



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 4, 2018, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 261-122-004; 261-122-005; 261-122-006; and 261-122-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners LP. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 155 and 165 N. D Street, Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Val Guzman and Lionel R. Guzman, respectively. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Management & Confidential Series; Porterville City Employees Association; Public Safety Support Unit; and all Unrepresented Management Employees.
- 4** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Greg L. Woodard and Cinda D. Woodard, Trustees of the Woodard Family Revocable Trust of August 10, 2006, Tulare County Superior Court Case No. 273165.
- 5** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases: One case in which facts are not yet known to potential plaintiff; and one case concerning correspondence dated August 26, 2018, from John Duran alleging voter rights violations.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

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

Pledge of Allegiance Led by Mayor Milt Stowe
Invocation

PROCLAMATIONS

Adult Literacy Awareness Month
Library Card Sign-Up Month

AB 1234 REPORTS

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

1. Tulare County Economic Development Corp. (TCEDC) - August 23, 2018

REPORTS

This is the time for all staff informational items.

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of June 5, 2018 and June 19, 2018**
Re: Considering approval of the draft minutes of June 5, 2018 and June 19, 2018.
2. **Authorization to Purchase Battery Powered Hydraulic Extrication System with Funds from the 2017 State Homeland Security Grant**
Re: Considering approval of the expenditure of State Homeland Security Grant funds in the amount of \$32,977 for the purchase of a battery-powered hydraulic extrication system from LN Curtis.
3. **Authorization to Award Crushing and Screening Project**
Re: Considering award of a contract in an amount not to exceed \$40,000 to Dunn's Sand for the crushing and screening of asphalt and concrete rubble.

4. **Authorization to Award Cleaning of Anaerobic Digesters**
Re: Considering award of a contract in the amount of \$44,594 to Wastewater Solids Management Company for the cleaning of digesters 1, 2, and 4 at the Wastewater Treatment Facility.
5. **Bid Results - Various Concrete and ADA Improvements Project**
Re: Considering awarding a contract in the amount of \$330,584 to MAC General Engineering for the project consisting of improvements along City Hall, the Centennial Plaza Building, a portion of concrete curb, gutter and sidewalk along Second Street and Third Street, and public improvements at the Porterville Police Department Shooting Range.
6. **Acceptance of Subdivision Improvements - Summit Estates 2, Phase 1 (Jason Moyes - Smee Homes, Inc.)**
Re: Considering acceptance of public improvements, including those related to the Landscape & Lighting District of Summit Estates 2, Phase 1 Subdivision for maintenance; and authorizing the filing of the Notice of Completion.
7. **Authorization to Execute a Consultant Service Agreement for the Animal Shelter Facility Project (185 South D Street)**
Re: Considering approval of a Consultant Service Agreement with Rania Alomar Architects, Inc. in the amount of \$719,130; augmentation of the FY 2018/2019 annual budget to include \$75,000 of Local Transportation Funds; and authorization to secure \$225,000 in Measure R Funds.
8. **Authorization to Negotiate Consultant Service Agreements - 2018/2019 Fiscal Year Major Street Projects**
Re: Considering authorization to negotiate consulting services for major street projects as defined in the Fiscal Year 18/19 Annual Budget.
9. **Authorization of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off**
Re: Considering approval of the temporary closure of Main Street between Morton and Mill; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 13, 2018, 5:00 AM-5:00 PM.
10. **Final Ballot Results - Area 456 A, B, C & E Henderson Ave Sewer Utility District**
Re: Considering adoption of a resolution approving the Formation of Sewer Utility District No. 456 A, B, C & E Henderson Ave.

- 11. Adoption of the City Library's Rules of Conduct**
Re: Considering approval of a resolution adopting Rules of Conduct for the City Library and a process for appeal.
- 12. Conflict of Interest Code Amendment**
Re: Considering adoption of draft resolution approving amendments to the City's Conflict of Interest Code pursuant to the provisions of Government Code Sections 87300 et seq.
- 13. Amendment to Employee Pay and Benefit Plan - Porterville City Employees Association**
Re: Considering approval of a draft resolution authorizing amendments to the Employee's Pay & Benefit Plan, and other documents as may be necessary, consistent with negotiated changes within the Porterville City Employees Association's MOU.
- 14. Amendment to Employee Pay and Benefit Plan - Public Safety Support Unit**
Re: Considering approval of a draft resolution authorizing amendments to the Employee's Pay & Benefit Plan and other documents as may be necessary consistent with negotiated changes with the Public Safety Support Unit.
- 15. Request for Proclamation - Suicide Prevention Awareness Month - September 2018**
Re: Considering approval of a request to proclaim September 2018 as "Suicide Prevention Awareness Month."
- 16. Status and Review of Declaration of Local Emergency**
Re: Considering approval of the continuance of the Declaration of Local Emergency.
- 17. City Council Member Requested Agenda Item - Consider Requesting the Arts Commission to Begin Planning the 1st Annual Porterville Arts Expo or Festival**
Re: Consideration of requesting the Arts Commission to begin planning the 1st Annual Porterville Arts Expo or Festival.

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

PUBLIC HEARINGS

- 18. CDBG Consolidated Annual Performance and Evaluation Report (CAPER) FY 2017-2018**
Re: Consideration of the 2017-2018 Consolidated Annual Performance Evaluation Report; and authorizing its submission to the Department of Housing and Urban Development.

SCHEDULED MATTERS

19. State of California Housing and Homelessness Funding Programs

Re: Consideration of information pertaining to State of California funding opportunities to address homelessness.

20. Consider Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax)

Re: Consideration of Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax).

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 September 18, 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 – SEPTEMBER 4, 2018

SUBJECT: City Council Minutes of June 5, 2018 and June 19, 2018

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of June 5, 2018 and June 19, 2018, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of June 5, 2018 and June 19, 2018.

ATTACHMENTS: 1. 2018-06-05 Minutes
 2. 2018-06-19 Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

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

Called to Order at 5:36 p.m.

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

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 288 N. D Street, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Joan Vanderhorst. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, and Che Johnson. Employee Organizations: Porterville Peace Officers Association; Management & Confidential Series; Public Safety Support Unit; Porterville City Employees Association; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.

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

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

5 - Government Code Section 54957 -- Public Employee Performance Evaluation -Title: City Manager.

6 - Government Code Section 54957 -- Public Employee Performance Evaluation -Title: City Attorney.

6:46 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

Deputy City Attorney Lew reported that no reportable action had taken place during Closed Session.

The Pledge of Allegiance was led by Vice Mayor Ward.

Invocation -- a moment of silence was observed.

PRESENTATIONS

Employee of the Month

Employee Service Awards

Tulare County Economic Development Corporation (TCEDC) Update Presentation

AB 1234 REPORTS

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

1. Council of Cities - May 16, 2018

Council Member Flores reported on approval of minutes, discussion pertaining to commitment to the Tulare County Economic Development Corporation, mental health issues and services in the community, a joint meeting with Tulare County Board of Supervisors, homelessness, and legislative updates.

2. Eastern Tule Groundwater Sustainability Agency (GSA) - May 17, 2018

There was no report Council Member Hamilton's absence.

3. Tulare County Association of Governments (TCAG) - May 21, 2018

Council Member Flores reported on adoption of resolutions, informational items, legislative updates, and project status updates.

4. Joint City/School Committee - May 21, 2018

Council Member Flores reported on discussion pertaining to construction project updates, watering schedules, upcoming Farmers Market, 5-Year Transit Plan, and Safe to Tell Program.

5. Tulare County Economic Development Corp. (TCEDC) - May 23, 2018

Council Member Reyes reported on action to change the meetings from the fourth Wednesday of the month to the third Wednesday of the month, and acceptance of the budget.

REPORTS

I. Staff Informational Reports

1. Leisure Services Relocation

ORAL COMMUNICATIONS

- Barry Caplan, Porterville, welcomed back Mayor Stowe and wished him a speedy recovery; and requested that the staff and the Council keep inductive-loop traffic detectors in mind when repairing intersections.
- Mr. Sylvester, Porterville resident, spoke of issues he was having with a neighbor in the County's jurisdiction regarding an easement, and requested assistance in that regard.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-12.

AYES: Reyes, Flores, Ward, Stowe

NOES: None

ABSTAIN: None

ABSENT: Hamilton

1. CITY COUNCIL MINUTES OF APRIL 17, 2018

Recommendation: That the Council approve the draft Minutes of April 17, 2018.

Documentation: M.O. 01-060518

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE ASPHALT PAVING EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of specified asphalt paving equipment in an amount not to exceed \$ 559,898 (inclusive of all parts, taxes, and labor and a 15% contingency for equipment setup).
2. Direct the Finance Director to initiate Purchase Orders to the identified low bid vendors for the purchase of a Mechanical Drum Sweeper to Municipal Maintenance Equipment, and Asphalt Paver to Quinn Company in an amount not to exceed \$ 559,898 (inclusive of all parts, taxes, and labor and a 15% contingency for equipment setup).

Documentation: M.O. 02-060518

Disposition: Approved.

3. AWARD OF CONSULTANT SERVICE AGREEMENT FOR PLANS AND SPECIFICATIONS DIGESTER #3 REPAIR AND REHABILITATION PROJECT, AND ON-CALL INSPECTION SERVICE FOR WASTEWATER TREATMENT FACILITY (WWTF) DIGESTERS

Recommendation: That City Council:

1. Award the consultant service agreement for plans and specifications for Digester #3, and Digester Inspection Services to Carollo Engineers at an amount not to exceed \$300,000;
2. Authorize the Mayor to execute all contract documents; and
3. Authorize progress payments that concur with design engineering progress until proper closeout of the work.

Documentation: M.O. 03-060518

Disposition: Approved.

4. AUTHORIZATION TO MAKE REPAIRS TO SPECIALIZED HYDRO EXCAVATION EQUIPMENT

Recommendation: That the City Council authorize the repairs from Haacker Equipment not to exceed \$86,788 (cost is inclusive of all repairs, taxes, labor, and 10% contingency).

Documentation: M.O. 04-060518
Disposition: Approved.

5. AUTHORIZATION FOR TRAFFIC SIGNAL REPAIR AT PUTNAM AVENUE
AND MAIN STREET

Recommendation: That City Council authorize the cost for repair of the traffic signal at Putnam Avenue and Main Street to Loop Electric in the amount not to exceed \$30,992.

Documentation: M.O. 05-060518
Disposition: Approved.

6. UPGRADE OF PORTERVILLE POLICE DEPARTMENT'S TRACKER
EVIDENCE PROGRAM

Recommendation: That the City Council:

1. Authorize the Chief of Police to enter into an agreement with Tracker Products to upgrade the Department's Tracker Evidence Program; and
2. Authorize payment to Tracker Products upon receipt of Tracker Evidence Program upgrade.

Documentation: M.O. 06-060518
Disposition: Approved.

7. LABORATORY INSTRUMENT SERVICE CONTRACT

Recommendation: That the City Council:

1. Approve the service contract with Agilent Technologies for one (1) year;
2. Approve the service contract with Thermo Electron North America LLC for one (1) year, and
3. Authorize payment for these services from the laboratory operating budget.

Documentation: M.O. 07-060518
Disposition: Approved.

8. COOPERATIVE AGREEMENT WITH CALIFORNIA HIGHWAY PATROL
FOR USE OF THE POLICE FIRING RANGE

Recommendation: That the City Council:

1. Approve the Agreement for the period of 07/01/2018 thru 06/30/2021; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 08-060518
Disposition: Approved.

9. CORRECTION TO HOUSING AUTHORITY OF TULARE COUNTY RENTAL
RESTRICTION LOCATED ON 43 N. LOTAS STREET

Recommendation: That the City Council review, approve, and authorize the recording of the
corrected agreement.

Documentation: M.O. 09-060518
Disposition: Approved.

10. PARKS AND LEISURE SERVICES COMMISSION MEETINGS

Recommendation: That the City Council approve the Parks and Leisure Services Commission's
request to go dark for the months of July and August 2018, with the
Commission being available to meet if necessary.

Documentation: M.O. 10-060518
Disposition: Approved.

11. AUTHORIZATION FOR OUT-OF-STATE TRAVEL

Recommendation: That the City Council authorize out-of-state travel by two City of Porterville
Water Department personnel to Hunke Manufacturing Factory, located in
Snyder, Nebraska for the final inspection, training, and to drive the Well
Hoist Truck back to Porterville.

Documentation: M.O. 11-060518
Disposition: Approved.

12. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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

Documentation: M.O. 12-060518
Disposition: Approved.

SECOND READINGS

13. SECOND READING - ORDINANCE NO. 1847 - ZONE CHANGE (PRC 2017-
029-Z)

Recommendation: That the Council give Second Reading to Ordinance No. 1847, waive further reading, and adopt said Ordinance.

Mayor Stowe introduced the item and the staff report was waived per the Council's request.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council give Second reading to Ordinance No. 1847, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2017-029-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) FOR THE WINDSOR COURT TENTATIVE SUBDIVISION MAP AND DEVELOPMENT PROJECT LOCATED GENERALLY ON HENDERSON AVENUE, BETWEEN THE FRIANT KERN CANAL AND WESTWOOD STREET, waive further reading, and adopt said Ordinance.

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

On account of City Manager Lollis recusing himself due to a conflict of interest pertaining to real property, Administrative Services Director Patrice Hildreth read the Ordinance by title only.

Documentation: Ordinance No. 1847

Disposition: Approved.

SCHEDULED MATTERS

14. APPROPRIATION OF PROJECT MATCH FUNDING FOR FTA 5339(C) LOW OR NO EMISSION VEHICLE PROJECT

Recommendation: That the City Council:

1. Provide staff direction on which transit bus technology to pursue funding for the future; and
2. Provide staff direction on the draft resolution appropriating a local financial commitment for the FY 2018 Low or No Emission Grant Program.

City Manager Lollis introduced the item, and Transit Manager Rich Tree presented the staff report.

City Manager Lollis elaborated on funding for equipment replacement, emerging technologies, philosophical differences between state and federal as it pertained to low and no emission vehicles, and the future of mass transit.

Brandon Riley, President of GreenPower Motor Company, Inc., spoke to Buy America provisions and internationally sourced materials at the request of the City Manager.

Council members spoke in favor of moving forward with electric technology; and Acting Public Works Director Mike Reed expressed concerns regarding unknown costs associated with the maintenance and operation of electric vehicles.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council direct staff to move forward with electric technology; and approve the draft resolution appropriating a local financial commitment for the Fiscal Year 2018 Low or No Emission Grant Program.

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

Documentation: Resolution No. 34-2018

Disposition: Approved.

15. NEGOTIATIONS OF THE FY 2017/18 ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council consider the County's alternative increase of transfer payment based on CPI, and provide direction to staff in the negotiation of the FY 2017/2018 Transportation Agreement with the County of Tulare for the public transportation services provided to County residents in the Porterville Urbanized Area.

City Manager Lollis introduced the item, and Transit Manager Rich Tree presented the staff report.

A lengthy discussion followed, during which members of the Council stated that they were not interested in subsidizing transit service to County residents; and staff was directed to seek full cost recovery.

Documentation: None

Disposition: Direction given.

16. REQUEST FROM TURNING POINT OF CENTRAL CALIFORNIA FOR A PERMANENT SUPPORTIVE HOUSING PROJECT, CASA DE ROBLES 3 PROJECT

Recommendation: That the City Council consider the approval for a Memorandum of Understanding with Turning Point of Central California for the Casa de

Robles 3 project and adopt the draft resolution approving the appropriation of funds in the amount of \$15,000 from the City Council's Special Purposes Reserve Fund.

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

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Vice Mayor Brian Ward that the City Council approve a Memorandum of Understanding with Turning Point of Central California for the Casa de Robles 3 project and adopt the draft resolution approving the appropriation of funds in the amount of \$15,000 from the City Council's Special Purposes Reserve Fund.

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

Documentation: Resolution No. 35-2018

Disposition: Approved.

17. CONSIDERATION OF PROPOSED FISCAL YEAR 2018-2019 BUDGET AND
 SETTING OF DATE FOR PUBLIC HEARING

Recommendation: That the City Council:

1. Consider the proposed 2018-2019 Fiscal Year Budget, providing direction on any modifications; and
2. Schedule a Public Hearing on the proposed Budget for Tuesday, June 19, 2018.

City Manager Lollis introduced the item and presented the staff report. During his report, Mr. Lollis recommended an evaluation of the reserve funds in preparation of the next economic downturn; and spoke of CalPERS, Measure H, and an Ad Hoc Committee to consider the development of a strategy to fund the extension of sewer infrastructure to deficient areas.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve scheduling of a Public Hearing on the proposed Budget for Tuesday, June 19, 2018.

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

Documentation: M.O. 13-060518

Disposition: Approved.

ORAL COMMUNICATIONS

- Brandon Riley, Green Power, thanked the Council for its support; and stated that the company was excited to work with the community.

OTHER MATTERS

- Council Member Flores thanked public safety personnel for their efforts; spoke of her attendance at the veterans memorial dedication at Porterville College, the military banner ceremony, and Memorial Day Flag Ceremony; and thanked Parks and Leisure Services Director Donnie Moore and staff for successful implementation of the military banner program.
- Council Member Reyes spoke of his attendance at the memorial dedication and military banner ceremony, and upcoming Flag Day activities and KJUG concert on June 14th. He also spoke of proper flag disposal and thanked Vice Mayor Ward for suggesting the military banner program.
- Vice Mayor Ward spoke of his new motorcycle; inquired about library fines, library cards for county residents, and low hanging wires on Newcomb; and spoke of the need for street improvements on Matthew Street north of Henderson Avenue.
- Mayor Stowe lauded the recent ceremonies at Porterville College and Centennial Park; congratulated Public Works Director Mike Reed on 30 years of service to the City; requested a meeting with the county supervisor; stated that it was good to be back; and asked that police and fire personnel be careful.
- City Manager Lollis thanked Parks and Leisure Service Director Moore and Leisure Services Specialist Amy Graybehl for a successful banner ceremony; thanked staff who aided the most recent KJUG concert event; and announced the upcoming Leadership Porterville graduation and birthday of Council Member Flores.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:58 p.m. to the meeting of June 19, 2018.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 19, 2018, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha Flores, Council Member Cameron Hamilton, Vice Mayor Brian Ward, Mayor Milt Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 288 N. D Street, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert E & Joan Vanderhorst Trust. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1482 N. Highland Drive, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert E & Joan Vanderhorst Trust. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 269-120-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Thomas J & Deborah L O'Sullivan Trust. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, and Che Johnson. Employee Organizations: Porterville Peace Officers Association; Management and Confidential Series; Public Safety Support Unit; Porterville City Employees Association; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.
- 5** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three cases.
- 7** - Government Code Section 54957 – Public Employee Performance Evaluation – Title: City Manager.
- 8** - Government Code Section 54957 – Public Employee Performance Evaluation – Title: City Attorney.

6:46 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

The Pledge of Allegiance was led by Mayor Milt Stowe.

Invocation -- a moment of silence was observed.

PRESENTATIONS

Outstanding Business Honoree - Grocery Outlet Bargain Market
Chamber of Commerce Quarterly Report

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - June 6, 2018
Council Member Hamilton reported on action pertaining the formation of a community services district and participation dues; and of discussion pertaining to legislative items.
2. Eastern Tule Groundwater Sustainability Agency (GSA) - June 7, 2018
Council Member Hamilton reported on action regarding a call for funds and selection of an executive director.
3. Tulare County Association of Governments (TCAG) - June 18, 2018
Council Member Flores reported on approval of several resolutions, public hearings, recent appointments, and the next meeting on August 20th.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - Summer Hiatus
 2. Library & Literacy Commission - Summer Hiatus
 3. Arts Commission – no report
 4. Animal Control Commission – no report
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report
- II. Staff Informational Reports
 1. May 2018 Water Conservation Phase IV Status Update
 2. KJUG Summer Concert Series

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, announced the passing of Reverend Ivan Ball.
- Donna Serna, read statement on behalf of Daniel Penaloza requesting appointment to TUTOC, and lauding the Summer Night Lights showing of Despicable Me 3 at Murry Park.
- Ellen Nichols, Porterville, stated that she was unhappy with the scheduling conflict between the KJUG Concert Series concert and the Flag Day Ceremony.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Vice Mayor Ward reported a conflict with Item No. 5 pertaining to real property; Council Member Reyes reported a conflict with Item No. 9 pertaining to income; and Council Member Flores reported a conflict with Item No. 4 pertaining to real property.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Cameron Member Hamilton that the City Council approve Items Nos. 1-16 with noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 1, 2018

Recommendation: That the Council approve the draft Minutes of May 1, 2018.

Documentation: M.O. 01-061918

Disposition: Approved.

2. AUTHORIZATION TO "PIGGYBACK" ON EXISTING ASPHALT CONTRACT

Recommendation: That City Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 02-061918

Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT FOR OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate an OHV Park management services contract with Friends of Kern Open Space with the condition that revenue generated by the OHV Park for the City support the local match of \$24,639 required by the State OHV grant; and
2. Authorize the Mayor to sign all contract documents when completed.

Documentation: M.O. 03-061918

Disposition: Approved.

4. ASPHALT OVERLAY PROGRAM FOR 2018/2019

Recommendation: That the City Council approve the 2018/2019 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 04-061918

Disposition: Approved.

5. INTENT TO SET A PUBLIC HEARING FOR THE ANNUAL ASSESSMENT OF AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICTS

Recommendation: That the City Council set July 17, 2018, for the Public Hearing regarding the Annual Assessment of the Sewer Districts to the Tax Rolls.

Documentation: M.O. 05-061918

Disposition: Approved.

6. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:

1. Adopt Resolutions:

- a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19;
- b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19;
- c. Declaring the intent to levy and collect assessments for Fiscal Year 2018/19, and offering a time and place for hearing objections thereto.

2. Further, that the City Council set a public hearing for 6:30 PM on July 17, 2018, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19.

Documentation: Resolution No. 36-2018; Resolution No. 37-2018; and Resolution No. 38-2018.

Disposition: Approved.

7. CONSIDERATION OF AN EXTENSION OF TIME FOR THE VALLEY OAK TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a 36 month extension of time for the Valley Oak Subdivision Map

Documentation: Resolution No. 39-2018

Disposition: Approved.

8. CONSIDERATION OF AN EXTENSION OF TIME FOR THE ROYAL OAKS VESTING TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a 36-month extension of time for the Royal Oaks Subdivision Map.

Documentation: Resolution No. 40-2018

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - DOCUMENT SHREDDING EVENT - OAK AVENUE PARKING LOT - JUNE 22, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 06-061918

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - LANDMARK CHRISTIAN CENTER - MUSIC 4 LIFE - CENTENNIAL PARK - JUNE 23, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Landmark Christian Center, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 07-061918

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE, SIERRA VIEW MEDICAL CENTER AND VISALIA FARMERS MARKET – FARMERS MARKET – TUESDAYS IN THE MONTH OF JULY AND AUGUST BEGINNING JULY 17, 2018

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement submitted by the City of Porterville, Sierra View Medical Center and Visalia Farmers Market, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.
2. Approve the draft resolution authorizing the appropriation of funds in the amount of \$15,500 from the City Council's Special Purposes Reserve Fund to provide financial support to the event.

Documentation: M.O. 08-061918

Disposition: Approved.

12. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN - PORTERVILLE PEACE OFFICERS' ASSOCIATION

Recommendation: That the City Council approve the draft Resolution ratifying amendments to the Porterville Peace Officers Association Memorandum of

Understanding and other documents as are necessary to implement the provisions thereof.

Documentation: Resolution No. 41-2018

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - PARKS MAKE LIFE BETTER! MONTH
- JULY 2018

Recommendation: That the City Council consider approval of the request to proclaim July 2018 as Parks Make Life Better! Month.

Documentation: M.O. 09-061918

Disposition: Approved.

14. CANCELLATION OF JULY 3, 2018, CITY COUNCIL MEETING

Recommendation: That the City Council cancel the first Council Meeting in July scheduled for July 3, 2018 due to the Independence Day holiday.

Documentation: M.O. 10-061918

Disposition: Approved.

15. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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

Documentation: M.O. 11-061918

Disposition: Approved.

16. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER
CHARGING NON-CITY RESIDENTS FOR CITY LIBRARY CARD

Recommendation: That the City Council approve Vice Mayor Ward's request to consider charging non-city residents for a City Library Card as a Scheduled Matter at its next regularly scheduled meeting.

Documentation: M.O. 12-061918

Disposition: Approved.

PUBLIC HEARINGS

17. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST
INDEX

Recommendation: That the City Council:

1. Conduct the Public Hearing and consider all public testimony; and
2. Activate the ENR Cost Index automatic increase for FY 2018/2019 (6.63% increase).

City Manager John Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve activation of the ENR Cost Index automatic increase for FY 2018/2019 (6.63% increase).

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

Documentation: M.O. 13-061918

Disposition: Approved.

18. ADOPTION OF FISCAL YEAR 2018-2019 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2018-2019 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve taking separate action for the Chamber of Commerce allocation. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the 2018-2019 Fiscal Year Budget. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the Chamber allocation of \$35,000.

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

Documentation: M.O. 14-061918; Resolution No. 42-2018 and Resolution No. 43-2018; and M.O. 15-061918

Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE ("TUTOC")

Recommendation: That the City Council consider:

1. Reappointing Committee Members John Simonich, Russell Fletcher and Virginia Gurrola to four year terms ending in May, 2022; and
2. Appointing three individuals to fill three vacancies, one with a term expiring in May 2020, and two with terms expiring in May 2022.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the re-appointment of Committee Members John Simonich, Russell Fletcher and Virginia Gurrola to four year terms ending in May, 2022. The motion carried unanimously.

The Council discussed vacancies on both TUTOC and the Animal Control Commission, in light of there being more candidates than vacancies; and decided to utilize the McCracken method of voting. Ballots were distributed, collected and tabulated as follows:

Council Member Reyes:	Byars, Hall, Kovars
Vice Mayor Ward:	Byars, Hall, Penaloza
Mayor Stowe:	Byars, Hall, Kovars
Council Member Hamilton:	Byars, Hall, Kovars
Council Member Flores:	Byars, Hall, Penaloza

Brief discussion followed regarding the terms available. It was agreed that Shawn Byars and Jerry Hall, who had received the most votes in favor would be appointed to the terms ending 2022, and Janice Kovars would be appointed to the term ending 2020.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the appointment of Shawn Byars, Jerry Hall and to terms expiring in May of 2022 and Janice Kovars to a term ending in May of 2020. The motion carried unanimously.

Documentation: M.O. 16-061918; and M.O. 17-061918

Disposition: Approved appointments.

20. CONSIDERATION OF CALLING NOVEMBER 6, 2018 GENERAL ELECTION; REQUESTING CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Adopt the draft resolution calling the Election for November 6, 2018; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
2. Adopt the draft resolution requesting that the Board of Supervisors permit the Registrar of Voters to render specified services to the City for the November 6, 2018, Election;
3. Allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,400 per candidate cost for same;
4. Authorize that the County Election Department, 5951 South Mooney Boulevard, Visalia, California, be designated as the Central Counting Place for the November 6, 2018, General Municipal Election; and
5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. The Council briefly discussed candidate statement fees and the use of Tulare County for election services.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council adopt the draft resolution calling the Election for November 6, 2018; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting that the Board of Supervisors permit the Registrar of Voters to render specified services to the City for the November 6, 2018, Election; allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,400 per candidate cost for same; authorize that the County Election Department, 5951 South Mooney Boulevard, Visalia, California, be designated as the Central Counting Place for the November 6, 2018, General Municipal Election; and authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services. The motion carried unanimously.

Documentation: Resolution No. 44-2018; Resolution No. 45-2018; and M.O. 18-061918

Disposition: Approved.

21. REQUEST FOR CLARIFICATION ON STAFF'S IMPLEMENTATION OF ORDINANCE 1563 - FENCE ENCROACHMENTS

Recommendation: As council has directed staff to become more proactive regarding code enforcement and in light of the additional landscaping buffers required in the Development Ordinance, staff is requesting clarification on the areas of permissible fencing along corner residential lots within the City right of way.

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

Staff addressed questions from the Council regarding the history of encroachments onto City right of way, what an encroachment agreement entails, and maintenance of right of way, liability, and landscape maintenance districts for future development. The Council requested that the item be brought back.

Documentation: None
Disposition: Direction given.

ORAL COMMUNICATIONS

- Brock Neeley, thanked the Council and staff for preparation of the budget; and stated that fees associated with storage containers should be assessed based on the square footage.

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Flag Day Ceremony and KJUG Concert; congratulated the Leadership Porterville Class of 2018; and spoke of her presentation of recognition awards at the graduation ceremony.
- Council Member Hamilton congratulated Council Member Flores on her recent appointment to the County Water Commission; spoke of Mayor Stowe's speaking at Port Naz on Sunday; and inquired about the no turn on red at the intersection of Morton Avenue and Plano Street. He addressed comments made by Ms. Nichols with regard to the scheduling conflict stating that it was a tight schedule but do-able in that he was able to attend both events; and encouraged everyone to attend Freedom Fest.
- Council Member Reyes spoke of the Flag Day Ceremony and thanked Grocery Outlet Bargain Market for their continued support of the tradition; and announced a San Joaquin Valley Air Pollution Control District app that reported on air quality.
- Vice Mayor Ward dittoed previous congratulatory comments made; and reported that the left turn lane on Main Street was still not picking up his Department of Motor Vehicles classified "motorcycle"; requested the street sweeping schedule be posted on the City's website; and stated he was looking forward to Freedom Fest.
- Mayor Stowe spoke of his participation in the Leadership Porterville graduation ceremony; and expressed condolences to Field Services Manager Michael Knight whose father had recently passed away.
- City Manager Lollis stated that a recent visit from SCE was promising; and spoke of upcoming KJUG concert on June 28th and Police Department promotion ceremony on July 6, 2018.

CLOSED SESSION

None

ADJOURNMENT

The meeting adjourned at 8:34 p.m. to the meeting of July 17, 2018.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization to Purchase Battery Powered Hydraulic Extrication System with Funds from the 2017 State Homeland Security Grant

SOURCE: Fire

COMMENT: On April 3, 2018 the Porterville Fire Department was pleased to report that the City has been officially awarded a State Homeland Security Grant (SHSG) in the amount of \$32,977.

The grant was filed under the enhanced response capabilities project for the purchase of a battery-powered hydraulic extrication system. Staff recommends that Council approve the purchase of the extrication equipment through LN Curtis, who is the sole source provider for the battery-powered hydraulic extrication system.

RECOMMENDATION: That the City Council authorize the expenditure of the State Homeland Security Grant funds in the amount of \$32,977.

ATTACHMENTS: 1. LN Curtis bid

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Ph: 510-839-5111
 TF: 800-443-3556
 Fax: 510-839-5325
 oaksales@lncurtis.com
 DUNS#: 00-922-4163

CURTIS

TOOLS FOR HEROES

Pacific North Division
 1800 Peralta Street
 Oakland, CA 94607
 www.LNCURTIS.com
 Invoice No. INV192121

Invoice

SOLD TO:

Porterville City Fire Department
 291 North Main Street
 Porterville CA 93257

CITY OF PORTERVILLE

JUN 3 2 2018

ACCOUNTS PAYABLE

SHIP TO:

Porterville City Fire Department
 40 West Cleveland Avenue
 Porterville CA 93257

REMIT PAYMENT TO:

L.N. Curtis and sons
 Dept. 34921
 P.O. Box 39000
 San Francisco, CA 94139

INVOICE NO.	SALES ORDER NO.	INVOICE DATE
INV192121	399644	6/13/2018

DATE DUE	FOB	TOTAL
7/13/2018	DEST	\$32,976.20

CUST ORDER/PO NO.	ORDERING PARTY	CUSTOMER NO.	SALESPERSON	ORDER CLASS
LAND	Rick Land	C36150	Chris Parano	FR

LN	QTY	UNT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	1	EA	272085000 HURST	S 700E2 EDRAULIC CUTTER PACKAGE, CONSISTING OF: 1- S 700E2 CUTTER 1- CHARGER 2- EXL BATTERIES	\$10,358.00	\$10,358.00
2	1	EA	274085000 HURST	R421E EDRAULIC 2 RAM PACKAGE- CONSISTING OF 1- R421E2 RAM 1- CHARGER 2- EXL BATTERIES	\$7,940.00	\$7,940.00
3	1	EA	271555000 HURST	SP555E2 EDRAULIC 2 28" SPREADER PACKAGE - CONSISTING OF: 1 - SP555E2 SPREADER 1- CHARGER 2- EXL BATTERIES	\$11,540.00	\$11,540.00
4	1	EA	272085412 HURST	110V POWER SUPPLY ADPTR PLUG F/ EDRAULIC 2	\$625.00	\$625.00

TERMS NET 30

Service charge 1.5% per month added after 30 days

ACCT NO. 01-2101-73		
NET AMT. \$32,976.20		
AUTH. DEPT.	P.A.	FIN.
DATE		

Subtotal	\$30,463.00
Tax Total	\$2,513.20
Transportation	\$0.00
Total	\$32,976.20
Total Payments	\$0.00
Total Due	\$32,976.20

P.O. #



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization to Award Crushing and Screening Project

SOURCE: Public Works

COMMENT: Over the past several years, approximately 5000 tons of asphalt and concrete rubble from various projects, clean-up events, and utility repairs have accumulated at the rear of the city's corporation yard. Staff has determined that the material can be crushed, screened and combined into a Class III sub-base that can be utilized in a variety of ways.

Staff received the following bids for on-site crushing, screening and stockpiling of the material:

Contractor	Quoted Cost on Estimated Tonnage
Dunn's Sand	\$ 20,000
All Valley Crushing	\$ 23,200
Kern Asphalt	\$ 33,250
JV Recycling	\$ 37,000

Staff believes the low bid is acceptable. Funding for this project in the amount of \$40,000 is available in the FY 2018-2019 Capital Project Budget approved by Council on June 19, 2018.

RECOMMENDATION: That City Council:

1. Award the Crushing and Screening Project to Dunn's Sand at a cost not to exceed \$40,000 (bid amount plus contingency if the total tonnage of material exceeds the estimated 5000 tons).;
2. Direct the Finance Director to initiate a Purchase Order to Dunn's Sand for a not to exceed amount of \$40,000; and
3. Direct the Finance Director to make a payment to Dunn's Sand upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. Crushing and Screening bids

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

DUNN'S SAND, INC.
303 N. BEN MADDUX WAY
VISALIA, CA 93292

Office 559-734-5373 Fax 559-733-2322

CSL # A/B-725537

Proposal # 106-18

Date: June 6 2018

To: Joe Baeza
Attn: Public Works Dept.
Fax:

Phone: 559-361-6820

Job: City of Porterville
Crushing Project

Scope of Work:

Crush Approximately 4-5,000 Tons of Concrete & Asphalt
Approximately 90% Sized and Processed By Others
Mobilize: Crusher, Stacker, Loader, Excavator and Water Truck
Billed at \$4.00 ton all weights come off stacker scale

Exclusions:

Labor NOT to Comply with Prevailing Wage Rates
No guarantee of Class II Recycle Base rock to meet Cal-Tran's spec materials
No bonding included
Permits or Fees
Dust control is for our work only
Natural stone or hard rock
Any unforeseen obstacles
All work associated with SWPP and WPCP

Conditions:

Material will be crushed to 1" minus,
All equipment is in compliance with San Joaquin Air Board.
Crushing crew is MSHA Certified.

Payment Terms: Progress payments are due by the 15th of each month for preceding months and paid in full upon completion of crushing within 5 days

Dunn's Sand, Inc. maintains commercial general liability insurance with limits of \$1,000,000.00 per occurrence and \$ 2,000,000.00 aggregate.

All prices are based on current market value and availability of any needed materials. Any fluctuation in the current market will result in a change order.

Prices must be accepted within 15 days or this proposal will become null.

This quotation will be incorporated into the subcontract or contract between the parties.

A finance charge of 1-1/2% per month (18% per annual) shall be charged on all amounts which are not paid within 15 days of date of invoice. Such finance charges shall accrue as of the date of invoice. In the event that this account is referred out for collections, customer agrees to pay all cost including reasonable attorney's fees incurred to collect the same, whether or not court ordered.

Pre-Lien information regarding project needs to be submitted to office before start of the job.

Accepted By:

Please Sign Here: _____ Date: _____

Submitted By,

Mark Dunn
President
Dunn's Sand Inc.

ALL VALLEY CRUSHING CORP.

* DEMO * CONCRETE *

1601 N CLANCY CT, STE B * VISALIA, CA 93291 * PHONE 559-651-8000 * FAX 559-651-5830

BID PROPOSAL & SCOPE OF WORK

Date: 06/13/2018

To: City of Porterville
555 N. Prospect St.
Porterville, CA 93257

Attention: Wyndi Ferguson
Email: wferguson@ci.porterville.ca.us

Fax: **Phone:** 559-782-7513

Project: City of Porterville Recycle Yard

Bid and Scope Letter

Scope Section:

Concrete Pile - Crush into ¾" Class II Base Rock. Not to exceed 1,500 tons

Total Cost: \$4.00 a ton after 1,500 tons

Asphalt Piles (2) – Crush into ¾" minus fines. Not to exceed 2,700 tons

Total Cost: \$4.00 a ton after 2,700 tons

Total Bid: \$20,000.00

Water for crushing operation to be supplied by City of Porterville.

***All Valley Crushing Corp. is not responsible for roadway repairs caused by excavator.**

***All Valley Crushing Corp. keeps all steel scrap generated from crushing rubble pile.**

Excluded in this bid: ANY AND ALL – layout, traffic control, access, standby, hazardous material, patch back, concrete, forming, footings, boring, compaction test, survey/re-survey, grading, paving, landscaping, sealing, temp. power & lighting, dewatering, dust control, erosion/silt control, storm water pollution plan, hardpan/rock sawing, painting, prepping, purge of gas lines, steel & fabrication, coordination drawings/profile drawings, locating existing utilities, AVCC assumes no responsibility for unmarked/unknown underground utilities or any costs involved for repair of utilities, permits, fees, allowances, charges of any kind, excavation, shoring, backfilling/compaction, protective covers, and cleaning due to sawing or coring.

Conditions:

1. Above quotations are tax included and are subject to acceptance within 30 days, Unless an extension is mutually agreed to between the General Contractor and the Sub-Contractor.
2. Any additions, alterations or deletions to this bid form may make this bid null and void.
3. If awarded the contract the undersigned Can and Will upon the request of and at the expense of the General Contractor, at the established charge therefore, furnish a faithful performance bond and labor and materials bond with an authorized surety company.
4. Review, acceptance and revisions of contract by subcontractor.
5. Provide Certificate of Insurance Commercial General Liability
6. Bid and Scope Letter are to be attached to contract, as Scope Section
7. Signed Acceptance of Payment Schedule & Terms.
8. All Valley Crushing Corp., its subsidiaries, affiliates and joint venturers, shall not be bound by or comply with any labor agreement with any labor union.
9. Delinquent Payments are subject to interest and a Collection Fee. If a dispute arises concerning Payment, Contractor will be responsible for reimbursing Sub-Contractor for any legal costs and fees incurred by Sub-contractor in its efforts to collect Payment.
10. Provide hardcopy of plans, specs, addendums, etc. for each trade – CD not accepted as substitute.

Please contact me immediately, if you should have any questions or comments.

Submitted by:

Zackery Brigman
Project Manager
JT2/Brigman/BP

Upon Acceptance, Please Sign Below

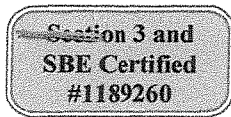
Signed: _____

Date: _____

Title: _____

Acceptance of Proposal – the above prices, scope, and conditions are satisfactory and are hereby accepted. All Valley Crushing Corp. is authorized to complete the work as specified. Payment will be made at completion of work phases. Interest will incur after 30 days of invoice date.

If bids are not paid in full for service, equipment, material, etc., a mechanics lien leading to the loss, through the courts foreclosure procedures will be placed against the property being improved. In case of legal action to collect, attorney fees will be added.



Proposal 91394

Estimator: Bryan Watson

KERN ASPHALT PAVING & SEALING CO., INC

ASPHALT PAVING, ALL TYPES OF
SEAL COATING, STRIPING,
BUMPER BLOCKS, & TRUCKING

2000 NORRIS ROAD, BAKERSFIELD, CA 93308
Phone: (661) 391-8000 Fax (661) 391-8080
STATE CONTRACTORS LICENSE #812686
DIR NUMBER: 1000004530

GRADING & EXCAVATION, ROAD
OILING, CRUSHING, MILLING &
GRINDING

PROPOSAL SUBMITTED TO:

ADDRESS: City Of Porterville
291 North Main Street
Porterville, CA 93257
CONTACT: Joe Baeza
FAX: 559-782-7514 (Joe)
PHONE: (559) 782-7499
E-MAIL: Jbaeza@ci.porterville.ca.us

DATE: 6/5/2018
JOB NAME: Crushing @ City Yard
JOB #: 91394
JOB LOCATION: 555 N. Prospect Street

PRICES GOOD FOR 15 DAYS FROM PROPOSAL DATE DUE TO FLUCTUATING OIL PRICES; ANY CONTRACT AGREEMENTS (FOR MATERIALS/SHIPPING) MUST BE REVIEWED BEFORE COMMENCEMENT OF PAVING PHASE OF CONTRACT.

1. Mobilize: Crusher, Stacker, Loader, 2 Excavators And Water Truck - \$3,500.00
2. Presize And Crush Miscellaneous Concrete And Asphalt To Make 1" Minus Material Approx. 6,500 Tons - \$5.95 Per Ton

Non Prevailing Wage

*Non Prevailing Wage Per City Instructions.

*Water Source To Be Provided Onsite.

*Mixing The Materials Together And Stacking All Together - Approved By City.

Kern Asphalt proposes to furnish material and labor for the Work subject to the terms and conditions of this Proposal for the following price.

Total

\$0.00

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Unless otherwise noted, this contract excludes bid bonds, surety bonds, waivers of subrogation, testing, engineering and permits, base under concrete, curb painting, utility trench patching, any other items not specifically listed in our scope of work in this proposal. (i) We are not responsible for the following: for damage to underground unforeseen utilities or buried structures, or damage done to equipment by these unforeseen items, residual cracking due to expansion and contraction of pavement, scuffing due to power steering and/or hot weather. (Longer drying times may be needed due to cold weather). (ii) Kern Asphalt does not guarantee the following: adhesion of material to badly oil soaked pavement, cracks in overlaid asphalt areas will not appear, and drainage when less than 1.5%. (iii) All vehicles and obstacles are to be removed from area, by customer, prior to Kern Asphalt's arrival. All work to be done Mon-Fri in one phase/mobilization.

Upon the customers acceptance of this proposal, and the "Additional Terms and Conditions" on Page 2, this will become the "Agreement" between the parties.

ACCEPTANCE OF THE "AGREEMENT" BY CUSTOMER:

Authorized Signature by Kern Asphalt:

Print: _____ Sign: _____ Date: _____

JV Recycling Inc.
3345 S K St
Tulare, CA 93274
United States
(559) 685-0504
joey.jvrecyclinginc@gmail.com



ESTIMATE

ADDRESS

City Of Porterville
555 N. Prospect
Porterville, Ca 93257

ESTIMATE # 1050

DATE 06/11/2018

EXPIRATION DATE 07/11/2018

ACTIVITY	QTY	RATE	AMOUNT
Crushing Crush and stockpile cement materials down to class III sub base size! (Per Ton price of \$6.15)	1	6.15	6.15
Crushing Crush and stockpile Asphalt materials down to class III sub base size! (Per ton price of \$6.55)	1	6.55	6.55
Trucking Mobilization and De mobilization of equipment from job site!	1	5,250.00	5,250.00

Thanks for the opportunity to bid on your project!

TOTAL

\$5,262.70

Accepted By

Accepted Date



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization to Award Cleaning of Anaerobic Digesters

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility (WWTF) is seeking authorization to clean digesters #1, #2 and #4 to assess the structural integrity and condition of internal components of the digesters. Carollo Engineers will be conducting the assessment and provide rehabilitation and structural repair recommendations for each digester.

The digesters will be taken offline one at a time to conduct the assessment. Once the assessment is complete the digester will be put back into service before the next digester is taken down for cleaning. This process will ensure that the anaerobic bacteria responsible for the stabilization of organic matter have adequate time to acclimate to their environment and ensure compliance with the Code of Federal Regulation 40 part 503 Regulations.

Staff contacted three (3) reputable digester cleaning companies for quotes to clean the digesters. Of the three companies that were contacted only Wastewater Solids Management Company submitted a quote for the project. The submitted quote(s) are as follows:

Wastewater Solids Management Company

Digester #1 - \$14,290

Digester #2 - \$11,960

Digester #4 - \$14,290

Synagro – Unresponsive

Merrell Brothers Incorporated - Unresponsive

Wastewater Solids Management Company has been identified as the lowest bidder, therefore securing the cleaning of digester #1, #2 and #4 for a total project amount not exceed \$44,594, which includes a ten percent contingency for each digester. Expenditure for the cleaning is to be funded from the 2018/2019 Wastewater CIP Budget.

RECOMMENDATION: That City Council:
1. Award the cleaning of digesters #1, #2 and #4 to Wastewater Solids Management Company for a total project amount not to exceed \$44,594, which includes a ten percent contingency per digester;

2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company for a not to exceed amount of \$44,594, which includes a ten percent contingency per digester; and
3. Direct the Finance Director to make payment to Wastewater Solids Management Company upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. Wastewater Solids Management
2. Merrell Brothers Inc
3. Synagro Co

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

City of Porterville
Request for Proposal
City of Porterville – Digester Rehabilitation

① ESTIMATION DATE: FEBRUARY 28, 2018

① Mobilization/Demobilization: \$ 1,330.00
Digester Cleaning & Onsite Removal: \$ 12,960.00
Project Total: \$ 14,290.00

① Description:

- ① Wastewater Solids Management Co., Inc. will remove all sludge, grit, sand, rags, plastics, grease and other miscellaneous debris from the digester structure. Prior to turning over the primary digester for cleaning operations, City of Porterville personnel will drain the digester below the side hatch entryway. There will be approximately 90,000 gallons of material remaining in place (9.5'). The sludge material will be transferred to onsite sludge storage beds, located $\leq 100'$ from the digester structure. WWSMC will hydro-wash the interior of the digester at the City of Porterville Wastewater Treatment Plant utilizing high volume water (300 gpm, 80 psi). Hydro-washing services will remove sludge and other material from the interior surfaces of the digester structure, however, some closely adhered materials may remain upon completion. (Struvite, vivianite, etc.). Wastewater Solids Management Co., Inc. will provide these services with the following provisions:

- ① Digester Dimensions: D: 40'; SWD: 29'; Solids Depth: 9.5'
- ① Maximum volume: 90,000 gallons (estimated)
- ① $\leq 8\%$ solids concentration
- ① Coned bottom surface
- ① Minimum top access: 30"; Minimum side access: 30"
- ① ≤ 100 ft. to sludge beds & staging area
- ① Prevailing wage determinations included

This will include all labor and materials except as listed below.

- ① City of Porterville will provide the following:
- ① 100 amps; 480 V; 3-phase power available
 - ① Water available: 300 gpm, 80 psi (1 1/2" connection or other)
 - ① Remove & replace access hatch covers
 - ① Sufficient storage space for sludge solids
 - ① Sufficient staging area for WWSM, Inc. Equipment
 - ① Equipment for the unloading and placement of WWSM, Inc. equipment (backhoe or other).

Download Show email

Re: City of Porterville, CA

This message has a digital signature, but it wasn't verified because the S/MIME control isn't installed. To install S/MIME, click here.

DS

Dustin Smith <dustin@merrellbros.com>

Tue 7/24, 12:40 PM

Robert Alvarez; Dustin Smith <dustin@merrellbros.com>

Reply all |

Thanks for the info. We will not be interested at this time.

Dustin M. Smith

Chief Business Development Officer

Merrell Bros. Inc

8811 W. 500 N.

Kokomo, IN 46901

Office: 1-800-663-8830

Cell: 765-438-3152

www.merrellbros.com

Whatever you do, work at it with all your heart, as working for the Lord, not for men. Colossians 3:23

On Jul 24, 2018, at 3:39 PM, Robert Alvarez <ralvarez@ci.porterville.ca.us> wrote:

No need to dewater, transport or dispose of sludge. It will be pumped to a sludge bed and will be disposed by the City of Porterville. Last cleaned about 7 years.

From: Dustin Smith <dustin@merrellbros.com>

Sent: Tuesday, July 24, 2018 12:17 PM

To: Robert Alvarez

Subject: Re: City of Porterville, CA

Robert

Thanks for contacting us. Will there be any need for belt press dewatering, transportation, and disposal of the sludge from the digester? When were these digesters last cleaned?

[Unverified Sender] RE: City of Porterville

TY Timothy Yanavage <tyanavage@SYNAGRO.com>
Sun 7/29, 5:01 PM
Robert Alvarez

Reply all |

Robert,
Good Afternoon – I apologize for the delay but; we will not be able to submit quotation.
Best Regards,
Tim

From: Robert Alvarez [<mailto:ralvarez@ci.porterville.ca.us>]
Sent: Wednesday, July 25, 2018 12:37 PM
To: Timothy Yanavage <tyanavage@SYNAGRO.com>
Subject: Re: City of Porterville

Hi Tim,

Checking to see if you are still interested in submitting a quote for the cleaning of the digesters?
Please let me know either way.

Regards,

Robert

From: Robert Alvarez
Sent: Thursday, July 12, 2018 11:54:05 AM
To: Timothy Yanavage
Subject: Re: City of Porterville

No formal specs or bid. Would like to have the information as soon as possible.

From: Timothy Yanavage <tyanavage@SYNAGRO.com>
Sent: Thursday, July 12, 2018 11:06 AM
To: Robert Alvarez
Subject: [Unverified Sender] RE: City of Porterville

Robert,
Good Morning – Are there any formal specs? Will this go out for bid or proposal? How soon do you need the information?
Thanks,



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Bid Results - Various Concrete and ADA Improvements Project

SOURCE: Public Works

COMMENT: On August 22, 2018, staff received two (2) bids for the Various Concrete and ADA Improvements Project. The limits of the project will include improvements along Porterville City Hall, along the Centennial Plaza Building, a portion of concrete curb, and gutter and sidewalk along Second Street and Third Street. The project will also include improvements at the Porterville Police Department Shooting Range. These improvements are necessary due to non-conformance with ADA. Staff continues to actively update our City Facilities to conform with ADA policies.

The bids are as follows:

Contractor	Amount
1. MAC General Engineering Porterville, CA	\$330,584.00
2. Todd Companies Visalia, CA	\$332,818.75

The Engineer's estimate of probable cost for construction is \$197,334.50. The lowest responsive bid is \$330,584, 67.52% above the Engineer's estimate. An additional \$33,058.40 is necessary for construction contingency (10%). It is anticipated that \$33,058.40 is required for construction management, quality control and inspection services (10%) for a total estimated project cost of \$396,700.80.

It is City Council's policy to reject all bids when the bid exceeds 10% of the Engineer's Estimate. Although the possibility exists that the City will receive favorable bids if re-advertised, there are no guarantees that the City will receive less costly bids, and will likely necessitate a change in scope of the design of the project and/or an increase in the budget appropriation.

The cost difference between the Engineer's estimate and the bid results is due to a couple of changes in the scope of work and significant unforeseen cost differences. Additional areas of work were included during the bidding process that were not accounted for in the original estimate. The cost of the additional items would have accounted for a five percent increase from the

original estimate. However, it was the costs in bid items such as mobilization, demolition, concrete materials, and asphalt paving, to name a few, that were significantly higher. It was anticipated that mobilization and demobilization costs for one project would be less expensive since equipment would be mobilized within the City and it would cost less to move equipment from one area to another. Concrete for curb and gutter and concrete encasement have higher costs than what is usually seen, where concrete were nearly double the cost due to prevailing wages now applying to concrete ready-mix truck drivers. The cost of material and labor at this time is a lot higher due to the economic environment present today, and thus past bid data does not apply. These unforeseen circumstances put the project at a higher cost than anticipated.

Funding for the project is approved in the 2017/2018 FY budget. Initial planned funding appropriations as defined in the 2017/2018 FY Annual Budget are from three separate funding sources; 1) Asset Forfeiture Fund in the amount of \$20,000; 2) Local Transportation Funds in the amount of \$30,000; and 3) Surface Transportation Program Funds in the amount of \$150,000. At the April 3, 2018 council meeting, Council approved an additional \$36,801.40 of Local Transportation Funds. To fully fund this project, an additional \$159,899.40 of Local Transportation Funds is needed. The 18/19 Fiscal Year Budget identifies approximately \$20,000,000 in street related projects and the probability of completing all of the projects during this fiscal year will prove to be difficult, assuring Local Transportation Funds are available to augment the project construction budget.

Staff is recommending award of the contract due to the current economic climate. If the project were to get re-advertised with areas of work removed, the possibility of even higher than expected bids would not be favorable and less work would be completed.

RECOMMENDATION: That the City Council:

1. Award the Various Concrete and ADA Improvement Projects to MAC General Engineering in the amount of \$330,584;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 10% for construction management, quality control and inspection; and
4. Authorize the Finance Director to appropriate \$159,899.40 of additional Local Transportation Funds needed to fully fund the project.

ATTACHMENTS: 1. Locator Map - ADA and Concrete

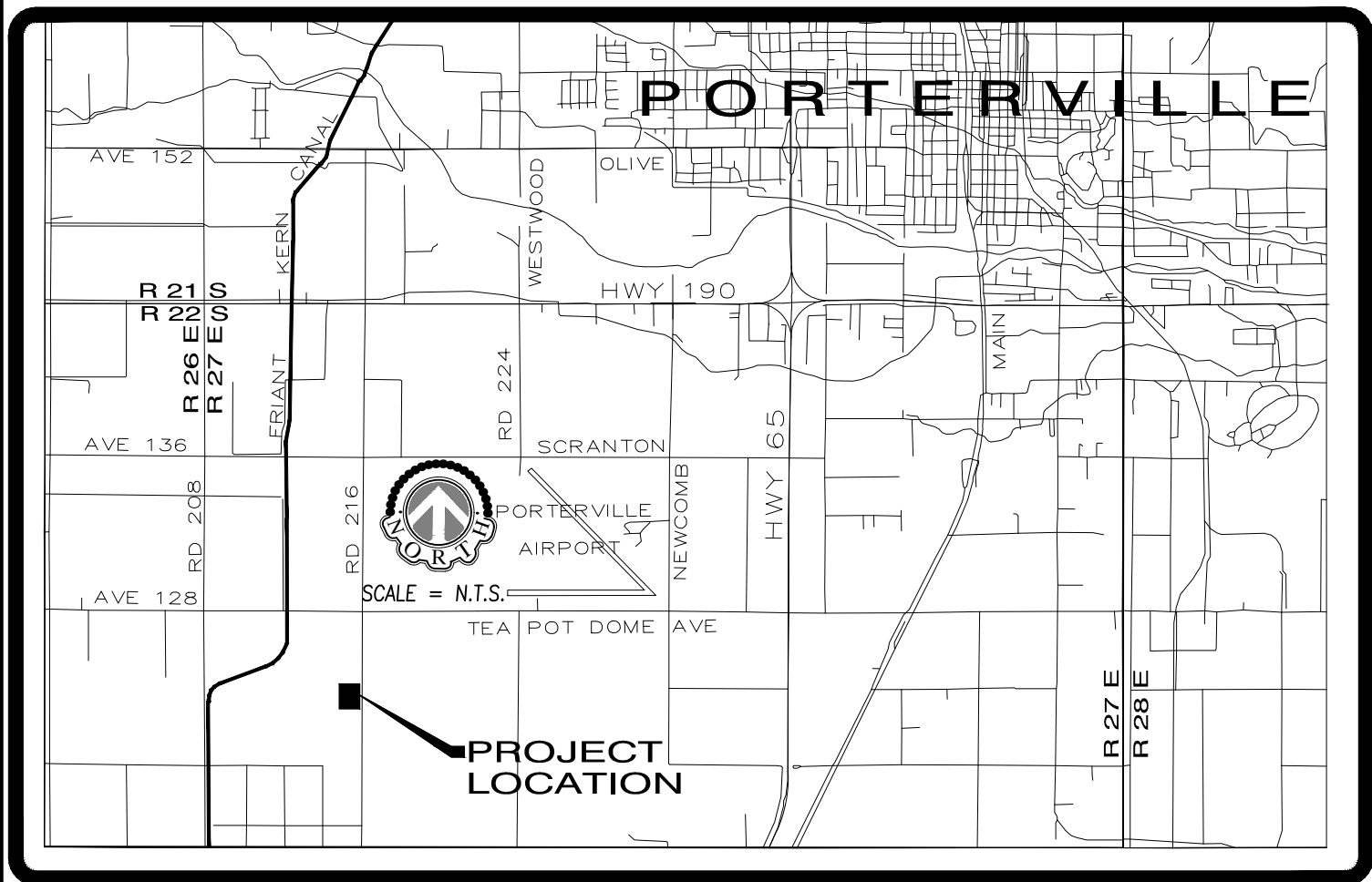
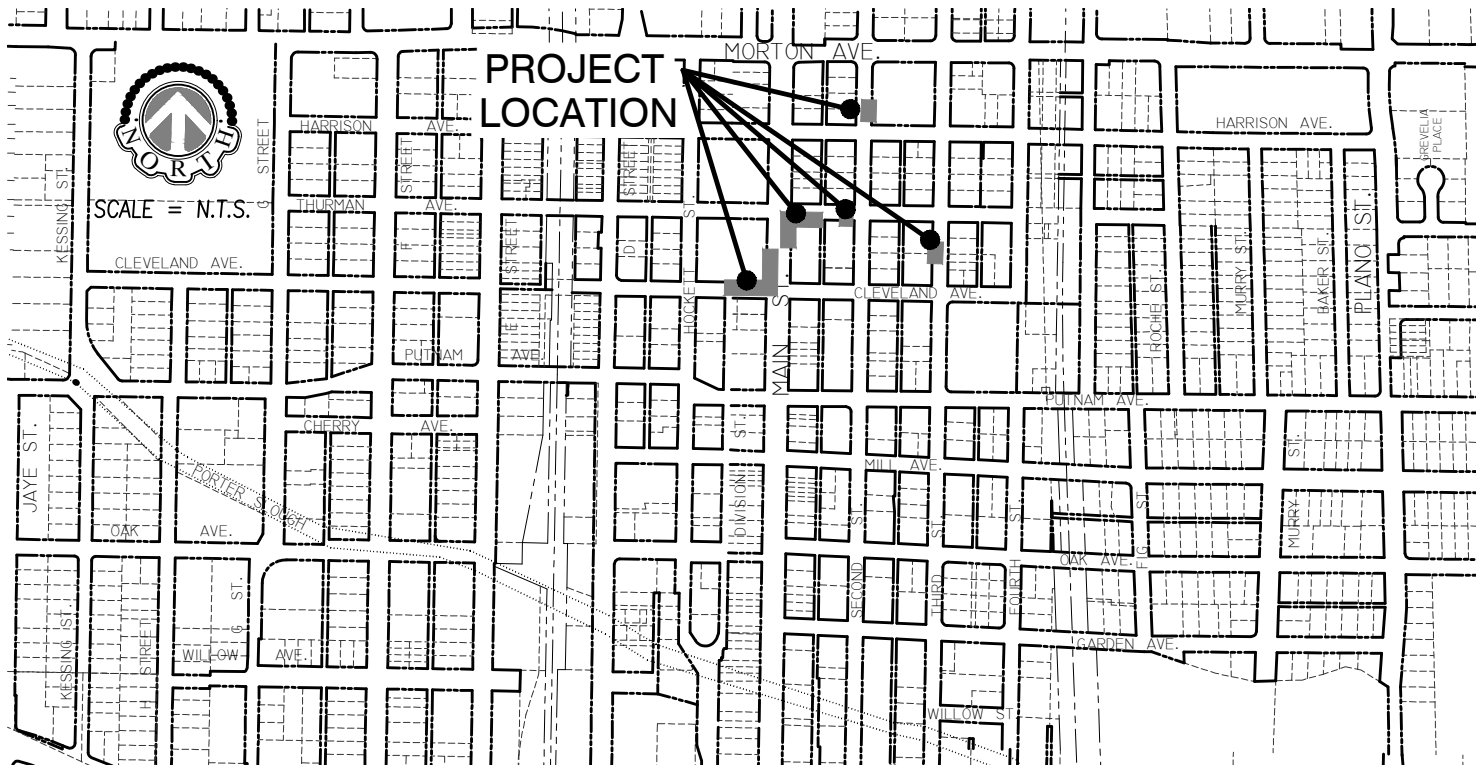
Appropriated/Funded: MB

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

VARIOUS CONCRETE AND ADA IMPROVEMENT PROJECT

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



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Acceptance of Subdivision Improvements - Summit Estates 2, Phase 1 (Jason Moyes - Smee Homes, Inc.)

SOURCE: Public Works

COMMENT: The Subdivider, Jason Moyes – Smee Homes, Inc., has requested that the public improvements constructed for his subdivision be accepted by the City for maintenance. All required improvements, excluding sidewalks, have been completed, inspected by City staff and found to be acceptable. A Landscape and Lighting District (LLD) was also a requirement of the development for streetlighting only. Improvements associated with the district have also been inspected by City staff and found to be acceptable.

The Subdivider has on file a one (1) year maintenance guarantee for five percent of the total cost of improvements and remaining public sidewalk security via cash deposit.

RECOMMENDATION: That the City Council:

1. Accept the public improvements, including those related to the Landscape & Lighting District of Summit Estates 2, Phase 1 Subdivision for maintenance;
2. Authorize the City Clerk to file the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENTS: 1. Locator Map

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

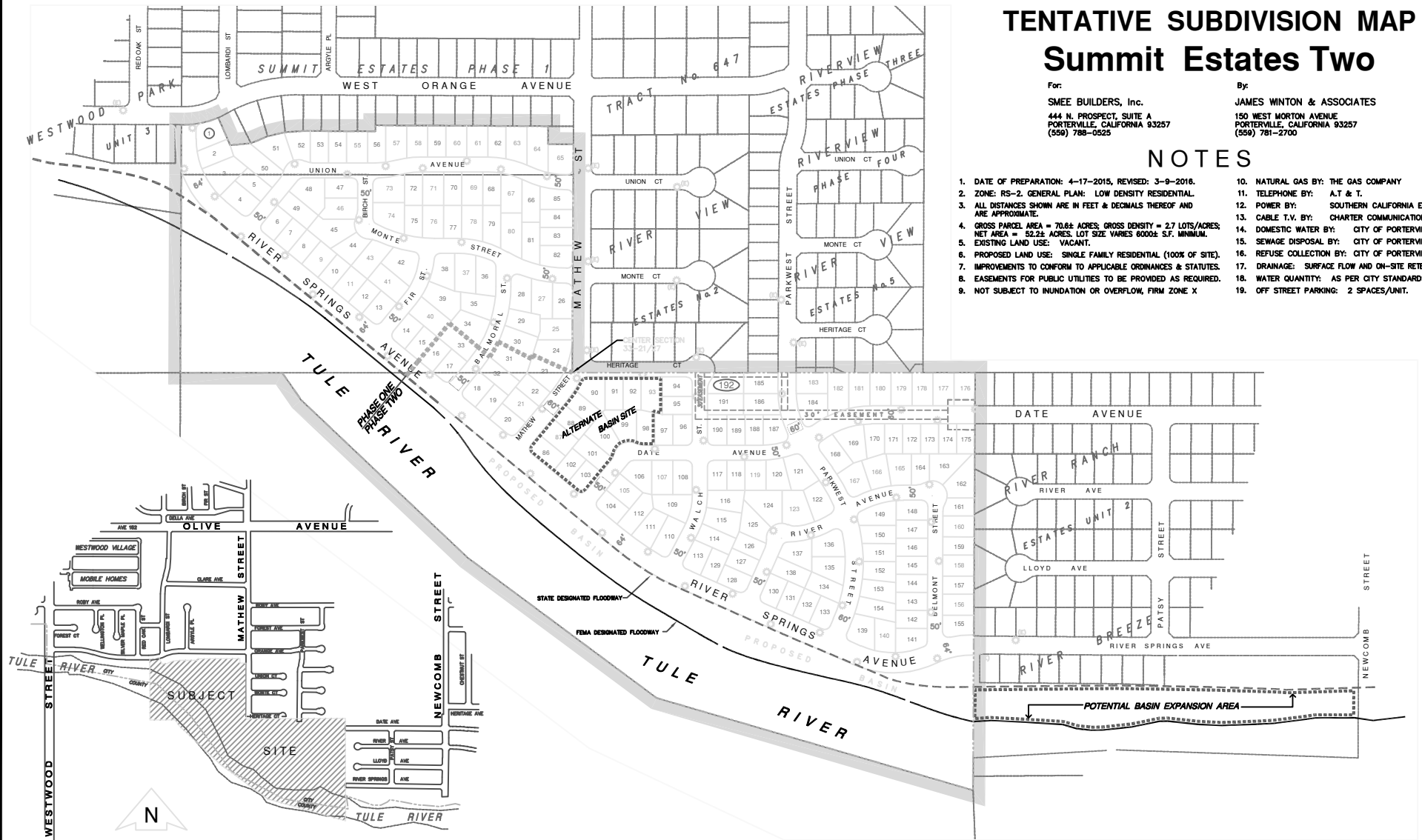
TENTATIVE SUBDIVISION MAP Summit Estates Two

For:
SMEE BUILDERS, Inc.
444 N. PROSPECT, SUITE A
PORTERVILLE, CALIFORNIA 93257
(559) 788-0525

By:
JAMES WINTON & ASSOCIATES
150 WEST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257
(559) 781-2700

NOTES

1. DATE OF PREPARATION: 4-17-2015, REVISED: 3-9-2016.
2. ZONE: RS-2. GENERAL PLAN: LOW DENSITY RESIDENTIAL.
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
4. GROSS PARCEL AREA = 70.8± ACRES; GROSS DENSITY = 2.7 LOTS/ACRES; NET AREA = 52.2± ACRES; LOT SIZE VARIES 8000± S.F. MINIMUM.
5. EXISTING LAND USE: VACANT.
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE).
7. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
8. EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO INUNDATION OR OVERFLOW, FIRM ZONE X
10. NATURAL GAS BY: THE GAS COMPANY
11. TELEPHONE BY: A.T. & T.
12. POWER BY: SOUTHERN CALIFORNIA EDISON CO.
13. CABLE T.V. BY: CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY: CITY OF PORTERVILLE
15. SEWAGE DISPOSAL BY: CITY OF PORTERVILLE
16. REFUSE COLLECTION BY: CITY OF PORTERVILLE
17. DRAINAGE: SURFACE FLOW AND ON-SITE RETENTION
18. WATER QUANTITY: AS PER CITY STANDARDS.
19. OFF STREET PARKING: 2 SPACES/UNIT.

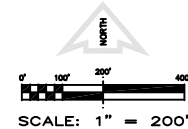


LEGEND

- PROPERTY BOUNDARY
- EXISTING STREET LIGHT
- PROPOSED STREET LIGHT

LOCATION MAP

NOT TO SCALE





CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization to Execute a Consultant Service Agreement for the Animal Shelter Facility Project (185 South D Street)

SOURCE: Public Works

COMMENT: On March 2, 2018, staff received four (4) Statement of Qualifications for the architectural design and construction assistance services for the Animal Shelter Facility (185 N. "D" Street) Project. The proposals were ranked in accordance with the "Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services" adopted by City Council (Resolution # 16-2001). Staff reviewed, rated the firms and on April 17, 2018, City Council authorized the Public Works Director to negotiate a contract with Rania Alomar Architects, Inc.

The negotiations have been prolonged for several reasons, primarily due to a change in the original scope of services. Staff included plans and specifications for street frontage improvements so as to comply with the Downtown Design Guidelines (parkway strip, parkway trees, etc.) and the Americans with Disabilities Act. These design services will be funded by Local Transportation Funds. Additional design service include plans and specifications for a pedestrian trail from Putnam Avenue to Olive Avenue. Inclusive of this scope is the implementation of a dog park. These design services will be funded by Measure R Bike and Pedestrian Funds.

The scope of services and fee structure is as follows:

Scope A	Scope B	Scope C	Scope D
Predesign/Budget	Architectural Services	D Street Frontage Improvement	Rails to Trails Path/Dog Park
\$19,130	\$400,000	\$75,000	\$225,000
Total:			\$719,130

Staff was expecting consultant fees to range from \$300,000 to \$500,000 for the architectural services specifically. Staff was able to negotiate these services at a fee of \$419,130, of which \$19,130 (Scope A) is specifically set aside for determining a project that is within a budget acceptable to the Council prior to commencement of the design services (Scope B and Scope C). This portion of the work will be funded by Measure H and Building Construction Fund as programmed in the FY2017-2018 capital improvements budget.

RECOMMENDATION:

That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement, upon approval by the City Attorney, with Rania Alomar Architects, Inc. in the amount of \$719,130;
2. Authorize the Finance Director to augment the FY 2018/2019 annual budget to include \$75,000 of Local Transportation Funds for the D Street Frontage Improvements; and
3. Authorize the Public Works Director to secure Measure R Funds for the design of the Bike and Pedestrian Path from Putnam Avenue to Olive Avenue in the amount of \$225,000.

ATTACHMENTS:

1. Service Agreement - Rania Alomar Architects
2. Scope of Services
3. Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

SERVICE AGREEMENT

DATE: August 2, 2017

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Rania Alomar Architects, Inc., hereinafter referred to as "CONSULTANT".

RECITALS: CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: Animal Shelter Facility

Description of Project: In general, Consultant to provide design and engineering services for the Animal Shelter Facility project. Details are summarized in the Scope of Services as Attachment "A".

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES:

CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in the attached Scope of Services.

SECTION 2. PAYMENT:

In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis not to exceed **Seven Hundred Nineteen Thousand One Hundred and Thirty Dollars**, (\$719,130).

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. CONSULTANT should receive payment within 45 days of the date the bill is received.

SECTION 3. COMPLETION DATE:

The services to be performed by CONSULTANT will be commenced upon execution of this agreement and all "work directives" shall be completed by (date). In the case of ongoing testing and results protocol, the CONSULTANT shall submit results as required to CITY, State and/or Federal governing agencies.

SECTION 4. FAMILIARITY WITH PROJECT:

CONSULTANT certifies and agrees that it is fully familiar with all of the details of the project required to perform its services. CONSULTANT agrees it will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information.

SECTION 5. INDEPENDENT CONTRACTOR:

It is expressly understood that CONSULTANT is entering into this contract and will provide all services and materials required hereunder as an independent contractor and not as an employee of CITY. CONSULTANT specifically warrants that it will have in full force and effect, valid insurance covering:

- (i) Full liability under worker's compensation laws of the State of California; and
- (ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars (\$1,000,000) per occurrence; and
- (iii) Errors and Omissions insurance of One Million Dollars (\$1,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars (\$50,000) or more, the City may require a Surety Bond for the deductible; and
- (iv) Automotive liability in the amount not less than One Million Dollars (\$1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents

and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. ***To the fullest extent permitted by law***, CONSULTANT agrees to indemnify, defend (at CITY'S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents, ***or CONSULTANT'S activities related to the terms and conditions of or implementation of this Agreement.***

SECTION 6. WORKMANSHIP AND MATERIALS:

Every part of the work herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT:

It is acknowledged by the parties that CITY has entered into this contract with the express understanding that CONSULTANT will perform all work. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION.

CONSULTANT will not discriminate against any employee, or applicant for employment as required by applicable Federal and State law.

SECTION 9. CONFLICT OF INTEREST CODE:

CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code." Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION:

Either party for just cause may terminate this contract by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT:

It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE:

If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that this Agreement is entered into and is to be performed in Tulare County, California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

CONSULTANT

By _____

By _____

Date _____

Date _____

RA-DA

Rania Alomar Architects, Inc.
7523 Norton Avenue, West Hollywood, CA 90046
T. 323 851-4040 / F. 810 821-0449 / www.ra-da.com

August 17, 2018

To: Michael K Reed
Public Works Director
City of Porterville
291 N Main Street
Porterville, CA 93257

PROJECT TITLE: PORTERVILLE ANIMAL SHELTER PROJECT

SCOPE A: Animal Shelter Predesign - Costing Phase

SCOPE B: Animal Shelter Building Renovation – Full A/E Professional Services

SCOPE C: 'D' Street Frontage Improvements

SCOPE D: Trail and Dog Park

Dear Mr Reed,

Thank you for this opportunity to work with you on these projects. Attached is our fee proposal for the four parts as described above. Please let me know if you have any questions or would like to review together.

Sincerely,

A handwritten signature in black ink, appearing to be 'RA' or 'Rania Alomar', written in a stylized, cursive-like font.

Rania Alomar, AIA

Date: 08/17/2018

RA-DA

7523 Norton Avenue, West Hollywood, CA 90046 // 323.851.4040 // rania@ra-da.com

Porterville Animal Shelter ANIMAL CARE CENTER

RA-DA FEE SUMMARY
8/15/2018

ADDRESS: 185 North D Street, Porterville
AREA: 11,000 gross SF
BUDGET: tbd
SCOPE A: Animal Shelter Predesign - Costing Phase
SCOPE B: Animal Shelter Building Renovation – Full A/E Professional Services
SCOPE C: 'D' Street Frontage Improvements
SCOPE D: Trail and Dog Park

		SCOPE A	SCOPE B					SCOPE C	SCOPE D
DISCIPLINE	CONSULTANT	PREDESIGN PHASE	SCHEMATIC DESIGN PHASE	DESIGN DEVELOPMENT PHASE	CONSTRUCTION DOCUMENTS PHASE	PERMIT / BID PHASE	CONSTRUCTION ADMINISTRATION PHASE	D STREET FRONTAGE IMPROVEMENTS	RAILS TO TRAILS
Architect	RA-DA	\$9,200.00	\$41,700.00	\$57,600.00	\$89,120.00	\$13,920.00	\$75,000.00	\$7,875.00	\$44,665.00
Local Architect	Townsend Architects	\$2,000.00	\$0.00	\$0.00	\$0.00	\$4,900.00	\$14,500.00	\$4,250.00	\$4,500.00
MEP Engineers	Creative Engineering Group		\$10,000.00	\$12,000.00	\$14,000.00	\$4,500.00			\$4,500.00
Structural Engineer	Lane Engineering Inc.				\$6,800.00				\$0.00
Survey (Civil)	Lane Engineering Inc.		\$6,900.00					\$6,900.00	\$11,000.00
Underground Utilities	Lane Engineering Inc.								\$27,850.00
Civil Engineer	Lane Engineering Inc.				\$14,500.00	\$1,900.00	\$2,100.00	\$30,000.00	\$72,000.00
Landscape Architect	Sierra Designs, Inc.							\$18,500.00	\$50,000.00
Cost Estimator	Jacobus & Yuang	\$7,130.00	\$3,500.00		\$6,170.00			\$0.00	\$7,245.00
Spec Writer	Kathryn Marek			\$3,000.00	\$7,000.00	\$6,200.00		\$9,670.00	\$3,240.00
Acoustical Consultant	RS Acoustics							\$15,900.00	
								\$0.00	
		\$18,330.00	\$62,100.00	\$72,600.00	\$137,590.00	\$31,420.00	\$91,600.00	\$73,400.00	\$225,000.00
REIMBURSABLES Not To Exceed:		\$800.00						\$1,600.00	included
		\$19,130.00	Full Service A+E Professional Services FEE					\$75,000.00	\$225,000.00
			original fees					\$87,234.00	\$243,576.00
			City Offer:					\$75,000.00	\$225,000.00

NOT INCLUDED:

- _ Fire alarm Design
- _ Sprinkler Design (this will be design-build)
- _ Security System Design
- _ IT design
- _ Soils Tests / Geotechnical services
- _ Hazardous Materials Report or services
- _ Dry Utilities consultant

\$40,500.00

_ City Specifications will be used for all exterior sitework (excluding buildings, structures or architectural features) - note these will not be reformatted and will only be minimally edited so that they correspond with the construction documents.

Porterville Animal Shelter ANIMAL CARE CENTER

RA-DA Scope, Workplan and Fee Summary

8/15/2018

ADDRESS: 185 North D Street, Porterville

AREA: 11,000 gross SF

BUDGET: tbd

PROJECT DESCRIPTION:

Interior Tenant improvement of a single story existing bank building to turn into an animal care and adoption center. Program and layout will be based on the plan provided

Predesign and Budget verification (~ 4 wks)

Building and Zoning Code analysis

\$2,960.00

RA-DA will review the code and prepare a chart of plumbing fixture requirements and parking requirements for the site. If the current plan does not already meet these requirements, we will update the plan to reflect the correct counts. This phase is limited in scope and assumes we will make minimal changes to the current floor plan and site plan.

Cost exercise

\$6,240.00

- V1** RA-DA will annotate the plan provided by the City to include as much general information as makes sense at this stage and then have our cost estimator prepare a preliminary estimate of probable cost for the project

This will then be reviewed by the City and feedback provided to the team.

- V2** If the estimate is not in line with the desired budget, RA-DA will confer with the City and come up with an alternate design or approach (such as phasing) that reduces the cost of the current project.

After reviewing the revised plan with the City, RA-DA will have our cost estimator provide an estimate of probable cost for that plan.

This will then be reviewed by the City and feedback provided to the team.

- V3** If the estimate is *still* not in line with the desired budget, RA-DA will confer with the City and come up with a third alternate design or approach that reduces the cost of the project.

After reviewing the revised plan with the City, RA-DA will have our cost estimator provide an estimate of probable cost for that plan

\$9,200.00

FRONTAGE IMPROVEMENT

\$7,875.00

SCOPE: The frontage improvements include the removal and replacement of the concrete walk along the ~300ft frontage of the building. This will be repalced with stamped colored concrete. The installation of roughly eight decorative street lights and 8 tree wells along this section. Also included is the replacing of two drive approaches with the current C-20 modified drive approach. We will also install a few benches and trash cans. These improvements will be funded separately from the building improvements. Also, the current city water line adjacent to the frontage is a 4" CIP. The city will be designing and constructing a new water main parallel to the existing main. The city will construct the necessary hydrant connections for this area. In the building cost estimate, figure funding for the 4" fire sprinkler connection to the new stubbed lateral and the necessary backflow/ fire department connection for the onsite water improvements.

RA-DA will coordinate Civil and Landscape Consultants and manage the project. We will work with the City to arrive at a schematic design of the frontage improvements before moving forward into construction documents. RA-DA will be responsible for preparing a Site plan for the improvements that references Civil and Landscape drawings. The City will provide engineering for street lighting.

(Note that no additional meetings added for this scope. It is expected that this area of work will be covered in regular meetings for the Animal Shelter building.)

\$7,875.00

RA-DA

7523 Norton Avenue, West Hollywood, CA 90046 // 323.851.4040 // rania@ra-da.com

PORTERVILLE ANIMAL CARE CENTER

BUILDING DESIGN & DOCUMENTATION

PHASE 1 - Schematic Design Phase (SD) (~ 6 wks)

\$41,700.00

Design

Based on the approved approach, RA-DA will refine the plan and develop the design approach to key areas. We will build key areas in 3-dimensions and generate a preliminary set of drawings to describe the scheme. RA-DA will work with our consultants to establish critical parameters and needs of the project. We will share a basic program with the client group for review and approval. We will also start conversations with key governing agencies to review fundamental ideas proposed in the design such as raised kennels. We will present progress and design in a client review meeting at the end of this phase.

Cost

The Schematic Design Package shall be given to our cost estimator to prepare an estimate of probable cost. When this estimate is completed we shall review it with the team and the Client to see if any value engineering needs to be performed. Before moving into the next phase we will identify items to be value engineered and create an outline of our cost goals and adjust the plans accordingly.

PHASE 2 - Design Development (DD) (~ 8 wks)

\$57,600.00

Design Development

Once we have agreed upon the design concept and general layout, RA-DA shall develop the details, materials, lighting, and signage for the project. The scheme may shift slightly in this phase as the ideas become more real and we refine them, but the general scheme will remain in tact. Midway in this phase, we will present progress to you in a design review meeting that allows input and feedback on the progress of the design. Much of our design work is done with 3D screen shots that will facilitate this process. (full final renderings are not included here)

Consultant Coordination

RA-DA shall work with Mechanical, Electrical, Plumbing, Acoustic and Structural engineers to get them started on the project and coordinate the development of these systems.

RA-DA

7523 Norton Avenue, West Hollywood, CA 90046 // 323.851.4040 // rania@ra-da.com

Cost

At the end of this phase, the Design Development Package shall be given to our cost estimator to prepare an estimate of probable cost.

When this estimate is completed we shall review it with the team and the Client to see if any value engineering needs to be performed. Before moving into the next phase we will identify items to be value engineered and create an outline of our cost goals and adjust the plans accordingly.

PHASE 3 - Construction Documentation (CD) (~ 10 wks)

\$89,120.00

Construction Documentation

Once we have obtained approval (with comments) on the design development package, RA-DA and the consultants shall develop a full set of drawings and specifications to describe the design and to prepare for plan check submittal at the City Building Department.

These drawings shall also be ready for pricing by selected contractors.

Consultant Coordination

We shall work with the consultants to review their drawings and communicate approaches and solutions to the client. We shall endeavor to integrate their work into our drawings so that all the systems are clearly depicted and coordinated.

Cost

Towards the end of this phase, the Construction Documents Package shall be given to our cost estimator to prepare an estimate of probable cost.

This estimate will will be used as a guideline for the Bid Phase.

PHASE 4 - Permit & Bid (10 wks)

\$13,920.00

Permitting

Our Local Architect will lead the permitting effort.

RA-DA shall work with the local architect and shall update the drawings with all corrections provided to us by the expeditor and landlord. The Expeditor shall shepherd the drawings through the City Building Department and any other necessary jurisdictional agencies.

Quality Control

While the drawings are in Plan Check, we shall do a round of internal quality control, checking all the drawings and identifying any weaknesses in the set and the specs that could lead to omissions in the bids.

RA-DA

7523 Norton Avenue, West Hollywood, CA 90046 // 323.851.4040 // rania@ra-da.com

Bidding Administration (BA)

We will work with the City to set the appropriate Bid Schedule for the project and prepare a package for bid possibly while the drawings are still at the City for Plan Check (although at least after we have reviewed or responded to the first round of comments)

RA-DA and our consultants shall be available to answer questions and issue addenda as necessary. At the end of the bid phase, we shall compile an updated set of drawings for Construction.

PHASE 5 - Construction Administration (8 months)	\$75,000.00
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RA-DA and our local Architect shall be available for a weekly construction meeting , sometimes via teleconference and sometimes in person to review progress and answer contractor questions. This shall occur over a contiguous 8 month period. We shall also provide formal written responses to questions (RFIs) to clarify design intent and review shop drawings and submittals.

At substantial completion RA-DA shall attend a site meeting with the construction manager and client and contractor to generate a final punch list of items for final completion by the contractor.

NOTE: Our fee is based on a maximum of 750 man-hours in this phase. If additional hours are needed and requested, we can provide this at an additional fee.

SCOPE B - SUBTOTAL	\$277,340.00
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NOTE: reimbursable expenses are not included in the fee above and will be billed separately. NOT TO EXCEED



CREATIVE ENGINEERING GROUP

8-17-2018

Rania Alomar
RA-DA
7523 Norton Avenue,
West Hollywood, CA 90046

Re: Porterville Animal shelter
185 North D Street
Porterville, CA

Dear Mrs. Alomar,

We are pleased to submit our proposal for Electrical, Mechanical & Plumbing System Engineering services required on the design for the above-mentioned project.

PROJECT DESCRIPTION

- A. **SCOPE OF WORK:** Interior Tenant improvement of a single story existing bank building to turn into an animal care and adoption center, $\pm$ 11,000 S.F.

1. GENERAL

- a) All necessary construction documents and specifications on drawings.
- b) Design and coordination meetings within the design group. (2)

7123 Remmet Ave. Canoga Park, CA 91303 (818) 999-0415, fax (818) 999-0215, sherry@c-e-g.com

Initial

- c) Site visit (2)
- d) Necessary plan checking and obtaining approvals from the building department.
(Submittals by Architect/Owner/Contractor)
- e) Shop drawing review.
- f) RFI 's

2. ELECTRICAL

Complete working drawings showing the following:

- a) Complete lighting system. Wiring and control for the renovated area.
- b) Lighting fixture schedule
- c) Complete power system. Load Calculations
- d) Single line diagram and panel schedule as necessary
- e) Existing electrical load calculations
- f) Complete circuiting and control
- g) Emergency system as needed
- h) Title-24 and calculations as necessary
- i) Special equipment hook up for animal care
- j) System of conduit and outlet boxes only for owner-supplied telephone, security and data systems.

3. HVAC

Complete working drawings showing the following:

- a) All heating, ventilating and air conditioning system for the renovated area. Utilizing the existing main mechanical system
- b) Extra ventilation for animal shelter
- c) All heating and cooling load Calc's as necessary.
- d) All air supply/return duct system

4. PLUMBING

Complete work drawings showing the following:

- a) All required plumbing system for the renovated area.
- b) Air conditioning condensate drains as required.
- c) Riser Diagram as needed
- d) Plumbing fixtures and trim.
- e) Special drainage as needed for kennels.

B. WORK NOT INCLUDED

- 1. Normal observation of construction work.
- 2. Fire Alarm, Sprinkler system or Security System
- 3. Design and specification of irrigation system shall be provided by others.
- 4. Low Voltage Design
- 5. Specialty equipment for animal shelter.

C. COMPENSATION

A lump sum fee of Forty Thousand, Five Hundred Dollars (\$40,500.00) for Scope of Work, Paragraph "A" to be paid on progressive monthly billing, with a 25% down to start on the design.

An Addition of (\$4,500.00) will be added for rails to trails and dog park lighting

30% Design Development
35% upon building dept. submittal
10% upon building dept. approval

D. CLAUSE

Contract fees are valid for ninety (90) days from the contracts signature date.

- 1. Fees will be subjected to revisions if Creative Engineering Group does not receive a notice to proceed after the ninety days.

E. REIMBURSABLE EXPENSES

- 1. Messenger services.
- 2. Plan checks fee and permits.

7123 Remmet Ave. Canoga Park, CA 91303 (818) 999-0415, fax (818) 999-0215, sherry@c-e-g.com

Initial

3. Blueprinting costs other than required for coordination during the design state, including outside plotting, reproducible vellums and mylars.
4. All travel expenses (air, taxi, food, parking, hotel, etc...)

F. EXTRA SERVICES

1. Service requested which are not included in Paragraph "A", Scope of Work.
2. Substantial architectural changes after working drawings have been complete. All Minor revisions or adjustments would be part of the basic scope of services.
3. Compensation for extra services shall be reimbursed at the following hourly rates or at a mutually agreed upon fixed sum unless overtime is required to meet project due date and per client approval:

Principal/Associate	\$195.00
Senior Engineer	\$175.00
Project Manager	\$150.00
Engineer	\$110.00
Designer	\$ 95.00
CAD Designer	\$ 85.00
CADD Operator	\$ 75.00
Technical Typist	\$ 65.00

G. ABANDONMENT

In the event the project is abandoned, the compensation will be the last progress billing plus a mutually agreed upon amount of work executed since that billing.

H. OWNERSHIP OF DOCUMENTS

The drawings, specifications and other documents prepared by the engineer for this project are instruments of the engineer's service for use solely with respect to this project and, unless otherwise provided, the engineer shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. Any such use of reuse by the owner or others without written verification

by the consultant or CADD adaptation for the specific purpose intended will be at clients risk and full legal responsibility.

I. CONSTRUCTION REVIEW EXCLUSION

It is agreed that the professional services of the Engineer do not extend to or include the review or site observation of the contractor's work or performance. It is further agreed that the owner will defend, indemnify and hold harmless the Engineer from any claim or suit whatsoever, including but not limited to, all payments, expenses or costs involved, arising from or alleged to have arisen from the contractor's performance or the failure of the contractor's work to conform to the design intent and the contract documents. The Engineer, agrees to be responsible for his own or his employees' negligent acts, errors or omissions.

J. INSURANCE

Each party to this agreement shall carry and maintain public liability, property damage, and workmen's compensation insurance. In addition, each party must have insurance to protect him from claims arising out of the performance of his professional services caused by the negligent acts, errors, or omissions of each party or his employees.

If this meets with your approval, please indicate your acceptance of this proposal by signing and dating this copy in the space provided and returning it back to our office.

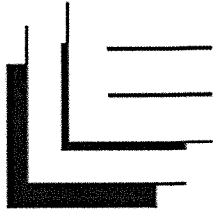
Accepted by: _____


Ted Ibrahim, P.E., Principal
Creative Engineering Group

Date: 5-16-2018

Accepted by: _____
Rania Aloma, AIA
RA-DA

Date: _____



LANE ENGINEERS, INC.

Civil • Structural • Surveying
P.O. Box 1059, Tulare, CA 93275-1059
979 North Blackstone Street, Tulare, CA 93274
Phone: 559.688.5263 / Fax: 559.688.8893
www.laneengineers.com

STRUCTURAL ENGINEERING PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter
Location: 185 N. D Street, Porterville, CA, 93257

SCOPE OF SERVICES

1. One site visit to measure existing framing for support of proposed mechanical units.
2. Structural calculations to check capacity of existing framing members to support new mechanical units.
3. Partial roof framing plan and associated framing details for new mechanical unit supports and anchorage atop existing roof.
4. Respond to customer questions related to the work of Lane Engineers, Inc. (LEI).

FEE

Scope of Services Above\$6,800

Time for completion: 3-4 weeks after receipt of signed contract and retainer if applicable.

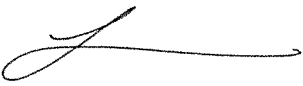
Items excluded:

- Additional site visits
- Construction estimates
- Multiple plan check comments
- Design of Mechanical Equipment
- Equipment Rentals
- As-built drawings, etc.
- Inspections or special inspections
- Agency Fees (i.e. City, County, Title Co., etc.)
- Printing and reproduction costs (except as specifically noted in Scope of Services)
- Priority or overnight shipping charges
- Any other work not specifically described in Scope of Services

NOTES

1. Prior to beginning work, a signed professional services agreement will need to be signed. The services need to be paid in full prior to release of any documentation.
2. Retrofit calculations and recommendations for repair (if required) are not included in the scope of this project.
3. The site visit will focus on observable conditions only and destructive methods of investigation will not be employed.
4. All structural drawings prepared by LEI will be computer drafted using Revit Structure 2019. LEI drawing standards will be used.
5. Fees for additional services, if required, will be based on the current fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: 
Lawrence J. Simonetti, President

Date: August 17, 2018

**LANE ENGINEERS, INC.**

Civil • Structural • Surveying

979 North Blackstone Street

P.O. Box 1059

Tulare, CA 93275-1059

Phone: (559) 688-5263 / Fax: (559) 688-8893

**PREVAILING WAGE FEE SCHEDULE
HOURLY RATES EFFECTIVE JANUARY 1, 2018****COURT APPEARANCE, DEPOSITIONS AND EXPERT TESTIMONY**

Registered Engineer or Licensed Land Surveyor\$ 332.00

CIVIL ENGINEERING

Principal Civil Engineer\$ 174.00
Senior Civil Engineer\$ 162.00
Associate Civil Engineer\$ 142.00
Civil Engineer\$ 129.00

LAND SURVEYING

Principal Land Surveyor\$ 162.00
Senior Land Surveyor\$ 142.00
Associate Land Surveyor\$ 128.00
Land Surveyor\$ 117.00

STRUCTURAL ENGINEERING

Principal Structural Engineer\$ 179.00
Senior Structural Engineer\$ 162.00
Associate Structural Engineer\$ 145.00
Structural Engineer\$ 134.00

SUPPORT SERVICES

Assistant Engineer / Surveyor III\$ 115.00
Assistant Engineer / Surveyor II\$ 104.00
Assistant Engineer / Surveyor I\$ 93.00
Engineering / Surveying Technician III\$ 104.00
Engineering / Surveying Technician II\$ 98.00
Engineering / Surveying Technician I\$ 87.00
2-Man Survey Crew (travel rate)\$ 206.00
3-Man Survey Crew (travel rate)\$ 251.00
2-Man Survey Crew *\$ 317.00
3-Man Survey Crew *\$ 360.00
1-Man GPS Survey Crew w/ 1 Rover *\$ 214.00
2-Man GPS Survey Crew w/ 1 Rover *\$ 360.00
2-Man 3D Scan Survey Crew*¹\$ 418.00
Construction and/or Building Inspector *\$ 179.00
Clerical\$ 78.00

REIMBURSABLES

20lb B&W Bond Prints (24" x 36"; 18" x 26")\$ 1.85/per sheet (plus tax)
20lb Color Bond Prints (24" x 36"; 18" x 26")\$ 3.35/per sheet (plus tax)
20lb B&W Bond Prints (30" x 42")\$ 3.05/per sheet (plus tax)
20lb Color Bond Prints (30" x 42")\$ 4.85/per sheet (plus tax)
Vellum B&W Prints (24" x 36"; 18" x 26")\$ 5.85/per sheet (plus tax)
Vellum B&W Prints (30" x 42")\$ 7.10/per sheet (plus tax)
Mylar B&W Prints (18 x 26)\$ 8.85/per sheet (plus tax)
Mylar B&W Prints (24 x 36)\$ 9.85/per sheet (plus tax)
Mylar B&W Prints (30 x 42)\$ 14.10/per sheet (plus tax)
B&W Copies (8 ½" x 11")\$ 0.25/per sheet (plus tax)
Color Copies (8 ½" x 11")\$ 0.45/per sheet (plus tax)
B&W Copies (8 ½" x 14; 11" x 17")\$ 0.40/per sheet (plus tax)
Color Copies (8 ½" x 14; 11" x 17")\$ 0.80/per sheet (plus tax)
SubconsultantsCost + 15%
Other Direct Costs (i.e. Equipment Rental, Postage, and Shipping)Cost + 15%
¹ Equipment costs will be billed as a reimbursable ExpenseCost + 15%

** Rates are subject to change in accordance with the D.I.R. Bi-Annual Reviews*



PROFESSIONAL SURVEYING SERVICES PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter (Site & D Street)
Location: 185 N. D Street, Porterville, CA, 93257

SCOPE OF SERVICES

The fee noted below includes services for the following items:

- 1) Topographic Survey
 - The topographic survey will locate visible physical features on the site such as buildings, fences, gates, vaults, trees, parking areas, pavements, and ground elevations for the area as shown in Exhibit 'A'. Elevations will be measured at an approximate 50-foot grid, but additional measurements will be obtained as necessary to depict existing improvements.
 - Additional measurements will be taken at the north end of the building to assist with developing a suitable plan for ADA access.
 - Exterior doors will be located and finish floor elevations measured at all doors.
 - The drawing will be prepared in AutoCAD Civil 3D 2017 (R2013 .dwg format) at a suitable scale for design purposes. We will coordinate with the Project Architect for appropriate sheet size, orientation and scale.
 - Offsite topographic information on N. D Street will be limited to the crown of the road as shown in Exhibit 'A'.
 - Right of way will be determined along N. D Street.
 - Underground dry utilities locations such as gas, telephone, cable television, electric company, etc., are included in this proposal to the extent that they can be plotted based on record drawings or surface markings onsite provided by the respective utility companies. It is fully expected the Client will provide all record and/or design drawings in their possession to our office for review of existing site utilities.
 - Underground wet utilities such as sanitary sewer, storm drain and water will be depicted based on record information provided by the Client, but no field measurements will be made to confirm invert depths.
 - Some of the information for underground utilities within the site (such as utility depths and inverts) may not be accessible without pot holing the utility and measuring depths and inverts of the exposed piping. If potholing is necessary, outside sources will be required to excavate and expose utilities. This work, if required, will be billed on a time and materials basis per the attached fee schedule.

FEES

AREA 1 = ANIMAL SHELTER SITE
AREA 2 = 'D' STREET IMPROVEMENTS

- | | |
|--------------------------------|---------|
| 1) Topographic Survey - Area 1 | \$6,900 |
| 2) Topographic Survey - Area 2 | \$6,900 |



LANE ENGINEERS, INC.

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Items Excluded:

- Marking and/or potholing of underground utilities
- Boundary Survey
- ALTA Survey
- Plotting of easements or other encumbrances
- Legal descriptions and/or exhibit drawings
- Post-Contract/Construction Services (As-built drawings, etc.)
- Construction Surveying
- Agency Fees or application fees
- Printing and reproduction costs except for office use work in progress
- Any work not specifically noted in the scope of services

ADDITIONAL NOTES

1. The scope of professional services contained herein is based on a request for a proposal and supporting information provided by RA-DA Design and Architecture.
2. This proposal is based on prevailing wages.
3. It is assumed that access will be available at exterior doors to measure floor elevations.
4. All drawing files prepared by Lane Engineers, Inc. will be AutoCAD R2017 drawing file format. Lane Engineers, Inc. drawings standards will be used.
5. Fees for additional services, if required, will be based on the attached fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: _____

Date: August 17, 2018



EXHIBIT 'A'
Approximate limits of topographic survey within red boundary.

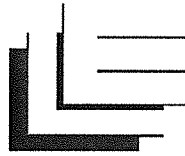


LEGEND

- | | |
|---|--------|
|  | AREA 1 |
|  | AREA 2 |

NORTH



**LANE ENGINEERS, INC.**

Civil • Structural • Surveying

979 North Blackstone Street

P.O. Box 1059

Tulare, CA 93275-1059

Phone: (559) 688-5263 / Fax: (559) 688-8893

**PREVAILING WAGE FEE SCHEDULE
HOURLY RATES EFFECTIVE JANUARY 1, 2018****COURT APPEARANCE, DEPOSITIONS AND EXPERT TESTIMONY**

Registered Engineer or Licensed Land Surveyor\$ 332.00

CIVIL ENGINEERING

Principal Civil Engineer\$ 174.00
Senior Civil Engineer\$ 162.00
Associate Civil Engineer\$ 142.00
Civil Engineer\$ 129.00

LAND SURVEYING

Principal Land Surveyor\$ 162.00
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Land Surveyor\$ 117.00

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Structural Engineer\$ 134.00

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Construction and/or Building Inspector *\$ 179.00
Clerical\$ 78.00

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SubconsultantsCost + 15%
Other Direct Costs (i.e. Equipment Rental, Postage, and Shipping)Cost + 15%
¹ Equipment costs will be billed as a reimbursable ExpenseCost + 15%

** Rates are subject to change in accordance with the D.I.R. Bi-Annual Reviews*



PROFESSIONAL SURVEYING SERVICES PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter - Rails to Trails
Location: 185 N. D Street, Porterville, CA, 93257

SCOPE OF SERVICES

The fee noted below includes services for the following items:

1) Topographic Survey

- The topographic survey will locate visible physical features on the site such as buildings, fences, gates, vaults, trees, parking areas, pavements, and ground elevations for the area as shown in Exhibit 'A'. Elevations will be measured at an approximate 50-foot grid, but additional measurements will be obtained as necessary to depict existing improvements.
- Additional measurements will be taken at Putnam Ave. & Olive Ave. to assist with developing a suitable plan for ADA crosswalks.
- The topographic survey will follow an approximate 75' foot corridor centered on the centerline of the old railroad, based on coordinates provided by the City of Porterville.
- If a fence prevents access to the edge of the corridor, topographic information will only be gathered up to the fence. Buildings and fences that are beyond the corridor at a reasonable distance will be located.
- The drawing will be prepared in AutoCAD Civil 3D 2017 (R2013 .dwg format) at a suitable scale for design purposes. We will coordinate with the Project Architect for appropriate sheet size, orientation and scale.
- Determining railroad right of way is NOT included in this proposal.
- Underground dry utilities locations such as gas, telephone, cable television, electric company, etc., are NOT included in this proposal. However, any surface evidence of underground utilities will be located.
- Any underground wet utilities (i.e., storm drain and sanitary sewer) within the project limits will be located and invert depths will be measured.
- Some of the information for underground utilities within the site (such as utility depths and inverts) may not be accessible without pot holing the utility and measuring depths and inverts of the exposed piping. If potholing is necessary, outside sources will be required to excavate and expose utilities. This work, if required, will be billed on a time and materials basis per the attached fee schedule.

2) Underground Utilities (Optional)

- Underground utilities will be investigated, field marked and surveyed by an underground utility locating firm (CBelow Subsurface Imaging). The underground utilities will be mapped and included in the deliverables. Potholing is not included within the scope of services. Should potholing be required (or requested by the Client) it will be considered additional services subject to additional fees.



FEES

1) Topographic Survey	\$11,000
2) Underground Utilities (See Additional Note No. 1 below)	\$27,850
Total	\$38,850

Items Excluded:

- Boundary Survey
- ALTA Survey
- Plotting of easements or other encumbrances
- Legal descriptions and/or exhibit drawings
- Post-Contract/Construction Services (As-built drawings, etc.)
- Construction Surveying
- Printing and reproduction costs except for office use work in progress
- Any work not specifically noted in the scope of services

ADDITIONAL NOTES

- 1) Underground utility locating fee is based on a maximum of 5 days for field locating & marking of utilities. Should additional time be required to complete the work, additional fees will be required. Upon agreeing to acceptable terms and fees, the Client agrees to promptly process a change order related to additional work.
- 2) Topographic Survey fee is predicated that the field work for this project can be performed in conjunction with the Animal Shelter site and D Street improvement surveys.
- 3) This proposal is based on prevailing wages.
- 4) The scope of professional services contained herein is based on a request for a proposal and supporting information provided by RA-DA Design and Architecture.
- 5) All drawing files prepared by Lane Engineers, Inc. will be AutoCAD R2017 drawing file format. Lane Engineers, Inc. drawings standards will be used.
- 6) Fees for additional services, if required, will be based on the attached fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: _____
Lawrence J. Simonetti, President

Date: August 17, 2018



EXHIBIT 'A'

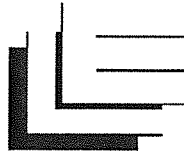


LEGEND

-  AREA 1
-  AREA 2

NORTH



**LANE ENGINEERS, INC.**

Civil • Structural • Surveying

979 North Blackstone Street

P.O. Box 1059

Tulare, CA 93275-1059

Phone: (559) 688-5263 / Fax: (559) 688-8893

**PREVAILING WAGE FEE SCHEDULE
HOURLY RATES EFFECTIVE JANUARY 1, 2018****COURT APPEARANCE, DEPOSITIONS AND EXPERT TESTIMONY**

Registered Engineer or Licensed Land Surveyor\$ 332.00

CIVIL ENGINEERING

Principal Civil Engineer\$ 174.00
Senior Civil Engineer\$ 162.00
Associate Civil Engineer\$ 142.00
Civil Engineer\$ 129.00

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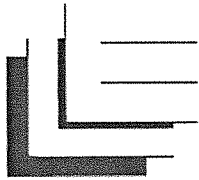
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Assistant Engineer / Surveyor I\$ 93.00
Engineering / Surveying Technician III\$ 104.00
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3-Man Survey Crew *\$ 360.00
1-Man GPS Survey Crew w/ 1 Rover *\$ 214.00
2-Man GPS Survey Crew w/ 1 Rover *\$ 360.00
2-Man 3D Scan Survey Crew*¹\$ 418.00
Construction and/or Building Inspector *\$ 179.00
Clerical\$ 78.00

REIMBURSABLES

20lb B&W Bond Prints (24" x 36"; 18" x 26")\$ 1.85/per sheet (plus tax)
20lb Color Bond Prints (24" x 36"; 18" x 26")\$ 3.35/per sheet (plus tax)
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Color Copies (8 ½" x 14; 11" x 17")\$ 0.80/per sheet (plus tax)
SubconsultantsCost + 15%
Other Direct Costs (i.e. Equipment Rental, Postage, and Shipping)Cost + 15%
¹ Equipment costs will be billed as a reimbursable ExpenseCost + 15%

** Rates are subject to change in accordance with the D.I.R. Bi-Annual Reviews*



LANE ENGINEERS, INC.

Civil • Structural • Surveying

P.O. Box 1059

Tulare, CA 93275

Phone: (559) 688-5263 / Fax: (559) 688-8893

PROFESSIONAL CIVIL ENGINEERING SERVICES PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter – 'D' Street Improvements
Location: 185 North 'D' Street, Porterville, CA

SCOPE OF SERVICES

The fee noted below includes services for the following items:

1) Design Development (support services)

Note: Sierra Designs will be the lead design professional for Design Development phase, developing a layout based on initial City of Porterville guidance (using the topographic survey for reference) and processing with City to obtain approval of the DD drawings prior to beginning Construction Documents.

- Attend one meeting at City of Porterville.
- Coordinate City Standards with Sierra Designs.
- Provide guidance for developing a base plan using the topographic survey coordinate system.
- Review & comment on preliminary plan layout prepared by Sierra Designs (2 reviews maximum).
- Review & comment on ADA ramp design (west end of D Street crosswalk) prepared by RA-DA (2 reviews maximum).

2) Civil Engineering Design and Construction Documents

- Prepare civil base drawing.
- Coordination with City Engineering Department.
- Coordination with Project Team.
- Provide technical specification support for architect's specification writer. (4 hr. maximum).
 - Review sections required for project (index).
 - General review of section contents.
- Construction Drawings for issuance of building permits to include:
 - Notes and General Information
 - D Street Demolition Plan
 - Horizontal Control Plan (stations/offsets)



- D Street Improvement Plan, including
 1. Grading and Drainage
 2. Wet Piping (domestic water, landscaping & fire service laterals).
 3. New sewer lateral if required).
 4. New accessible crossing across D Street, to the northeast corner of D St. & Mill Ave with new accessible ramp at west side of D Street. Note: Modification/reconstruction of the existing accessible ramp/return at the northeast corner of D/Mill is beyond the scope of this proposal.
 - Civil Details
 - Water Pollution Control Drawing
 - All construction documents will be furnished to the Project Architect for submittal and permit processing.
- 3) Bidding Phase Services
- Respond to Contractor questions as related to civil work.
 - Assist Architect with preparation of addenda related to civil work.
- 4) Construction Administration (as-needed basis)
- Respond to Contractor requests for information (RFI's) related to civil work.
 - Review submittals related to civil work.
 - Assist Architect with change orders related to civil work.
- 5) Additional Services
- Provide additional civil engineering services beyond the identified scope of services as requested by Client. Such services include but are not limited to SWPPP construction phase revisions, civil engineering analysis of off-site systems, and other services as directed by Client.

FEES

1) Design Development.....	\$3,400
2) Civil Engineering Design and Construction Documents	\$20,000
3) Bidding Phase Services	\$2,100
4) Construction Administration	<u>\$4,500</u>
Total.....	\$30,000
5) Additional Services.....	Hourly

Items Excluded:

- Post-Contract/Construction Services (As-built drawings, etc.)
- Special structures (such as lift stations, booster pumps, etc.)
- Architectural Site Plan/details (i.e., fencing, gates, handrails, decorative hardscaping, etc.)
- Dry Utility Plans (i.e., electric, gas, phone, CATV, fiber optic, etc.)
- Calculations/analysis of City water system's ability to serve the project. It is assumed the City's water main improvement project will provide sufficient domestic and fire flows and pressures.
- Modification/reconstruction of the existing accessible ramp/return at the northeast corner of D Street & Mill Ave.



- Electrical Engineering services for street lighting plans.
- Landscape/Irrigation services.
- Storm Water Pollution Prevention Plan (under 1 acre – exempt)
- Agency Fees (i.e. City, County, etc.)
- Permit Processing
- Construction Administration Site Visits
- Design/Construction Documents for relocating D Street crosswalk and/or reconstructing accessible curb return(s) on east side of D Street.
- San Joaquin Valley Air Pollution Control District Rule 9510, ISR application/processing
- Dust Control Plan
- Printing and reproduction costs except for office use work in progress
- Any other work not specifically described in the Scope of Services

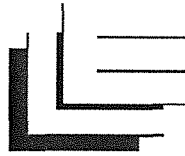
ADDITIONAL NOTES

1. The scope of professional services contained herein is based on a preliminary sketch of D Street improvements prepared by the City of Porterville (sketched over an aerial image) and telephone conversations with Dan Veyna (Sierra Designs) and Rania Alomar (RA-DA).
2. It is assumed that all wet utilities are adjacent to the project frontage and are of sufficient capacity and depth to serve the site.
3. RA-DA to study/analysis design options for D Street crosswalk during Design Development (DD) phase. LEI to incorporate the DD design into the Construction Documents.
4. This proposal is based on prevailing wages.
5. All drawing files prepared by Lane Engineers, Inc. will be AutoCAD R2013 drawing file format. Lane Engineers, Inc. drawings standards will be used.
6. Client shall furnish a current geotechnical investigation report for the project. R-Values may be required for pavement repair on D Street.
7. Per discussion with Logan Couch (City of Porterville, Engineering Dept.), the City water main project will include installation of 2 new fire hydrants within the project frontage.
8. Landscape Architect (Sierra Designs) shall provide an approved D Street improvement base drawing in AutoCAD file format (R13.dwg or earlier).
9. Fees for additional services, if required, will be based on the attached fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: _____
Lawrence J. Simonetti, President

Date: August 17, 2018



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PREVAILING WAGE FEE SCHEDULE HOURLY RATES EFFECTIVE JANUARY 1, 2018

COURT APPEARANCE, DEPOSITIONS AND EXPERT TESTIMONY

Registered Engineer or Licensed Land Surveyor\$ 332.00

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Senior Civil Engineer\$ 162.00
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Land Surveyor\$ 117.00

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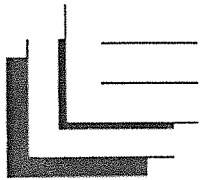
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SubconsultantsCost + 15%
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¹ Equipment costs will be billed as a reimbursable ExpenseCost + 15%

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PROFESSIONAL CIVIL ENGINEERING SERVICES PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter – Rails to Trails Improvements
Location: Old railroad right-of-way between Putnam Ave. & Olive Avenue

SCOPE OF SERVICES

The fee noted below includes services for the following items:

- 1) Schematic Design (support services)
 - Meet with Dan Veyna (Sierra Designs) and provide civil engineering input. Two meetings maximum. There will not be any civil engineering deliverables for this phase.

Note: Sierra Designs will be the lead design professional for the Schematic Design phase, developing a layout based on initial City of Porterville guidance (using the topographic survey for reference) and processing with City to obtain approval of the SD drawings prior to beginning Design Development.
- 2) Design Development
 - Coordinate Sierra Designs to further develop the layout from the Schematic Design phase.
 - Attend one meeting with the City of Porterville.
 - Develop civil base drawing using Sierra Designs base drawing for guidance.
 - Provide preliminary (DD) drawings (plan view only) for:
 - Trail Grading/Drainage, including Dog Park
 - Pedestrian Crossings at Putnam & Olive
 - Maximum of 2 revisions to initial DD submittal.
- 3) Civil Engineering Design and Construction Documents
 - Prepare civil base drawing.
 - Coordination with City Engineering Department.
 - Coordination with Project Team.
 - Prepare structural calculations for custom fencing footings (fencing by architect) and light pole footings.
 - Provide technical specification support for architect's specification writer. (4 hr. maximum).
 - Review sections required for project (index).
 - General review of section contents.
 - Construction Drawings for issuance of building permits to include:
 - Notes and General Information
 - Demolition Plan
 - Horizontal Control Plan (stations/offsets) from centerline of trail.
 - Trail Improvement Plans, including
 1. Plan/Profiles
 - a. Show profiles of existing surface and proposed trail finish surface at centerline of trail.



- 2. Grading and Drainage (may be incorporated into Plan/Profiles).
- 3. Trail paving (may be incorporated into Plan/Profiles).
- 4. Wet Piping (domestic water to dog park only) to be shown on Plan/Profiles.
- 5. New accessible, mid-block crossings at Putnam Ave. and Olive Ave.
- 6. Striping/signage at new mid-block crossings.
 - o Civil Details
- All construction documents will be furnished to the Project Architect for submittal and permit processing.
- Storm Water Pollution Prevention Plan (SWPPP)
 - o Prepare a SWPPP complying with California's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ.
 - o Upload the prepared SWPPP documents to the State's Storm Water Multiple Application and Report Tracking System (SMARTS).
 - o Assist Owner in using and certifying documents on SMARTS.
- The fee for this service includes 1 set of completed hard copy SWPPP documents provided to the client.

Note: Upon completion of the bidding process and commencement of construction, all obligations for SWPPP implementation and record keeping shall become the responsibility of the General Contractor. The contractor shall be responsible for meeting the maintenance and record keeping requirements of the General Permit and shall engage the services of a Qualified SWPPP Practitioner to comply with requirements of the General Permit.

- 4) *Optional* retaining walls at dog park
 - Structural calculations (if needed)
 - Structural details
- 5) Bidding Phase Services
 - Respond to Contractor questions as related to civil work.
 - Assist Architect with preparation of addenda related to civil work.
- 6) Construction Administration
 - Respond to Contractor requests for information (RFI's) related to civil work.
 - Review submittals related to civil work.
 - Assist Architect with change orders related to civil work.
 - Site visits as required (2 maximum).
- 7) Additional Services
 - Provide additional civil engineering services beyond the identified scope of services as requested by Client. Such services include but are not limited to SWPPP construction phase revisions, civil engineering analysis of off-site systems, and other services as directed by Client.

FEES

- 1) Schematic Design \$1,800
- 2) Design Development..... \$15,400
- 3) Civil Engineering Design and Construction Documents \$41,700



4) Bidding Phase Services	\$4,200
5) Retaining walls at Dog Park (optional)	\$2,000
6) Construction Administration	<u>\$6,900</u>
Total	\$72,000
7) Additional Services	Hourly

ITEMS EXCLUDED

- Post-Contract/Construction Services (As-built drawings, etc.)
- Special structures (such as lift stations, booster pumps, etc.)
- Architectural Site Plan/details (i.e., fencing, gates, handrails, guardrails, decorative hardscaping, shade structures, etc.)
- Dry Utility Plans (i.e., electric, gas, phone, CATV, fiber optic, etc.)
- Calculations/analysis of City water system's ability to serve the project. It is assumed the City's water main improvement project will provide sufficient domestic and fire flows and pressures.
- Modification/reconstruction of the existing accessible ramp/return at the northeast corner of D Street & Mill Ave.
- Electrical Engineering services.
- Landscape/Irrigation services.
- Design, drawings & details for flashing pedestrian crossings at Putnam Ave. and Olive Ave.
- Revisions to the SWPPP documents that must be completed by Lane Engineers, Inc. as requested by the Owner or Contractor during construction.
- Agency Fees (i.e. City, County, etc.)
- Permit Processing
- Design/Construction Documents for relocating D Street crosswalk and/or reconstructing accessible curb return(s) on east side of D Street.
- San Joaquin Valley Air Pollution Control District Rule 9510, ISR application/processing
- Dust Control Plan
- Printing and reproduction costs except for office use work in progress
- Any other work not specifically described in the Scope of Services



ADDITIONAL NOTES

1. The scope of professional services contained herein is based on telephone conversations with Rania Alomar (RA-DA), Mike Reed (City of Porterville), Logan Couch (City of Porterville) and Dan Veyna (Sierra Designs). Also, a meeting with Dan Veyna after he walked the alignment with Logan Couch on 6/7/2018.
2. This proposal assumes the following:
 - a. City of Porterville storm drainage storage requirements can be met with drainage swales adjacent to the proposed trail and/or bioretention swales with an overflow piping system that flows to existing City of Porterville storm drain piping. City storm piping is assumed to be adjacent to the trail with enough depth and capacity to accommodate the project. Analysis or studies for other options or analysis of the City storm system are beyond the scope of this proposal.
 - b. Accessibility can be provided which meets the City of Porterville's project goals and can be constructed within the project budget.
 - c. Crossing at Porter Slough will be accomplished within the existing earthen crossing (old railroad bed).
 - d. No new piping to Porter Slough
 - e. New mid-block crossing at Olive Avenue can be accommodated within the old railroad roadbed. No modifications to median curbs.
3. The scope of professional services contained herein is based on a preliminary sketch of D Street improvements prepared by the City of Porterville (sketched over an aerial image) and telephone conversations with Dan Veyna (Sierra Designs) and Rania Alomar (RA-DA).
4. It is assumed that all wet utilities are adjacent to the project frontage and are of sufficient capacity and depth to serve the site.
5. This proposal is based on prevailing wages.
6. All drawing files prepared by Lane Engineers, Inc. will be AutoCAD R2013 drawing file format. Lane Engineers, Inc. drawings standards will be used.
7. Client shall furnish a current geotechnical investigation report for the project. R-Values may be required for pavement repair on D Street.
8. Fees for additional services, if required, will be based on the attached fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: _____
Lawrence J. Simonetti, President

Date: August 17, 2018

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**PREVAILING WAGE FEE SCHEDULE
HOURLY RATES EFFECTIVE JANUARY 1, 2018**

COURT APPEARANCE, DEPOSITIONS AND EXPERT TESTIMONY

Registered Engineer or Licensed Land Surveyor\$ 332.00

CIVIL ENGINEERING

Principal Civil Engineer.....\$ 174.00
Senior Civil Engineer.....\$ 162.00
Associate Civil Engineer.....\$ 142.00
Civil Engineer.....\$ 129.00

LAND SURVEYING

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Structural Engineer.....\$ 134.00

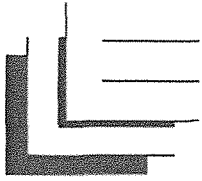
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2-Man Survey Crew *.....\$ 317.00
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1-Man GPS Survey Crew w/ 1 Rover *.....\$ 214.00
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2-Man 3D Scan Survey Crew*¹.....\$ 418.00
Construction and/or Building Inspector *.....\$ 179.00
Clerical.....\$ 78.00

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Color Copies (8 ½" x 14; 11" x 17").....\$ 0.80/per sheet (plus tax)
Subconsultants.....Cost + 15%
Other Direct Costs (i.e. Equipment Rental, Postage, and Shipping).....Cost + 15%
¹ Equipment costs will be billed as a reimbursable Expense.....Cost + 15%

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PROFESSIONAL CIVIL ENGINEERING SERVICES PROPOSAL

Date: August 17, 2018
Client: RA-DA
Project: Porterville Animal Shelter – Site Improvements
Location: 185 North 'D' Street, Porterville, CA

SCOPE OF SERVICES

The fee noted below includes services for the following items:

- 1) Civil Engineering Design and Construction Documents
 - From topographic survey, determine location of new accessible stalls and a proposed path of travel to the building entrance. Obtain approval from Project Architect prior to proceeding with detailed design.
 - Prepare civil base drawing.
 - Coordination with City Engineering Department.
 - Coordination with Project Team.
 - Provide technical specification support for architect's specification writer. (4 hr. maximum).
 - Review sections required for project (index).
 - General review of section contents.
 - Construction Drawings to include:
 - Notes and General Information
 - Site Demolition Plan
 - Horizontal Control Plan
 - Grading & Drainage Plan
 - Wet Piping Plan (sewer lateral from west side, if needed, and fire sprinkler & domestic laterals from R/W to within 5' of building.
 - Civil Details curbs, non-decorative sidewalks, accessible parking signage & striping.
 - Water Pollution Control Drawing (from D Street proposal).
 - All construction documents will be furnished to the Project Architect for submittal and permit processing.
- 2) Bidding Phase Services
 - Respond to Contractor questions as related to civil work.
 - Assist Architect with preparation of addenda related to civil work.



- 3) Construction Administration
 - Respond to Contractor requests for information (RFI's) related to civil work.
 - Review contractor submittals related to civil work.
 - Assist Architect with change orders related to civil work.
 - Site visits (1 maximum).
- 4) Additional Services
 - Provide additional civil engineering services beyond the identified scope of services as requested by Client. Such services include but are not limited to construction phase revisions, civil engineering analysis of off-site systems, and other services as directed by Client.

FEES

- 1) Civil Engineering Design and Construction Documents \$15,000
- 2) Bidding Phase Services \$1,500
- 3) Construction Administration \$2,000
- Total..... \$18,500**
- 4) Additional Services..... Hourly

ITEMS EXCLUDED

- Post-Contract/Construction Services (As-built drawings, etc.)
- Special structures (such as lift stations, booster pumps, etc.)
- Architectural Site Plan/details (i.e., fencing, gates, handrails, decorative hardscaping, etc.)
- Dry Utility Plans (i.e., electric, gas, phone, CATV, fiber optic, etc.)
- Calculations/analysis of City water system's ability to serve the project. It is assumed the City's water main improvement project will provide sufficient domestic and fire flows and pressures.
- Electrical Engineering services.
- Agency Fees (i.e. City, County, etc.)
- Permit Processing
- San Joaquin Valley Air Pollution Control District Rule 9510, ISR application/processing
- Storm Water Pollution Prevention Plan (under 1 acre – exempt)
- Dust Control Plan
- Printing and reproduction costs except for office use work in progress
- Any other work not specifically described in the Scope of Services



ADDITIONAL NOTES

1. The scope of professional services contained herein is based on a preliminary sketch of D Street & Site ADA improvements prepared by the City of Porterville (sketched over an aerial image), RA-DA ketch of accessible doors & paths of travel, and telephone conversations with Rania Alomar (RA-DA), Mike Reed (City of Porterville and Logan Couch (City of Porterville).
2. It is assumed that all wet utilities are adjacent to the project frontage and are of sufficient capacity and depth to serve the site.
3. Accessible path of travel to the pedestrian/bike trail will stop at the east side of the vee-gutter (near the west property line). Continuation to the trail (and modifications to the vee-gutter, if needed) shall be included in the trail project.
4. This proposal is based on prevailing wages.
5. All drawing files prepared by Lane Engineers, Inc. will be AutoCAD R2013 drawing file format. Lane Engineers, Inc. drawings standards will be used.
6. Client shall furnish a current geotechnical investigation report for the project. R-Values may be required for pavement repair on D Street.
7. Per discussion with Logan Couch (City of Porterville, Engineering Dept.), the City water main project will include installation of 2 new fire hydrants within the project frontage.
8. Landscape Architect (Sierra Designs) shall provide an approved D Street improvement base drawing in AutoCAD file format (R13.dwg or earlier).
9. Fees for additional services, if required, will be based on the attached fee schedule.

Respectfully Submitted,
Lane Engineers, Inc.

By: _____
Lawrence J. Simonetti, President

Date: August 17, 2018

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20lb Color Bond Prints (30" x 42").....\$ 4.85/per sheet (plus tax)
Vellum B&W Prints (24" x 36"; 18" x 26").....\$ 5.85/per sheet (plus tax)
Vellum B&W Prints (30" x 42").....\$ 7.10/per sheet (plus tax)
Mylar B&W Prints (18 x 26)\$ 8.85/per sheet (plus tax)
Mylar B&W Prints (24 x 36)\$ 9.85/per sheet (plus tax)
Mylar B&W Prints (30 x 42)\$ 14.10/per sheet (plus tax)
B&W Copies (8 ½" x 11").....\$ 0.25/per sheet (plus tax)
Color Copies (8 ½" x 11").....\$ 0.45/per sheet (plus tax)
B&W Copies (8 ½" x 14; 11" x 17")\$ 0.40/per sheet (plus tax)
Color Copies (8 ½" x 14; 11" x 17").....\$ 0.80/per sheet (plus tax)
SubconsultantsCost + 15%
Other Direct Costs (i.e. Equipment Rental, Postage, and Shipping)Cost + 15%
¹ Equipment costs will be billed as a reimbursable ExpenseCost + 15%

** Rates are subject to change in accordance with the D.I.R. Bi-Annual Reviews*

Sierra Designs *inc.*

Landscape Architecture

~~June 1, 2018~~ August 9, 2018

Rania Alomar, AIA
RA-DA Architects
7523 Norton Avenue
West Hollywood, Ca. 90046
Via e-mail rania@ra-da.com

Revised August 9, 2018

Landscape Architectural Services Proposal for Porterville 'D' Street Streetscape - at the Porterville Animal Shelter

Rania:

Thank you for inviting Sierra Designs Inc. (SDI) to assist RA-DA Architects with the design for the Streetscape Improvements at the Porterville Animal Shelter Frontage.

Based on our conversations, and those with the City of Porterville and Lane Engineers *Sierra Designs, inc.* will provide you with Schematic, Construction Documents, Bidding Assistance and Construction Administration support for approximately 375' street frontage directly in front the Porterville Animal Shelter; we will provide the following services:

Schematic Design:

- On Site Review and Meeting with City Staff, Civil, and Architect (1)
- Schematic Design Layout of Tree Planters and Paving Pattern
 - Civil Engineer design plans needed for anticipated Curb, back of sidewalk, drive approaches and ramp alignments and locations.
 - Co-ordination with Electrical Engineer regarding potential Street Light locations
 - Co-ordination with Civil Engineer regarding anticipated street signage
 - ~~Co-ordination with City Staff regarding anticipated new water service location~~

~~c. Basic Plan View Graphics if desired for presentations (no Elevations or Cross sections)~~

~~d. Schematic Design Estimate of Probable Construction Costs~~

Fee

~~\$ 6,955~~ \$ 4,290

Sent electronically for City Review - will be CD base sheets marked up - No graphics

City to provide marked up plans

Design Development and Construction Documents:

- Co-ordination with Civil and Electrical Engineers
- Hardscape Finishes layout plan
- Planting Plan
- Irrigation Plan & WELO
- Site Furniture locations
- ~~Specifications~~
- Notes/Legends/Details
- ~~Estimate of Probable Construction Cost~~
- ~~Plant Material Sourcing~~

City specs to be revised vs stand alone

No Graphics - CD bases sheet marked up

No Preliminary Cost Estimate

No cost estimate

No Plant Material

Fee

~~\$ 9,965~~ \$ 8081

Bidding Assistance

- Answer RFI - Bid Questions
- Addendum (1)
- Pre Bid Meeting

Fee \$ 810

113 N. Church St., Suite 310 • Visalia, California • 93291 • 559.733.3690

dan@sierradesignsla.com • khutmacher@sierradesignsla.com

California Licenses 2455 and 2409, Texas 2923

Note that RA-DA has cost estimate included already under the scope of Jacobus & Yuang

Construction Administration:

- a. Pre-Construction Meeting (1)
- b. Contractor Submittal reviews (3)
- c. Site Reviews and Reports (5)
 - Demolition/Repair of adjacent improvements
 - Irrigation
 - Planting
 - Pre - Final Punch List
 - Final

Fee \$ 3,769

It is anticipated that the following marked consultants may be utilized for the successful completion of your plans; unmarked consultants may be added in later phases if needed or required: Fee \$ 16,950

Architect	NIC	Structural Engineer	NIC	Hort Test	\$ 150
Horticultural Soils Lab	\$150	Civil Engineer	NIC	Reimburse	\$ 900
Compaction Testing Lab	NIC	Surveyor	NIC		
Biologist / Botanist	NIC	Arborist	NIC		
				Fee + Reimbursements	\$ 18,000

Sierra Designs inc. (SDI) will perform the Design Services noted above on a Time and Materials basis, including reimbursable expenses. *SDI* anticipates completion of the Schematic Plans in the approximate time frame of 1 month from date of your signing the Contract and receipt of the Base Sheet data from the engineer/architect.

Base sheets from the Clients, Architect and Engineers (civil, electrical, etc.) shall include the following: Contours and/or elevations of all streets, curbs, walks and driveways, finished floor elevations, drainage system location & design, water meter locations, parking lot & street lighting, AC units, transformers, utility poles, fire hydrants, monument signs, existing trees with canopy, top & toe of creek/ditch banks, sub surface utilities and any other site features that are existing and proposed.

You will be notified of any unforeseen items that would require a modification of the anticipated fee or necessary time extensions. Services not indicated above may be added directly to this agreement as the project progresses. *SDI* will provide you with Professional Design Services at the following rates per our Multiple Projects agreement with the KHSD:

RATES

Principal in Charge Landscape Architect	\$ 155.00/hr.
Principal Landscape Architect	\$ 135.00/hr.
Senior Landscape Architect	\$ 125.00/hr.
Landscape Architect	\$ 110.00/hr.
Senior Landscape Architectural Designer/Project Manager	\$ 95.00/hr.
Landscape Designer/Senior CAD/REVIT Tech	\$ 85.00/hr.
CADD Technician # 1	\$ 75.00/hr.
CADD Technician # 2	\$ 65.00/hr.
Office/Staff	\$ 45.00/hr.
Expert Witness	\$ 250.00/hr.

REIMBURSABLE EXPENSES

AutoCAD Plots 24x36	\$ 5.00/ea.
Outside Printing, Postage & Overnight Services	Cost + 10%
Consultants & Testing Labs	Cost + 10%
Mileage	State Rate
Per Diem	State Rate

Exclusions:

1. Items not specifically noted in this agreement are excluded as part of these services, and can be provided as "Additional Services" on oral and/or initialed direction from you to be followed by written verification from either RA-DA or SDI, or by separate written authorization.
2. Changes that are required due to modifications in the site plan, ie: relocation of parking lot, buildings or other structures or systems on the site; other shape changes to the site plan made by the Client, Architect or Civil Engineer requiring modifications to the planting and/or irrigation plans, specifications or details by the Landscape Architect shall be billed hourly as additional services.
3. Revisions required by a Federal, State, City or Agency due to directives by the owner, architect or civil engineer that do not adhere to Federal, State, City or Agency requirements; or changes by the Federal, State, City or Agency in their requirements;
4. Revisions by the Client after an approval or authorization to proceed has been received at a review meeting/call shall be billed hourly as additional services.
5. Meetings and Site Reviews beyond those noted above.
6. Cost Estimates of Probable Construction Costs beyond those noted above.
7. Addendums after authorization to proceed
8. Separate City Submittals
9. Printing and other reimbursable expenses except the soils test noted above.
10. All Engineering
11. WELO irrigation audits & Third Party Certification
12. WELO Certificate of Completion

Payments: Please sign and return a copy of this contract to us. Payment for invoices shall be on receipt. Invoices are generally present on a "Work in Progress" manner. As individual phases are completed or bimonthly, whichever occurs first. Payments not received within 30 days of invoice shall be subject to the maximum interest allowable by state law. If litigation is required to enforce the terms of this agreement, the prevailing party shall be entitled to court costs, reasonable administrative fees associated with the suit, and attorney's fees.

Per California Business and Professions Code, Chapter 3.5 of Div. 3, Section 5616(e): LANDSCAPE ARCHITECTS ARE REGULATED BY THE CALIFORNIA BOARD OF ARCHITECTS.

ANY QUESTIONS MAY BE REFERRED TO THE FOLLOWING BOARD AT:

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

2420 Del Paso Road, Suite 105 Sacramento, CA 95834

(916) 575-7230 Fax: (916) 575-7283

Web site: www.latc.ca.gov Email: latc@dca.ca.gov

Sierra Designs, inc. landscape architects appreciate your trust in our firm to provide you with outstanding design service. We look forward to the opportunity to work together towards the successful development of your project.

Respectfully,

Authorized to Proceed

Daniel M. Veyna

Daniel M. Veyna, ASLA
Principal Landscape Architect

Signature & Date

Sierra Designs inc.

Landscape Architecture

August 15, 2018

Rania Alomar, AIA
RA-DA Architects
7523 Norton Avenue
West Hollywood, Ca. 90046
Via e-mail rania@ra-da.com

Landscape Architectural Services Proposal for Porterville Rails to Trails – Putnam to Olive Segment

Rania:

Thank you for inviting Sierra Designs Inc. (SDI) to assist RA-DA Architects with the design for the Rails to Trails – Putnam to Olive Segment.

Based on our conversations, and those with the City of Porterville and Lane Engineers *Sierra Designs, inc.* will provide you with Schematic, Master Plan, Renderings, Construction Documents, Bidding Assistance and Construction Administration support for approximately 1700' of trail from Putnam to Olive Streets as well as assist you with the layout of a proposed Dog Park directly behind the Porterville Animal Shelter; we will provide the following services:

Schematic Design & Start Up:

- a. Review and Co-ordination with Architect and Civil Engineer
 - Review of Civil Survey
- b. Kick Off Meeting with City Staff, Civil Engineer, and Architect (1)
 - Review Existing condition and ramifications they are anticipated to create within the design
- c. Schematic Design Concepts for Trail and Dog Park Layout – 2 alternatives with potential options or 3 alternatives
 - Civil Engineer Survey is required prior to the start of the Schematic Design.
 - Co-ordination with Architect regarding the Dog Park location and layout options
- d. Basic Plan View Graphics for presentations with 1 typical cross section per alternate.
- e. Review Schematic Concepts and Options with City
 - City to provide direction as to preferred option and components.
- f. Refine to One Schematic Concept
 - Basic Graphics for Plan View & 2 typical Cross Sections
 - Provided Electronically to the City for Review and Comment
- g. Meeting to Review with City in Porterville
 - City to provide comments for adjustments/modifications
 - City Authorization to Proceed to Master Plan

Fee \$ 10,750

Master Plan:

- a. Refine approved Schematic Design to Master Plan
 - Incorporate City requested adjustments
- b. Co-ordinate Dog Park Components with Architect
- c. Basic Grades incorporated (spot elevations)
- d. Review and Co-ordination with Architect and Civil Engineer

113 N. Church St., Suite 310 • Visalia, California • 93291 • 559.733.3690

dan@sierradesignsla.com • khutmacher@sierradesignsla.com

California Licenses 2455 and 2409, Texas 2923

- e. Basic Graphics and Cross Sections
- f. Preliminary Estimate of Probable Costs for landscape items – Civil to provide earthwork, grading and paving estimates
- g. Develop Power Point
- h. Provide Master Plan and Power Point Electronically

Fee \$ 6,236

Master Plan – Enhanced Graphics

- a. Master Plan Color Renderings
 - Plan View (1)
 - Cross Sections (4)
 - Elevations (2)
 - Revit Perspectives (3)
- b. Co-ordinate Graphics with Architect for Dog Park
- c. Power Point Presentation

Fee \$ 3,920

Public Presentation

- a. Preparation and Presentation at a Public Entity (2)
 - Such as Parks & Recreation Committee, Planning Commission, City Council
 - Each additional presentation - \$ 850 per Plus T & M for revisions/specific and additional preparation if needed

Fee \$ 1,700

Design Development:

- a. Co-ordination with Architect and Civil Engineer
 - b. Dog Park Structures, signage and amenities by Architect (NIC)
- c. Hardscape DD layout plan
 - d. Proposed Centerline alignment
 - e. General proposed spot grades at major/significant points
- f. Planting Plan
- g. Irrigation Plan
- h. Locate City Standard Site Furniture & Trail Signage
- i. Modify City Standard Specifications as needed
- j. Notes/Legends
- k. City Standard Details as needed.
- l. Review Architects Estimate of Probable Construction Cost

Fee \$ 9,125

Construction Documents:

- a. Co-ordination with Architect and Civil Engineers
- b. Finishes for Concrete Paving
- c. Subgrade/base and structural cross section by Civil Engineer
- d. Planting Plan
- e. Irrigation Plan
- f. City Standard Site Furniture locations
- g. City Standard Trail Signage locations
- h. Notes/Legends
- i. Planting, Irrigation, Concrete Paving Details
- j. City Standard details, modified if needed
- k. Review Architects Estimators Probable Construction Cost

Fee \$ 9,925

Plant Material Sourcing: - N.I.C.

- a. Locate Plant Material 1 month in advance of Bid Date
- b. Provide Sources either on Construction Documents or as a Addendums

Fee \$ NIC

Bidding Assistance

- a. Answer RFI - Bid Questions
- b. Addendum (1)
- c. Pre Bid Meeting

Fee \$ 1,200

Construction Administration:

- a. Pre-Construction Meeting (1)
- b. Contractor Submittal reviews (5)
- c. RFI Responses
- d. Change Orders (2)
- e. Site Reviews and Reports (10)
 - Grading
 - Path Layout
 - Fencing
 - Irrigation (3)
 - Planting (2)
 - Pre - Final Punch List
 - Final

Fee \$ 6,144

Anticipated Reimbursable Expenses:

- | | | | |
|----|---------------------------|----|----------|
| a. | Horticultural Soils Tests | \$ | 300 |
| b. | Outside Printing | \$ | 700 |
| c. | Consultants | \$ | 0 |
| d. | Mileage | | Included |

Reimbursements \$ 1,000

Total Fee + Reimbursements

\$ 50,000

It is anticipated that the following marked consultants may be utilized for the successful completion of your plans; unmarked consultants may be added in later phases if needed or required:

Architect	NIC	Structural Engineer	NIC
Horticultural Soils Lab	\$ 150 ea	Civil Engineer	NIC
Compaction Testing Lab	NIC	Surveyor	NIC
Biologist / Botanist	NIC	Arborist	NIC

Sierra Designs inc. (SDI) will perform the Design Services noted above on a Lump Sum basis, including reimbursable expenses. *SDI* anticipates completion of the Schematic Plans in the approximate time frame allot by the Architect after the date of your signing the Contract and receipt of the Base Sheet data from the engineer/architect.

Base sheets from the Clients, Architect and Engineers (civil, electrical, etc.) shall include the following: Contours and/or elevations of all streets, curbs, walks and driveways, finished floor elevations, drainage system location & design, water meter locations, parking lot & street lighting, AC units, transformers, utility poles, fire hydrants, monument signs, existing trees with canopy, top & toe of creek/ditch banks, sub surface utilities and any other site features that are existing and proposed.

You will be notified of any unforeseen items that would require a modification of the anticipated fee or necessary time extensions. Services not indicated above may be added directly to this agreement as the project progresses. *SDI* will provide you with Professional Design Services at the following rates per our Multiple Projects agreement with the KHSD:

RATES

Principal in Charge Landscape Architect	\$ 155.00/hr.
Principal Landscape Architect	\$ 135.00/hr.
Senior Landscape Architect	\$ 125.00/hr.
Landscape Architect	\$ 110.00/hr.
Senior Landscape Architectural Designer/Project Manager	\$ 95.00/hr.
Landscape Designer/Senior CAD/REVIT Tech	\$ 85.00/hr.
CADD Technician # 1	\$ 75.00/hr.
CADD Technician # 2	\$ 65.00/hr.
Office/Staff	\$ 45.00/hr.
Expert Witness	\$ 250.00/hr.

REIMBURSABLE EXPENSES

AutoCAD Plots 24x36	\$ 5.00/ea.
Outside Printing, Postage & Overnight Services	Cost + 10%
Consultants & Testing Labs	Cost + 10%
Mileage	State Rate
Per Diem	State Rate

Exclusions:

1. Items not specifically noted in this agreement are excluded as part of these services, and can be provided as "Additional Services" on oral and/or initialed direction from you to be followed by written verification from either RA-DA or SDI, or by separate written authorization.
2. Changes that are required due to modifications in the site plan, ie: relocation of parking lot, buildings or other structures or systems on the site; other shape changes to the site plan made by the Client, Architect or Civil Engineer requiring modifications to the planting and/or irrigation plans, specifications or details by the Landscape Architect shall be billed hourly as additional services.
3. Revisions required by a Federal, State, City or Agency due to directives by the owner, architect or civil engineer that do not adhere to Federal, State, City or Agency requirements; or changes by the Federal, State, City or Agency in their requirements;
4. Revisions by the Client after an approval or authorization to proceed has been received at a review meeting/call shall be billed hourly as additional services.
5. Meetings and Site Reviews beyond those noted above.
6. Cost Estimates of Probable Construction Costs beyond those noted above.
7. Addendums after authorization to proceed
8. Separate City Submittals
9. All Printing and other reimbursable expenses except the soils test noted above.
10. All Engineering
11. WELO irrigation audits & Third Party Certification
12. WELO Certificate of Completion

Payments: Please sign and return a copy of this contract to us. Payment for invoices shall be on receipt. Invoices are generally present on a "Work in Progress" manner. As individual phases are completed or bimonthly, whichever occurs first. Payments not received within 30 days of invoice shall be subject to the maximum interest allowable by state law. If litigation is required to enforce the terms of this agreement, the prevailing party shall be entitled to court costs, reasonable administrative fees associated with the suit, and attorney's fees.

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2420 Del Paso Road, Suite 105 Sacramento, CA 95834

(916) 575-7230 Fax: (916) 575-7283

Web site: www.latc.ca.gov Email: latc@dca.ca.gov

Sierra Designs, inc. landscape architects appreciate your trust in our firm to provide you with outstanding design service. We look forward to the opportunity to work together towards the successful development of your project.

Respectfully,

Authorized to Proceed

Daniel M. Veyna

Daniel M. Veyna, ASLA
Principal Landscape Architect

Signature & Date

Jacobus & Yuang, Inc.

355 North Lantana Street, #220
 Camarillo, California 93010
 Tel. (213) 688-1341 or (805) 339-9434
 Fax (866) 431-3256
 Website: www.jyiestimate.com

May 15, 2018
 Revised: August 8, 2018

3275P-R4

Rania Alomar
 RANIA ALOMAR DESIGN ARCHITECTURE [RA-DA]
 7523 Norton Avenue
 West Hollywood, CA 90046

RE: ESTIMATING FEE PROPOSAL – PORTERVILLE ANIMAL SHELTER TENANT IMPROVEMENT AND STREET FRONTAGE IMPROVEMENT

Dear Rania:

We take pleasure in submitting our revised Fee Proposal for consulting services for the above project, as follows:

Description based on the following Scope of Work:	Proposed N.T.E. Fee Tenant Improvement	Proposed N.T.E Fee Street Frontage Improvement	Rails to Trails
- Tenant improvement of existing bldg. turn into an animal shelter, roughly 11,000 gross SF - Keep existing building and renovate interior			
Predesign and Budget verification			
Version 1: To prepare a <u>Preliminary Estimate of Probable Cost</u> , based on Preliminary design option	\$2,850	N.I.C.	N.I.C.
Version 2: To prepare a <u>Preliminary Estimate of Probable Cost</u> , based on Alternate 1 Preliminary design option	\$2,330	N.I.C.	N.I.C.
Version 3: To prepare a <u>Preliminary Estimate of Probable Cost</u> , based on Alternate 2 Preliminary design option	\$1,950	N.I.C.	N.I.C.
Phase 1 - Schematic Design To prepare a <u>Schematic Design Opinion of Cost</u> , based on typical SD Stage Information for one design option	\$3,500	N.I.C.	\$3,000
Phase 3 - Construction Documents To prepare a <u>Construction Documents Cost Estimate</u> , based on typical CD Stage Information for one design option	\$6,170	\$4,500	\$5,650
Phase 4 – Permit & Bid	N.I.C.	N.I.C.	N.I.C.
Phase 5 - Construction Administration	N.I.C.	N.I.C.	N.I.C.
Total Proposed Not-to-exceed Fee	\$16,800	\$4,500	\$8,650

Total Proposed N.T.E. Fee \$29,950

Conferences, updating, reconciliations or revisions to the above report(s), shall be charged in accordance with the most current Schedule of Fees, when approved and authorized by you.

The above report(s) shall be:

- prepared to incorporate all trade related disciplines
- prepared in Masterformat 2010™ major division format with labor, material and equipment costs rolled up into a single unit cost
- submitted in PDF file format

Not included in the above fee are the following:

- Value Engineering related work
- Preparation or completion of Bid Forms
- Life Cycle and/ or Operating Cost Estimating

Jacobus & Yuang, Inc.

RANIA ALOMAR DESIGN ARCHITECTURE [RA-DA]

RE: ESTIMATING FEE PROPOSAL – PORTERVILLE ANIMAL SHELTER TENANT IMPROVEMENT AND STREET FRONTAGE IMPROVEMENT

May 15, 2018

3275P-R4

Revised: August 8, 2018

Page Two

Not included in the above fee are the following (Continued):

- Scheduling related work
- Field Investigation
- Change Order Evaluation or Negotiation unless Phase 5 fee is invoked
- Printing of documents required for estimating purposes (full size required) – this cost will be covered by reimbursable allowance - **please provide PDF copies of drawings**
- Estimate Reconciliation's with other estimates or reconciliation with contractor bids
- Out-of-Office meetings
- Cost Estimate Adjustments for Addenda issued after any completed Estimate Milestone had been issued
- LEED related cost extracts
- Job Order Costing (JOC) pricing approach
- Searching through Proprietary Databases such as Project Wise™ for documents necessary for Estimating – **please provide direct links to extract files to be used for estimating**
- Constructability Review

We respectfully reserve the right to adjust our fee if the scope of our services is modified.

This fee proposal shall be made an appendix to any contract between our offices, and is valid for 60 days from the date of this proposal.

Our Insurance Coverage's are as follows:

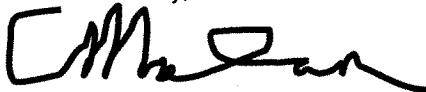
1. General Liability, \$2.0 Million General Aggregate
2. Worker's Compensation Insurance \$1.0 Million per occurrence including Defense Costs.
3. Automobile Insurance - Any Auto, Hired & Non-Owned Autos, \$1.0 Million.
4. Professional Liability Insurance (PLI) – Per Claim/Aggregate, \$2.0 Million. Waiver of Subrogation and Primary non-contributory wording not available for PLI.

Below are the rates applicable to Personnel that may work on the project:

Personnel	Rate per Hour for 2018	Rate per Hour for 2019
Principal	\$165.60	\$172.25
Snr. Project Estimator	\$112.00	\$116.50
Estimator	\$ 82.80	\$86.00

Please sign and date this Proposal to indicate your acceptance of the above conditions, and return one signed copy to this office via facsimile or email (cobusm@jyiestimate.com).

Yours sincerely,



Cobus Malan
Principal Quantity Surveyor

Accepted for: **RANIA ALOMAR DESIGN ARCHITECTURE [RA-DA]**

By: _____ Dated: _____



ARCHITECTURAL CONSULTING

Kathryn Marek, Principal

275 Windswept Ct
Naples, ID 83847

P 213.503.2064
kmarchconsult@earthlink.net

05/24/2018

Attn: Rania Alomar

Principal

RA-DA

7523 Norton Avenue

West Hollywood, CA 90046

RE: Animal Shelter Project, Porterville, CA, R3

Attn: Rania Alomar:

The following is the third revision for the proposal for Specifications and Technical Consulting work on the Porterville Animal Shelter project. Additional text is indicated with underlined text for clarity. This proposal is not binding and will be followed by a contract, if accepted.

Basis of Proposal:

1. Project was outlined in and proposal is based on email and telephone conversation with Rania Alomar of RA-DA on May 14, 2018, as well as preliminary plans and photographs received on May 14, 2018. Additional information for the City required street frontage improvements was received via email on 5/21/2018, and information for Rear alley parkway and dog park improvements was received on 5/23/2018. Additional information was received via email on August 7, 2018.
2. Specs shall be based on CSI's MasterFormat 2011 numbering and SectionFormat's 3-part format and article arrangement, using BSD SpecLink-e as a vehicle for production. Specifications will be outline specs at DD phase, and full-length specifications for CD issues.
3. General Contractor will be selected by a public bid, with the project following Design-Bid-Build project delivery.
4. Discipline consultants will include MEP, Structural, Civil, and Acoustical. Consultants will produce their own Construction specifications to be incorporated into Project Manual.
5. Tentative schedule for project places completion of DD phases in early August, with completion of CDs projected for mid to late November 2018. No specifications are required for Plan Check submission; however, completed specifications will be needed to accompany Issue for Bid projected for issue after plan check comment response. Schedule shall be as mutually agreed for project.
6. It is acknowledged that the project is in the jurisdiction of the City of Porterville, CA and CalGreen Base Mandatory requirements for Commercial Construction apply to the project. (2016 is assumed, though City of Porterville shows 2010 forms on their website.) No voluntary rating system such as LEED is being pursued on the project.
7. Meetings for this project will take place by teleconference (by phone and computer, such as Skype or GoToMeeting).

8. Front End documents of Division 00 & 01 shall be provided by the Owner, based on AIA standard contracts and A201 General Conditions. Time for coordination and incorporation of Div. 01 requirements in technical sections is included in base price.

Pricing:

Pricing for this project is being provided to allow selection of specific services needed.

- Basic services, including City required Street Frontage Improvements, have a price of \$18,900.
- Separate price for Rear alley parkway and dog park improvements: \$3,240.
- Additional pricing for optional services such as creation of Division 01 sections and CA assistance are contained under the "Services in addition to Basic Scope" section of this proposal.
- Prices for these services are not-to-exceed numbers.
- Additional technical services, such as any of the items listed as 'Beyond Basic Scope' are at an additional service rate of \$135 per hour. Negotiated costs may be possible, provided that services are requested before finalization of contract.

Basic Specs scope of service includes:

- Preparation of outline specifications for DD phase and full length architectural/interiors specification sections for Construction Documents phase of project, not to exceed 42 sections, with inclusion of finishes. Preparation shall include preparation of 100% CD Issue for Bidding set based on drawings, DD documents, owner requirements, and telephone interviews; incorporation of revisions and changes to produce Issue for Construction sections; and coordination of discipline consultants to assemble complete Project Manuals for package issues.
- City of Porterville Street Frontage Improvements are included in Base Services.
- Coordination and Assembly of Project Manuals for phase deliverables; including:
 - Establishment of uniform formatting and header/footer formatting that all disciplines shall adhere to. (*Architect shall enforce the standard with discipline consultants. Compilation of Project Manuals shall not require significant word processing or reformatting effort.)
 - Complete coordinated Table of Contents including issue and revision dates for all sections and attachment in Project Manual.
 - Title page for Project Manual with Project Image provided by Architect.
 - Compiled and bookmarked PDF binder of complete Project Manual for each issue.
- All documents shall be delivered in PDF format.
- There will be a single Project Manual for the entire project.
- No separate Plan Check issue is included.
- Review of Division 00 and 01 documents prepared by others for coordination and technical content to be included in Divisions 02 through 33.
- Basic formatting and inclusion of door finish hardware section written by others.
- Price for this scope: \$18,900.

Services in addition to Basic Specs scope of work (Optional as needed):

Scope of work for Rear alley parkway and Dog Park Improvements:

- Preparation of full length specification sections for project, not to exceed 8 sections. Preparation shall follow basic specs scope of service above, and be based on Owner supplied details and information, as well as telephone interviews with project design team; incorporation of revisions and changes to produce 100% documents for use in Project Manual.

- Rear alley parkway and Dog Park documents will be assumed to be done in combination with the basic scope of work i.e. the Animal Shelter, not as a stand-alone project.
- All documents shall be delivered in PDF format.
- Price for this scope: \$3,240.

Scope of work for Division 00 & 01, if desired:

- Preparation of full length Division 01 specification sections for project, not to exceed 15 sections. Preparation shall include preparation of 50% draft based on Architect's contracted Scope of Work, modified AIA A201 – 2007 OR 2017 editions, any Owner special or supplementary conditions, and telephone interviews; incorporation of revisions and changes to produce 100% documents for use in Project Manual.
- All documents shall be delivered in PDF format.
- Price for this scope: \$3,600.

On-call Technical Architectural Assistance during Construction Administration:

- Technical Architectural Assistance performed as hourly services. Hours are only billed as used.
- Hours can be used for assistance with substitutions requests, submittal reviews, RFI responses and analysis, as well as product research or other project technical needs.
- Weekly progress reports of hours spent will be provided, and hours will be billed at the end of each calendar month, up to maximum agreed hours.
- Starting pool of 20 hours is recommended, which is a fully utilized value of \$2,700. If desired, pool of available hours can be increased later with a modification to the contract.

Beyond Basic Scope:

1. General technical assistance.
2. Technical review of submittals or substitutions, with recommendations for follow-up actions.
3. Product research or comparisons, including compilation of product cut sheets.
4. Significant revisions to and rewriting of documents in the basic scope of this proposal beyond my control or made necessary by changes in project scope or design intent, changes to instructions or approval previously given by Architect, or extensions of the schedule.
5. Record Specifications documentation.
6. Elevator specifications.
7. Project site visits or in-office meetings. (These can be quoted to the project on an as needed basis, if desired.)
8. Word processing or editing of master specifications for disciplines other than those proposed for within this document.
9. Delivery of editable specifications at any of the phase deliverables or at projects completion.

Work listed as beyond basic scope may be available as negotiated additional service or at an hourly rate, if desired.

Exclusions:

1. Architectural stamping or sealing on documents I produce.
2. Creation of Commissioning documents or guidelines.
3. Specifications for hazardous environments, including but not limited to, hazardous material remediation.

4. Creation of Door Hardware specifications, including creation of front end section to coordinate with hardware sets produced by others.

The Architect shall provide the following:

- Distribution to other discipline consultants of required document format, including font, spacing, margins, and headers and footer information. This information shall ensure that the documents when put together into project manual shall present a uniform and coordinated appearance.
- Required design input and decisions to allow creation of technical specifications. The names and contact information for appropriate team members who are developing and documenting this information shall be provided.
- Schedule of deadlines for various issues and deliverables, also to be delivered to all consultants so as to allow time for final assembly of documents before delivery to Architect.
- All required documentation needed to satisfy Commissioning requirements for building alterations as defined in California Energy Code and CalGreen.
- A list of the personal who I take direction from for items pertaining to scope of work or changes to schedule or contract requirements.
- KM Architectural Consulting's liability for this project will be limited to the amount of executed contract.

Payment schedule:

Payment of services shall follow delivery/completion of the following:

Basic scope (including D street improvements):

- Completion of DD Outline specs: \$3,000.
- Completion of Issue for Bid specifications: \$7,450
- Completion of Issue for Construction specifications: \$7,450
- 30 days after delivery of Final CD Specifications: \$1,000
(If Optional services such as Div. 01 creation or Technical Architectural Assistance services are accepted, final payment will be billed after completion of additional hours. Optional rear alley parkway improvements pricing shall be included with basic scope of work and divided between the Issue for Bid and the Issue for Construction specifications, with \$240 for added work added to DD outline specs.) (I will give you a revised payment schedule depending on what services are selected prior to contract.)

Additional services are payable upon completion. Schedule of services to be finalized when proposal is accepted. Actual dates shall be as mutually agreed.

- Division 01 preparation is recommended to take place as early as possible before completion of Construction Documents, preferably during DD phase, if not earlier.
- Technical architectural assistance hours will be billed at the end of each month that they occurred during.

Finalization of proposal shall be contingent upon confirmation of project schedule and service selection that documents are intended to support.

Thank you for the opportunity of submitting this proposal. Please let me know if you have any questions, comments, or concerns regarding this proposal.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn Marek". The signature is fluid and elegant, with the first name "Kathryn" and last name "Marek" clearly distinguishable.

Kathryn Marek, AIA, CSI, CCCA
KM Architectural Consulting, PLLC
Phone: (213) 503-2064
Email: kmarchconsult@earthlink.net



PRC 2017-034
GPA and Rezone
@ 185 N D Street
Project Locator Map
1" = 200ft



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization to Negotiate Consultant Service Agreements - 2018/2019 Fiscal Year Major Street Projects

SOURCE: Public Works

COMMENT: Staff contacted local civil engineering firms to discuss availability and means to incur additional street reconstruction and rehabilitation projects that have been defined during the 2018/2019 fiscal year budget adoption process. Each local firm, Dee Jaspar & Associates, James Winton & Associates - a QK Company, 4Creeks Civil Engineering and Land Surveying, and Roberts Engineering are all capable of managing the additional work load. If authorized, staff will determine which street project to assign to the local firm and begin the negotiation process. The following is a list of the projects in this year's annual budget requiring outside services and staff's initial thoughts regarding project assignments:

Henderson Ave. Rehabilitation between Patsy St. and Balmayne St. – Roberts Engineering.

Main St. Reconstruction between Morton Ave. and Olive Ave. – James Winton Associates - a QK Company.

Villa St. Reconstruction between Olive Ave. and Henderson Ave. – 4 Creeks Civil Engineering and Land Surveying.

Union Ave. Reconstruction between Indiana St. and Jaye St. – Dee Jaspar and Associated.

It is worth noting that additional major street projects are listed within this year's annual budget. These projects are currently in preliminary engineering or design phase utilizing internal staff within the Engineering Division.

RECOMMENDATION: That City Council authorize the Public Works Director to negotiate consulting services for major street projects as defined in Fiscal Year 18/19 Annual Budget.

ATTACHMENTS: 1. Locator Maps - Major Streets Projects

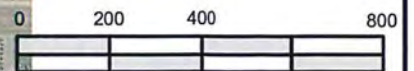
Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



SCALE: 1"=400'

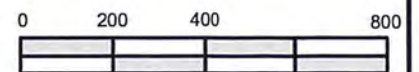
CITY OF PORTERVILLE
ENGINEERING DIVISION

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

HENDERSON AVENUE REHABILITATION
BETWEEN PATSY STREET AND
BALMAYNE DRIVE

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 400'
DATE	8/29/2018

SHEET
1
OF
1



SCALE: 1"=400'

CITY OF PORTERVILLE
ENGINEERING DIVISION

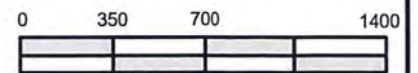
291 NORTH MAIN STREET
PORTERVILLE, CA 93257
(559) 782-7462

**N MAIN STREET RECONSTRUCTION
BETWEEN MORTON AVENUE AND
OLIVE AVENUE**

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 400'
DATE	8/29/2018

SHEET
1
OF
1

PROJECT AREA



SCALE: 1"=700'

CITY OF PORTERVILLE
ENGINEERING DIVISION

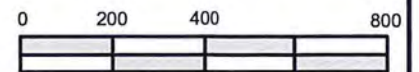
291 NORTH MAIN STREET
PORTERVILLE, CA 93257
(559) 782-7462

**VILLA STREET RECONSTRUCTION
BETWEEN OLIVE AVENUE AND
HENDERSON AVENUE**

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 700'
DATE	8/29/2018

**SHEET
1
OF
1**

PROJECT AREA



SCALE: 1"=400'

CITY OF PORTERVILLE
ENGINEERING DIVISION

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

UNION AVENUE RECONSTRUCTION
BETWEEN S INDIANA STREET
AND S JAYE STREET

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 400'
DATE	8/29/2018

SHEET
1
OF
1



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Authorization of Street Closure for Annual Zalud House Museum Pioneer Days & Rib Cook-Off

SOURCE: Parks and Leisure Services

COMMENT: Parks and Leisure Services 7th Annual Zalud House Museum Pioneer Days & Rib Cook-Off is scheduled for October 13, 2018, from 11:00 AM- 3:00 PM on Main Street in the area between Morton and Mill. Some of the activities will include: rib tasting, queen pageants, a live shoot-out, live music, a beer garden, food booths, re-enactments and more.

In support of this event, it is requested that the City Council approve a temporary closure of Main Street between Morton and Mill, and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street. This application has been routed and reviewed by all departments involved. Staff comments are included for Council's information.

RECOMMENDATION: That the City Council authorize the temporary closure of Main Street between Morton and Mill; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 13, 2018, 5:00 AM- 5:00 PM.

ATTACHMENTS: 1. 2018 Pioneer Days CCE

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

Internal Community Civic Event

(For events primarily sponsored and organized by City Departments)



Application Date: 8/15/2018 Event Date: 10/13/2018

Location of Event Downtown Porterville/ Centennial Park area

Name of Event: Zalud House Museum Pioneer Days & Rib Cook-off

Sponsoring Department: Parks & Leisure Services

Department Contact Tonya Hall, 791-7697

Affiliated Organizations: _____

City Services Requested:

Barricades (Quantity)	20	Refuse Pickup:	Yes	No
Amplified Noise Permit	☒ Yes ☐ No	Police Assistance:	☒ Yes ☐ No	
Parks Facility Application	☒ Yes ☐ No	Street Sweeping:	☒ Yes ☐ No	
Assembly Permit	☒ Yes ☐ No			
Other:	_____			

Staff Comments (list special requirements or conditions for event):

P&LS Director: NO VEHICLES PARKED ON CENTENNIAL PARK / REQUEST OUTLETS IN PLANTERS IF NEEDED - DONNIE MOORE

Public Works Director: NO COMMENTS.

Community Dev. Director: NO COMMENTS - JENNI BYERS / JULIE PHILIPS

Field Services Manager: P/U & RETURN BARRICADES TO CORP YARD - WENDI FERGUSON

Fire Chief: NO COMMENTS.

Police Chief: SEE ATTACHED -

Administrative Services Mgr.: NO COMMENTS.

Transit: NO COMMENT - RICH TREE

INTERNAL COMMUNITY CIVIC EVENT PROCEDURES

- 1 A Community Civic Event form must be filled out under the following conditions:
 - City streets, parking lot and/or sidewalk closure usage
 - Request to serve alcoholic beverages
- 2 Submit a copy of form to Risk Management Division 30 days prior to the event.
- 3 Distribute copy of form to all departments 30 days prior to the event.
- 4 List all organizations/individuals affiliated with the event.
- 5 Specify if food or product will be sold at the event.
- 6 Ascertain that all parties coincide with City and County Codes and Permits.

CITY OF PORTERVILLE

Community Civic Event Application

Proposed Event: Pioneer Days Celebration & Rib Cook-Off

Date of Event: October 13, 2018

Location of Event: Centennial Park & Surrounding Area

Recommendations/Requirements:

- All street closures in the city require City Council approval.
- If event organizers anticipate the need to have vehicles removed from the associated streets and alleys, the streets in question must be properly posted, in accordance with the California Vehicle Code, well in advance of the event. Event organizers **shall** contact Lt. Brian Nix or Lt. Josh Maniss of the Porterville Police Department no less than 30 days prior to the event if vehicle removal is to be authorized. Either can be contacted at 559-782-7410 or 559-782-7400.
- If the sales and consumption of alcoholic beverages are anticipated, a beer garden shall be established and alcohol may only be sold and consumed within the designated beer garden. A minimum of two (2) security guards shall be assigned to control the beer garden while it is in operation. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. The consumption of alcohol at any other event site shall be strictly prohibited.
- Event organizers shall have applied and been granted a temporary license to sell alcohol from the California Department of Alcoholic Beverage Control.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- Amplified music shall not continue after 10:00 p.m.

Rich Standridge, Lieutenant
Porterville Police Department

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: Tonya Hall 291 N. Main Street, Porterville
- 2 Address where amplification equipment is to be used: Centennial Park, Main Street
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Tonya Hall/ P&L Services
- 4 Type of event for which amplification equipment will be used: Microphone, speaker
- 5 Dates and hours of operation of amplification equipment: October 13, 2018 11am-3pm
- 6 A general description of the sound amplifying equipment to be used: Music, announcements,

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

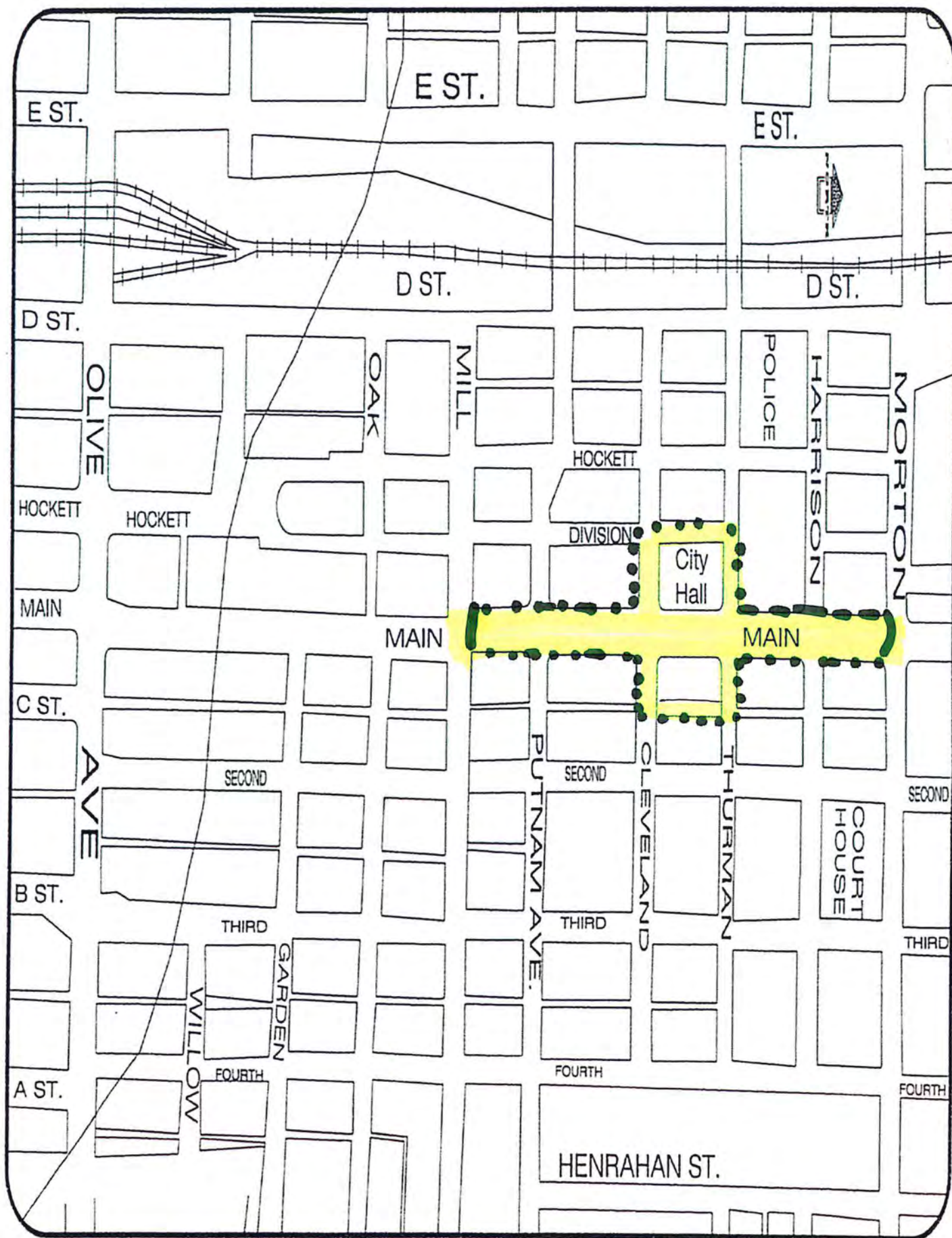
Signature of Applicant

8-16-18
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee

8-16-18
Date





CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Final Ballot Results - Area 456 A, B, C & E Henderson Ave Sewer Utility District

SOURCE: Public Works

COMMENT: This report is a follow-up to the Area 456 A, B, C & E Henderson Ave Sewer Utility District Public Hearing held on August 21, 2018. At the Public Hearing, staff requested for the Hearing to be open and tabulate the votes the following day. Staff also requested that the results be presented to the City Council at tonight's meeting.

The votes were subsequently tabulated and certified. 49% of the property owners voted, of those 96% (113 votes) of the ballots received voted in favor of forming the Sewer Utility District; 4% (5 votes) of the ballots received voted against formation the Sewer Utility District, two ballots were duplicates. City Council may now consider the attached Resolution approving the formation of the Sewer Utility District and the levying of the assessment.

RECOMMENDATION: That City Council accept the voting results for Area 456 A, B, C & E Henderson Ave Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 456 A, B, C & E Henderson Ave.

ATTACHMENTS:

1. Ballot Certification
2. Resolution to Approve the Intent to Form a Sewer Utility District
3. Exhibit "A"

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
ANNEXATION AREA 456 A, B, C & E HENDERSON AVE SEWER UTILITY DISTRICT
INTENT TO CREATE SEWER UTILITY DISTRICT

BALLOT TABULATION RESULTS

Total of Valid Ballots Received	Total "Yes" Ballots	Total "No" Ballots
No. of Ballots <u>113</u>	No. of Ballots <u>108</u> AYES 96%	No. of Ballots <u>5</u> NAYS 4%

In addition, 2 ballots received were invalid due to:

 Ballot vote not marked / could not be determined

 Ballot not signed

2 Property Owners voted twice

Ballots Tabulated By:



Signature

Luