AB 450), effective January 1, 2018 (Exhibit 1). Through AB
26 450, California regulates how private employers in California must respond to federal
27 efforts to ensure compliance with federal immigration laws through investigations in
28

places of employment.

28. AB 450 added Section 7285.1(a) of the California Government Code, which provides that an employer or its agent “shall not provide voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor,” unless “the immigration enforcement agent provides a judicial warrant” or consent is “otherwise required by federal law.”

29. Section 7285.2(a)(1) similarly prohibits an employer or its agent from “provid[ing] voluntary consent to an immigration enforcement agent to access, review, or obtain the employer’s employee records without a subpoena or judicial warrant.”

30. Section 7285.2(a)(2) contains an exception for certain documents for which the United States has provided a “Notice of Inspection,” Cal. Gov’t Code § 7285.2(a)(2). AB 450 added provisions to the California Labor Code that establish new requirements employers must satisfy *before* allowing ICE to conduct the inspection process directed by federal law. AB 450 requires employers to notify employees and their authorized representatives of upcoming inspections of employment records “within 72 hours of receiving notice of the inspection.” Cal. Lab. Code § 90.2(a)(1). It also requires employers to provide employees and their authorized representatives, within 72 hours, with copies of written immigration agency notices providing results of inspections. *Id.* § 90.2(b)(1).

31. All these provisions are subject to a schedule of civil penalties “of two thousand dollars (\$2,000) up to five thousand dollars (\$5,000) for a first violation and five thousand dollars (\$5,000) up to ten thousand dollars (\$10,000) for each subsequent violation.” Cal. Gov’t Code §§ 7285.1(b), 7285.2(b); Cal. Lab. Code § 90.2(c).

32. AB 450 added Section 1019.2(a) of the California Labor Code, which provides that an

1 employer or its agent “shall not reverify the employment eligibility of a current employee
2 at a time or in a manner not required by Section 1324a(b) of Title 8 of the United States
3 Code.” Violators are subject to “a civil penalty of up to ten thousand dollars (\$10,000).”
4 Cal. Lab. Code § 1019.2(b).

5 33. Upon information and belief, California law does not prohibit employers from voluntarily
6 complying with requests from any other federal or California entities for information or
7 inspection, or compel employers to provide notice to their employees of other efforts to
8 collect information.

9
10 34. In Fiscal Year 2017, ICE conducted approximately 1,300 worksite inspections authorized
11 by IRCA across the country, including approximately 230 in California. If conditions are
12 appropriate, any of those investigations could lead to an inspection with the consent of
13 the employer, and often employers are very willing to provide consent in order to
14 alleviate and address concerns that arise during the inspection process. In addition such
15 inspections with the consent of the employer are critical to investigating cross border
16 smuggling of people, narcotics, and terrorism.

17
18 35. These provisions, individually and collectively, have the purpose and effect of interfering
19 with the enforcement of the INA and IRCA’s prohibition on working without
20 authorization. California has no lawful interest in protecting unauthorized workers from
21 detection or in shielding employers who have violated federal immigration law from
22 penalty. These provisions, as applied to private employers, violate the Supremacy Clause
23 by, among other things, constituting an obstacle to the United States’ enforcement of the
24 immigration laws and discriminating against federal immigration enforcement.
25
26

27 **Inspection and Review of Immigration Detention Facilities (AB 103)**
28

- 1 36. Under longstanding California law, “local detention facilities” are subject to biennial
2 inspections concerning health and safety, fire suppression preplanning, compliance with
3 training and funding requirements, and the types and availability of visitation. Cal. Penal
4 Code § 6031.1(a). The law defines “local detention facilities” as any city, county, or
5 regional facility in which individuals are confined for more than 24 hours, and includes
6 private facilities (though it excludes certain facilities for parolees, treatment and
7 restitution facilities, community correctional centers, and work furlough programs). *Id.*
8 § 6031.4.
9
- 10 37. On June 27, 2017, California enacted Assembly Bill 103 (AB 103) (Exhibit 2). Section
11 12 of AB 103 added Section 12532 to the California Government Code.
12
- 13 38. Rather than subject facilities housing civil immigration detainees to the inspection
14 scheme deemed sufficient for other detention facilities, the statute imposes a new set of
15 requirements specific to facilities housing immigration detainees. In particular, Section
16 12532(a) requires the California Attorney General or his designee “to engage in reviews
17 of county, local, or private locked detention facilities in which noncitizens are being
18 housed or detained for purposes of civil immigration proceedings in California.”
19
- 20 39. The statute is not limited to an inspection of facilities. The law also requires the
21 California Attorney General or his designee to examine the “due process provided” to
22 civil immigration detainees, and “the circumstances around their apprehension and
23 transfer to the facility.” Cal. Gov’t Code § 12532(b). Section 12532(c) instructs that the
24 California Attorney General or his designee “shall be provided all necessary access for
25 the observations necessary to effectuate reviews required pursuant to this section,
26 including, but not limited to, access to detainees, officials, personnel, and records.”
27
28

1 40. DHS, through ICE, has entered into contracts for detention services with private entities,
2 intergovernmental services agreements (IGSAs) with county, city, or local government
3 entities in California, and intergovernmental agreements (IGAs) with the U.S. Marshals
4 service that provide ICE with guaranteed housing for ICE detainees as needed. ICE
5 currently has twenty active contracts, IGSAs or IGAs, in California and regularly uses
6 nine detention facilities in California to house civil immigration detainees in ICE
7 custody.
8

9 41. Information obtained or developed as a result of an agreement with the detention facility
10 are federal records under the control of ICE for purposes of disclosure and are subject to
11 disclosure only pursuant to applicable federal information laws, regulations, and policies,
12 including but not limited to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, and 8
13 C.F.R. § 236.6.
14

15 42. Three of these facilities, the Adelanto Correctional Facility, the Imperial Regional
16 Detention Facility, and the Mesa Verde Detention Facility are dedicated facilities that
17 exclusively house immigration detainees. In Fiscal Year 2018, these three facilities have
18 had an average daily population of 1,685, 680, and 384 detainees pending the outcome of
19 their administrative immigration cases, respectively.
20

21 43. The remaining facilities with IGSAs house both immigration detainees and local
22 detainees and are used on an as-needed basis. In Fiscal Year 2018, average daily detainee
23 populations at the as-needed facilities have ranged between a high of 956 at Otay Mesa
24 Detention and a low of 171 at Rio Cosumnes Correctional Center.
25

26 44. DHS, through ICE, houses civil immigration detainees at the Otay Mesa Detention
27 Center in California, a private detention facility that CoreCivic owns and operates. Otay
28

1 Mesa has an average daily population of around 1,000 detainees awaiting removal or a
2 decision on removal.

3 45. Upon information and belief, on November 16, 2017, Defendant Becerra initiated via
4 letter a request to inspect various ICE detention facilities, including Imperial, Adelanto,
5 Mesa Verde, the Theo Lacy Facility, the James A. Musick Facility, Yuba County Jail,
6 Rio Cosumnes Correctional Center, Contra Costa West County Detention Facility, and
7 Otay Mesa, as well as a request to inspect DHS documents concerning aliens detained in
8 these locations.
9

10 46. Upon information and belief, Yuba, Rio Cosumnes, Contra Costa, Theo Lacy, and James
11 A. Musick, have been inspected since the law's passage
12

13 47. On January 24, 2018, Defendant Becerra via letter informed Imperial, Adelanto, Mesa
14 Verde, and Otay Mesa that he intended to inspect those facilities on either February 26,
15 2018 or March 5, 2018, and required access to documents and other material subject to
16 ICE control and deemed privileged under federal law and regulation. *See* 8 C.F.R. §
17 236.6.
18

19 48. Upon information and belief, California does not require any local detention facility to
20 comply with section 12532's heightened inspections regime when it houses detainees for
21 other federal or California entities. AB 103's requirements apply only when local
22 detention facilities house federal civil immigration detainees.
23

24 49. AB 103 thus requires the California Attorney General to investigate the law enforcement
25 efforts of federal agents engaged in apprehending and transferring aliens, to assess the
26 "due process" provided to those aliens and the "circumstances around their apprehension
27 and transfer to the facility," and to assess the law enforcement decisions of personnel
28

under contract to the United States, as well as records of unspecified scope. The statute thus commands an improper, significant intrusion into federal enforcement of the immigration laws. California has no lawful interest in investigating federal law enforcement efforts. These provisions violate the Supremacy Clause by, among other things, constituting an obstacle to the United States' enforcement of the immigration laws and discriminating against the United States.

Restrictions on State and Local Cooperation with Federal Officials (SB 54)

50. On October 5, 2017, the Governor signed into law the Senate Bill 54 (SB 54), which includes the "California Values Act," effective January 1, 2018 (Exhibit 3).

51. SB 54 limits state and local cooperation with federal immigration enforcement in a number of ways. New Section 7284.6 prohibits state and local law enforcement officials, other than employees of the California Department of Corrections, from, among other things: "[p]roviding information regarding a person's release date or responding to requests for notification by providing release dates or other information," Cal Gov't Code § 7284.6(a)(1)(C); providing "personal information," including (but not limited to) an individual's home address or work address, *id.* § 7284.6(a)(1)(D); and "[t]ransfer[ring] an individual to immigration authorities," *id.* § 7284.6(a)(4).

52. These provisions contain limited exceptions. State and local law enforcement may share with the United States "information regarding a person's release date" or respond "to requests for notification by providing release dates or other information," but only where an individual subject to such information sharing has been convicted of a limited subset crimes, or where the information is available to the public. Cal. Gov't Code §§ 7282.5(a), 7284.6(a)(1)(C). Personal information also may be shared only if it is available to the

1 public. *Id.* § 7284.6(a)(1)(D). State and local law enforcement agencies may “[t]ransfer
2 an individual to immigration authorities” only if the United States presents a “judicial
3 warrant or judicial probable cause determination,” or the individual in question has been
4 convicted of one of a limited set of enumerated felonies or other serious crimes. Cal.
5 Gov’t Code §§ 7284.6(a)(4), 7282.5(a).

6
7 53. The limited subset of criminal violations does not match federal law governing what may
8 serve as the predicate for inadmissibility or removability, including listing a set of crimes
9 more narrow than those that render an alien removable. *See* 8 U.S.C. §§ 1182(a)(2),
10 1227(a)(2). And it does not match the set of criminal offenses that require the federal
11 government to detain such aliens upon their release from state or local custody. *Id.* §
12 1226(c).

13
14 54. Upon information and belief, California law does not impose these restrictions on other
15 forms of information sharing on other topics, nor does it restrict transfers of individuals
16 to other law enforcement agencies in this way.

17
18 55. These provisions impermissibly prohibit even the most basic cooperation with federal
19 officials. As noted above, federal law contemplates that criminal aliens in state custody
20 who may be subject to removal will complete their state or local sentences first before
21 being detained by the United States, but that federal immigration detention for
22 immigration proceedings or for removal will begin upon the alien’s release from state
23 custody. 8 U.S.C. § 1226(c); § 1231(a)(4). Additionally, federal law contemplates that
24 DHS will be able to inspect all applicants for admission, and take all appropriate action
25 against those found to be inadmissible to the United States, even those that may have
26 been transferred to the custody of state and local law enforcement pending such a state
27
28

1 and local prosecution. *See* 8 U.S.C. §§ 1182, 1225(b)(2); 8 C.F.R. § 235.2. And, to
2 facilitate coordination between state and local officials and the United States, Congress
3 expressly prohibited any federal, state, or local government entity or official from
4 prohibiting, or in any way restricting, any government entity or official from sending to,
5 or receiving from, DHS “information regarding the citizenship or immigration status of
6 an individual.” 8 U.S.C. § 1373(a); *see also* 8 U.S.C. § 1644. Although SB 54 purports to
7 be consistent with section 1373, *see* Cal. Gov’t Code § 7284.6(e), sections
8 7284.6(a)(1)(C) and (D) explicitly forbid the sharing of information covered by 8 U.S.C.
9 § 1373.
10

11 56. The transfer restriction additionally requires that the United States present a “judicial
12 warrant or judicial probable cause determination” before the state or locality may transfer
13 an alien to DHS for appropriate immigration enforcement action. This provision also
14 conflicts with federal law, which establishes a system of civil administrative warrants as
15 the basis for immigration arrest and removal, and does not require or contemplate use of a
16 judicial warrant for civil immigration enforcement. *See* 8 U.S.C. § 1226(a), 1231(a).
17

18 57. Upon information and belief, since January 1, 2018, law enforcement agencies in
19 California, as defined by SB 54, will not communicate to DHS the release date or home
20 address of aliens DHS has reason to believe are removable from the United States, or
21 transfer such aliens to DHS custody, even where DHS presents a Congressionally-
22 authorized civil administrative warrant of arrest or removal, *see* 8 U.S.C. § 1226(a);
23 1231(a), or has transferred those aliens to local law enforcement in the first instance to
24 permit California or its subdivisions to criminally prosecute them for a state crime.
25

26 58. By restricting basic information sharing and by barring the transfer to DHS of aliens in
27
28

1 state or local custody upon their release through the means provided for by federal law,
2 SB 54 requires federal immigration officers to either engage in difficult and dangerous
3 efforts to re-arrest aliens who were previously in state custody, endangering immigration
4 officers, the alien at issue, and others who may be nearby, or to determine that it is not
5 appropriate to transfer an alien to state or local custody in the first place, in order to
6 comply with their mission to enforce the immigration laws. California has no lawful
7 interest in assisting removable aliens to evade federal law enforcement.
8

9 59. These provisions violate the Supremacy Clause by, among other things, constituting an
10 obstacle to the United States' enforcement of the immigration laws and discriminating
11 against federal immigration enforcement, as well as (with respect to the information-
12 sharing restrictions) expressly violating 8 U.S.C. § 1373(a).
13

14 **CLAIM FOR RELIEF**

15 **COUNT ONE – Restrictions on Cooperation with Workplace Immigration Enforcement**

16 60. Plaintiff hereby incorporates paragraphs 1 through 26, and 27 through 35 of the
17 Complaint as if fully stated herein.
18

19 61. Sections 7285.1, and 7285.2 of the California Government Code and Sections 90.2 and
20 1019.2 of the California Labor Code, violate the Supremacy Clause as applied to private
21 employers, and are invalid.
22

23 **COUNT TWO – Inspection and Review of Detention Facilities**

24 62. Plaintiff hereby incorporates paragraphs 1 through 26, and 36 through 49 of the
25 Complaint as if fully stated herein.
26

27 63. Section 12532 of the California Government Code violates the Supremacy Clause, and is
28 invalid.

COUNT THREE – Restrictions on State and Local Cooperation

64. Plaintiff hereby incorporates paragraphs 1 through 26, and 50 through 59 of the Complaint as if fully stated herein.

65. Sections 7284.6(a)(1)(C) & (D) and 7284.6(a)(4) of the California Government Code violate the Supremacy Clause and 8 U.S.C. § 1373(a), and are invalid.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests the following relief:

1. That this Court enter a judgment declaring that Sections 7285.1 and 7285.2 of the California Government Code, and Sections 90.2 and 1019.2 of the California Labor Code violate the Supremacy Clause as applied to private employers and are therefore invalid;
2. That this Court enter a judgment declaring that Section 12532 of the California Government Code violates the Supremacy Clause and is therefore invalid;
3. That this Court enter a judgment declaring that Sections 7284.6(a)(1)(C) & (D) and 7284.6(a)(4) of the California Government Code violate the Supremacy Clause and are therefore invalid;
4. That this Court issue preliminary and permanent injunctions that prohibit Defendants as well as their successors, agents, and employees, from enforcing against private employers sections 7285.1 and 7285.2 of the California Government Code, and Sections 90.2 and 1019.2 of the California Labor Code;
5. That this Court issue preliminary and permanent injunctions that prohibit Defendants, as well as their successors, agents, and employees, from enforcing Section 12532 of the California Government Code;
6. That this Court issue preliminary and permanent injunctions that prohibit Defendants as

well as their successors, agents, and employees, from enforcing Sections 7284.6(a)(1)(C) & (D) and 7284.6(a)(4) of the California Government Code;

7. That this Court award the United States its costs in this action; and

8. That this Court award any other relief it deems just and proper.

DATED: March 6, 2018

CHAD A. READLER
Acting Assistant Attorney General

MCGREGOR SCOTT
United States Attorney

AUGUST FLENTJE
Special Counsel

WILLIAM C. PEACHEY
Director

/s/ Erez Reuveni
EREZ REUVENI
Assistant Director
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 307-4293
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DAVID SHELLEDY
Civil Chief, Assistant United States
Attorney

LAUREN C. BINGHAM
JOSEPH A. DARROW
JOSHUA S. PRESS
Trial Attorneys

Attorneys for Plaintiff

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2:17-cv-2401 WBS EFB, National Association of Wheat Growers, et al. v. Zeise et al

2:18-cv-0490 JAM KJN, USA v. State of California, et al. (Immigration)

2:18-cv-0721 WBS DB, USA v. State of California, et al. (Land Use)

[Court Holidays](#)[Courthouses and Directions](#)[Hours of Operations](#)[Telephone Directories](#)[Home](#) » [Clerk's Office](#) » [Cases of Interest](#) » 2:18-cv-0490 JAM KJN, USA v. State of California, et al. (Immigration)**United States of America v. State of California, et al.****2:18-cv-00490-JAM-KJN**Assigned to District Judge John A. Mendez
and

Magistrate Judge Kendall J. Newman

Upcoming Deadlines/Hearings:

May 4, 2018- Answer to Complaint by State of California due

May 4, 2018 - Defendants' Opposition Brief to Motion for Preliminary Injunction

May 5, 2018 - Amici Curiae Briefs in Support of Defendants' Opposition

June 8, 2018 - Plaintiffs Reply Brief

June 20, 2017 at 10:00 a.m. - Hearing on the Motion for Preliminary Injunction

Selected Documents*:

Doc.	Filed	Description	.pdf
1	3/6/18	Complaint	PDF
2	3/6/18	Motion for Preliminary Injunction	PDF
18	3/13/18	Defendants' Motion to Transfer Venue	PDF
20	3/14/18	Order re: Expedited Discovery	PDF
21	3/15/18	Order Clarifying 3/14/18 Order	PDF
25	3/20/18	Opposition by USA to Motion to Transfer	PDF
28	3/22/18	Order Granting-in-Part and Denying-in-Part California Request for Expedited Discovery	PDF
31	3/23/18	Motion for 11-day Extension of Time to file Amicus Briefs	PDF
34	3/26/18	Minute Order Granting Extension of Time to file Amicus Briefs until 4/6/18. (no document)	
38	3/27/18	Stipulation for Extension of Time to Respond to the Complaint until 4/25/18.	PDF
39	3/29/18	Order Denying Motion to Transfer Case to Northern District of California	PDF



Doc.	Filed	Description	.pdf
41	3/29/18	Order Setting Deadlines and Hearing for Motion for Preliminary Injunction	
43	3/30/18	Amicus Curiae Brief in Support of Motion for Preliminary Injunction	
44	3/30/18	Amici Curiae Brief in Support of Motion for Preliminary Injunction	
48	4/06/18	Amici Curiae Brief in Support of Motion for Preliminary Injunction	
53	4/12/18	Stipulated Protective Order	
55	4/12/18	Amici Curiae Brief in Support of Motion for Preliminary Injunction	
56	4/12/18	Amici Curiae Brief in Support of Motion for Preliminary Injunction	
57	4/12/18	Amici Curiae Brief in Support of Motion for Preliminary Injunction	

* To view all case documents, please access PACER (Public Access to Court Electronic Records)

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO
IN SUPPORT OF THE OATH OF OFFICE AND THE RULE OF LAW**

RECITALS:

WHEREAS, the City Council of the City of Aliso Viejo swears an oath to uphold and defend the Constitution of the United States of America, first and foremost, as an affirmation of our duty as public servants, and

WHEREAS, the City Council of the City of Aliso Viejo swears an oath to uphold and defend the Constitution of the State of California, secondarily but with no less a duty than the first, and

WHEREAS, the City Council of the City of Aliso Viejo accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

WHEREAS, the City of Aliso Viejo believes in the rule of law both as it applies to our service to the United States of America and to the State of California, and

WHEREAS, the City of Aliso Viejo does recognize the statements it placed on these chambers, "E Pluribus Unum" or "From Many, One," and "In God We Trust," has meaning regarding the desires of those who come to this country looking for a better life and with that the responsibility to adhere to the rule of law as defined by the United States Constitution, and

WHEREAS, the City of Aliso Viejo does indeed recognize the diverse nature not only of our City, our State, but also of our Country, and the many contributions made by natural citizens, foreign born immigrants and those wishing to contribute to the fabric that is the United States of America, and

WHEREAS, the Council finds that the adoption of this resolution does not constitute a project under the California Environmental Quality Act and no environmental assessment is required.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY
RESOLVES AS FOLLOWS:**

- 1) To adhere to the rule of law.
- 2) To demand the Congress of the United States of America (both the House of Representatives and the Senate) address the need for comprehensive immigration reform and bring certainty to those who are desirous of becoming part of this experiment we call Democracy.
- 3) To continue to support the efforts of our local law enforcement partners in keeping our communities safe.

Passed and Adopted by the City Council of the City of Aliso Viejo on the
__ day of ____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Harrington, Mayor

Attest

Mitzi Ortiz, City Clerk

Approved as to form:

Scott Smith, City Attorney

PROPOSED RESOLUTION

A resolution of the City Council of the City of Beaumont in support of the oath of office and the rule of law

RECITALS:

WHEREAS, the Constitution of the United States of America is the supreme law of the land. The states within the union have certain rights to enact laws that are not in conflict with the federal laws, and

WHEREAS, the City Council of the City of Beaumont swears an oath to uphold and defend the Constitution of the United States of America, first and foremost, as an affirmation of our duty as public servants, and

WHEREAS, the City Council of the City of Beaumont swears an oath to uphold and defend the Constitution of the State of California, secondarily but with no less a duty than the first, and

WHEREAS, the City Council of the City of Beaumont accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

WHEREAS, the City of Beaumont believes in the rule of law both as it applies to our service to the United States of America and to the State of California, and

WHEREAS, the Council finds that the adoption of this resolution does not constitute a project under the California Environmental Quality Act and no environmental assessment is required.

NOW, THEREFORE, The City Council is committed to protecting the City of Beaumont's residents through the enforcement of local, state, and federal laws. The adoption of SB 54 has created a conflict between state and federal law and has restricted local law enforcement's ability to cooperate with federal authorities to protect California's residents.

THE CITY COUNCIL OF THE CITY OF BEAUMONT HEREBY RESOLVES AS FOLLOWS:

- 1) To adhere to the rule of law.
- 2) To demand the Congress of the United States of America (both the House of Representatives and the Senate) address the need for comprehensive immigration reform and bring certainty to those who are desirous of becoming part of this experiment we call Democracy.
- 3) To continue to support the efforts of our local law enforcement partners in keeping our communities safe.

ACTION DOCUMENT A**RESOLUTION NO. 18-04-17-XX****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, TO CONDEMN STATE LAW THAT RESTRICTS LAW ENFORCEMENT AND ENDANGERS PUBLIC SAFETY**

The City Council of the City of Dana Point does hereby resolve as follows:

WHEREAS, the City Council of the City of Dana Point has taken an oath to support and defend the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the State of California enacted SB 54, also known as the "California Values Act"; and

WHEREAS, the California Values Act generally limits California's law enforcement agencies, and creates a threat to public safety by restricting California law enforcement agencies' ability to cooperate and work with federal immigration authorities, or otherwise comply with the mandates of federal law; and

WHEREAS, the City of Dana Point, when accepting federal contracts and/or grants must comply with federal law, including lawful demands to access certain premises; and

WHEREAS, the City of Dana Point believes that portions of SB 54 may be in direct conflict with federal law and/or the Constitution of the United States;

WHEREAS, the County of Orange provides the City of Dana Point with law enforcement services; and

WHEREAS, the County of Orange determined that the California Values Act (1) impairs the ability of law enforcement to adequately protect public safety; and (2) directly conflicts with their oaths to uphold the U.S. Constitution and federal immigration laws, thus placing officers in a difficult positions when attempting to perform their duties; and

WHEREAS, on March 27, 2018, the County adopted a resolution rejecting the effort through state law to violate the Constitution of the United States and instead complying with the appropriate Federal Laws and the Constitution of the United States and encouraging all cities and agencies within the County of Orange to do the same.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Dana Point as follows:

1. The above recitals are true and correct, and incorporated herein.
2. The City Council for the City of Dana Point does hereby reaffirm its sworn oath to uphold and defend all laws, including all relevant federal immigration laws and the Constitution of the United States and the State of California.
3. The City Council for the City of Dana Point does hereby reject the effort through Senate Bill 54, or the California Values Act, to limit local law enforcement's ability to cooperate with federal immigration investigations and enforcement actions.
4. The City Council of the City of Dana Point does hereby resolve that it supports the declaration of the Orange County Board of Supervisors rejecting the effort through state law to violate the Constitution of the United States and instead comply with the appropriate Federal Laws and the Constitution of the United States and encouraging all cities and agencies within the County of Orange to do the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dana Point, California, held on this 17th day of April, 2018.

RICHARD A. VICZOREK, MAYOR

ATTEST:

KATHY M. WARD, CITY CLERK

RESOLUTION NO. 2018-XXXX

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,
CONDEMNING SB 54, THE CALIFORNIA VALUES ACT,
THAT RESTRICTS LAW ENFORCEMENT AND
ENDANGERS PUBLIC SAFETY**

WHEREAS, the members of the City of Laguna Niguel City Council have taken an oath to support and defend the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the State of California enacted SB 54, called the California Values Act; and

WHEREAS, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities"; and

WHEREAS, the City Council of the City of Laguna Niguel finds that it is impossible to honor our oath to support and defend the Constitution of the United States and to be in compliance with California Government Code Title 1, Division 7, Chapter 17.25; and

WHEREAS, the California Values Act cripples our law enforcement and creates a real threat to public safety; and

WHEREAS, the City of Laguna Niguel is an employer who accepts Federal contracts and must comply with Federal law, including lawful requests for access to premises; and

WHEREAS, the California Values Act may be in direct conflict with Federal laws and the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Laguna Niguel does hereby reject the effort through state law to violate the Constitution of the United States and instead will comply with the appropriate Federal laws and the Constitution of the United States.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

Elaine Gennawey, Mayor

ATTEST:

Eileen Gomez
City Clerk

RESOLUTION NO. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, SUPPORTING THE OATH OF OFFICE AND RULE OF LAW, AS WELL AS SUPPORTING THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS IN ADOPTING ITS ORDINANCE NO. 2018-03 REGARDING COMPLIANCE WITH THE UNITED STATES CONSTITUTION

WHEREAS, City Councilmembers of the City of Lake Forest have taken an oath to support and defend the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the State of California enacted Senate Bill 54, called the California Values Act, which became effective January 1, 2018; and

WHEREAS, the California Values Act may be in direct conflict with Federal laws and the United States Constitution; and

WHEREAS, among other things, the California Values Act limits the ability of local law enforcement to cooperate with federal law enforcement authorities; and

WHEREAS, the City Council of the City of Lake Forest believes in the rule of law as it applies to our service to the United States of America and to the State of California; and

WHEREAS, on March 19, 2018, the City Council of the City of Los Alamitos introduced for first reading Ordinance No. 2018-03, entitled, "An Ordinance of the City Council of the City of Los Alamitos, California Adding Chapter 9.30 Constitution of the United States Compliance" ("Los Alamitos Ordinance"); and

WHEREAS, among other things, the Los Alamitos Ordinance, invokes the supremacy of the United States Constitution in matters relating to the California Values Act; and

WHEREAS, the City Council of the City of Lake Forest desires to express its support for the City Council of the City of Los Alamitos in its adoption of the Los Alamitos Ordinance; and

WHEREAS, the City Council of the City of Lake Forest recognizes the diverse nature of not only our City, but our state and country, and the many contributions made by its citizens, immigrants, and those wishing to contribute to the United States of America; and

WHEREAS, the City Council of the City of Lake Forest also desires to ensure the health, welfare, and safety of the public by supporting the oath of office and the rule of law, as well as expressing its support of the Los Alamitos Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA DOES HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are hereby incorporated by reference.

SECTION 2. CEQA. The City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) because it is not a “project,” as defined in Title 14, California Code of Regulations, Section 15378. Specifically, the Resolution does not have the potential in having either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it affirms the rule of law.

SECTION 3. Actions. The City Council hereby expresses its support of:

- A. The rule of law, including the United States Constitution and its supremacy over conflicting State and local laws; and
- B. The efforts of our local law enforcement partners in keeping our communities safe; and
- C. The ideals reflected in the Los Alamitos Ordinance.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Resolution shall become effective upon the date of its adoption.

[Signatures on following page]

SIGNATURE PAGE TO RESOLUTION NO. 2018-_____

PASSED, APPROVED AND ADOPTED this ____ day of April 2018.

DR. JIM GARDNER
MAYOR

ATTEST:

JENNIFER CONNALLY, CMC
ACTING CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON
CITY ATTORNEY

State of California)
County of Orange) SS
City of Lake Forest)

I, JENNIFER CONNALLY, Acting City Clerk of the City of Lake Forest, California do hereby certify that the foregoing Resolution No. 2018-_____ was duly passed and adopted by the City Council at a regular meeting thereof, held on the ____ day of April, 2018, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

JENNIFER CONNALLY, CMC
ACTING CITY CLERK

RESOLUTION NO. 2018-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, OPPOSING SENATE BILL 54 (CALIFORNIA VALUES ACT)

WHEREAS, the Supremacy Clause of the United States Constitution provides the "Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land ... any Thing in the Constitution or Laws of any State to the Contrary notwithstanding";

WHEREAS, the federal government of the United States of America regulates immigration under its constitutional and statutory authorities, and enforces immigration laws through its executive agencies, including the Departments of Justice, State, and Labor, and the Department of Homeland Security including its component agencies U.S. Immigration and Customs Enforcement ("ICE"), and U.S. Customs and Border Protection;

WHEREAS, on October 5, 2017, California Governor Jerry Brown approved Senate Bill ("SB") 54, which enacted California Government Code Sections 7284 *et seq.* entitled the "California Values Act";

WHEREAS, SB 54 became effective January 1, 2018 and, among other things, generally prohibits California law enforcement agencies from using local agency money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes and limits when California law enforcement agencies may transfer an individual to immigration authorities. SB 54 also creates affirmative obligations for California law enforcement agencies to report certain data regarding transfers of individuals to federal immigration authorities;

WHEREAS, the City Council has a history of opposition to SB 54, which includes the City Council's direction on August 8, 2017, for the City Manager to send a letter in opposition to SB 54 to Kevin de León, President pro Tempore of the California State Senate and sponsor of SB 54;

WHEREAS, the City Council's opposition emphasized the City of Newport Beach's concerns that SB 54 could create roadblocks and ambiguity when the Newport Beach Police Department participates in crime suppression activities that may involve (but not target) undocumented persons in addition to U.S. citizens and residents and result in inquiries from federal ICE officials;

WHEREAS, on March 6, 2018, Attorney General Jeff Sessions filed a federal lawsuit in the United States District Court, Eastern District of California for the case entitled *United States of America v. State of California, et al.* (Case No. 2:18-cv-00490-JAM-KJN) seeking a judicial declaration invalidating and enjoining the enforcement of provisions of SB 54 as preempted by federal immigration laws and therefore in violation of the Supremacy Clause of the United States Constitution; and

WHEREAS, the City of Newport Beach respects and supports the United States Constitution.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council is committed to protecting the City of Newport Beach's residents through the enforcement of local, state, and federal laws. The adoption of SB 54 has created a conflict between state and federal law and has restricted local law enforcement's ability to cooperate with federal authorities to protect California residents. This conflict leaves the City Council no choice but to publically state its opposition to SB 54.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

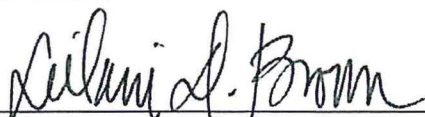
Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 10th day of April, 2018.


Marshall "Duffy" Duffield
Mayor

ATTEST:


Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

 (for)
Aaron C. Harp
City Attorney

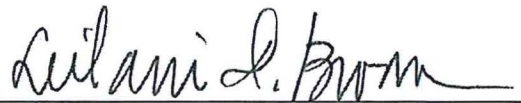
STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2018-23 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 10th day of April, 2018; and the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Herdman, Council Member Kevin Muldoon, Council Member Diane Dixon, Council Member Scott Peotter, Council Member Brad Avery, Mayor Pro Tem Will O'Neill, Mayor Duffy Duffield

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 11th day of April, 2018.



Leilani I. Brown
City Clerk
Newport Beach, California



RESOLUTION NO. 18-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON EXPRESSING ITS INTENT TO COMPLY WITH FEDERAL IMMIGRATION LAW

WHEREAS, the elected members of the Ripon City Council of the City of Ripon have a duty, by virtue of their oath of office, to support and defend the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the City Council acknowledges that illegal immigration, and the proper role of the State and Federal Governments with respect thereto, is and remains one of the most difficult and controversial public policy issues facing California and the Nation as a whole; and

WHEREAS, the effects of illegal immigration on persons, families, businesses and communities are profound and far-reaching; and

WHEREAS, the 2017 passage of AB 450 (“Immigrant Worker Protection Act”), AB 103, and Senate Bill 54 (the “California Values Act”) by the California Legislature has only served to polarize the electorate and to create confusion concerning the proper role of state and local governments with respect to immigration policy; and

WHEREAS, legal experts warn that the California Values Act is inconsistent with and constitutes a direct challenge to existing federal law, including but not limited to the Illegal Immigration Reform and Immigration Responsibility Act (8 USC 1373) and as such, is constitutionally suspect; and

WHEREAS, the California Values Act is the subject of a legal challenge by the Federal Government (United States v. State of California, U.S. District Court Case No. 2:18-cv-00490 JAM (KJN)), which creates further uncertainty for cities and counties in California.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the City Council of the City of Ripon hereby urges the California Legislature and the Governor of the State of California to recognize that illegal immigration and immigration policy in general is primarily and constitutionally a federal matter.
2. That in view of the inconsistency between the California Values Act and existing federal law, the City Council will comply with federal law.
3. That the City Attorney is authorized to join in *amicus curiae* briefs in support of the federal government’s legal challenge to the California Values Act.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 10th day of April, 2018, by the following vote:

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Daniel de Graaf, Council Member

SECONDER: Dean Uecker, Council Member

AYES: Uecker, de Graaf, Parks, Zuber, Restuccia

THE CITY OF RIPON,
A Municipal Corporation

By _____
MICHAEL RESTUCCIA, Mayor

ATTEST:

By: _____
LISA ROOS, City Clerk

RESOLUTION NO. 18-04-03-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
CAPISTRANO, CALIFORNIA, TO CONDEMN STATE LAW THAT
RESTRICTS LAW ENFORCEMENT AND ENDANGERS PUBLIC SAFETY

WHEREAS, the City Council of San Juan Capistrano have taken an oath to support and defend the Constitution of the United States and Constitution of the State of California; and

WHEREAS, the State of California enacted Senate Bill 54, called the California Values Act; and

WHEREAS, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities;" and

WHEREAS, the California Values Act severely inhibits our law enforcement and creates a genuine threat to public safety by releasing perpetrators who have committed serious felonies (including but not limited to, sex crimes, domestic violence, assault and battery, identity theft, robbery and homicide) into our communities who otherwise would be subject to further federal immigration penalties, including and up to deportation; and

WHEREAS, The City of San Juan Capistrano, when accepting Federal Contracts and/or Federal Grants, must comply with Federal Law, including lawful requests for access to premises; and

WHEREAS, the California Values Act may be in direct conflict with Federal Laws and the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED, THAT THE City Council of the City of San Juan Capistrano does hereby reject the effort through Senate Bill 54 to actively work against Federal Immigration Laws and instead urge its repeal; and

BE IT FURTHER RESOLVED, THAT THE City Council of the City of San Juan Capistrano does hereby renew our commitment to comply with all relevant Federal Immigration Laws and the Constitution of the United States.

PASSED, APPROVED, AND ADOPTED this 3rd day of April 2018.

SERGIO FARIAS, MAYOR

ATTEST:

MARIA MORRIS, CITY CLERK

**RESOLUTION OF THE ORANGE COUNTY BOARD OF SUPERVISORS TO
CONDEMN STATE LAW THAT RESTRICTS LAW ENFORCEMENT AND
ENDANGERS PUBLIC SAFETY**

WHEREAS, the members of the Orange County Board of Supervisors have taken an oath to support and defend the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the State of California enacted Senate Bill 54, called the California Values Act; and

WHEREAS, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities"; and

WHEREAS, the Orange County Board of Supervisors finds that it is impossible to honor our oath to support and defend the Constitution of the United States and to be in compliance with California Government Code Title 1, Division 7, Chapter 17.25; and

WHEREAS, the California Values Act cripples our law enforcement and creates a real threat to public safety; and

WHEREAS, employers, including the County of Orange, operating within the jurisdiction of the County of Orange who accept Federal Contracts and must comply with Federal Law, including lawful requests for access to premises; and

WHEREAS, the entire Joint Forces Training Base and Seal Beach Naval Weapons Station, may be required to comply with Federal Laws and is wholly located within the boundaries of the County of Orange; and

WHEREAS, the California Values Act may be in direct conflict with Federal Laws and the Constitution of the United States; now, therefore be it

RESOLVED, that the Orange County Board of Supervisors does hereby reject the effort through state law to violate the Constitution of the United States and instead will comply with the appropriate Federal Laws and the Constitution of the United States, ~~and~~ encourage all cities and agencies within the County of Orange to do the same and direct County Counsel to take legal action.

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA DECLARING THAT SHASTA COUNTY'S POLICIES COMPLY WITH FEDERAL IMMIGRATION LAWS AND THE COUNTY DOES NOT CONSTITUTE A "SANCTUARY" JURISDICTION

WHEREAS, the County of Shasta respects both the rights of members of immigrant communities, and the authority of the United States government to regulate immigration; and

WHEREAS, federal law, 8 U.S.C. §§ 1373 and 1644, provides that no government entity may prohibit or restrict its officials from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual; and

WHEREAS, in addition to the foregoing legal restrictions, United States immigration authorities often request additional voluntary assistance from local governments and law enforcement agencies; and

WHEREAS, such voluntary assistance is largely unreimbursed by the United States government, and as with all requests for interagency aid, local governments and law enforcement agencies with limited resources are often forced to make difficult decisions regarding whether assistance can be provided on a case-by-case basis, including considerations of funding, personnel availability, jail capacity, and other legal obligations; and

WHEREAS, the County of Shasta is a political subdivision of the State of California and, as such, may not lawfully disregard the requirements of state law in the absence of a court order that the law is invalid.

NOW, THEREFORE, BE IT RESOLVED that the County of Shasta, acting by and through the Shasta County Board of Supervisors, hereby declares that the County of Shasta's policies comply with 8 U.S.C. §§ 1373 and 1644, and do not prohibit or restrict its officials, employees, or any other person from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual.

BE IT FURTHER RESOLVED that the County of Shasta acting by and through the Shasta County Board of Supervisors, hereby declares that it does not refuse to comply with federal immigration laws as the result of any local policy decisions by County elected officials, does not have any intention of hindering enforcement of those laws, and does not meet any reasonable definition of a "sanctuary" jurisdiction.

BE IT FURTHER RESOLVED that the County of Shasta will endeavor to provide appropriate interagency assistance to United States immigration authorities within the limits of its resources, including funding, personnel availability, and jail capacity, and also within the limits of its legal obligations, including the limits of its legal obligations imposed by state law and judicial authority.

BE IT FURTHER RESOLVED that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged to include representatives of rural local governments in California and nationwide in the process of developing any legal definition of a "sanctuary" jurisdiction.

BE IT FURTHER RESOLVED that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged not to reduce, restrict, or eliminate any federal funding to local governments, on the sole basis that such local governments are sometimes unable to provide voluntary assistance to United States immigration authorities due to resource limitations and legal obligation limitations as described above.

BE IT FURTHER RESOLVED that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged to provide local governments with full cost reimbursement for any assistance requested by and rendered to United States immigration authorities.

BE IT FURTHER RESOLVED that the California Legislature, Governor, and appropriate California state agencies are hereby urged to adopt legislation, regulations, and policies applicable to local governments that adhere to federal law and are consistent with the authority of the United States government to regulate immigration.

DULY PASSED AND ADOPTED this ____ day of _____, 2018, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LES BAUGH, CHAIRMAN
Board of Supervisors, County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy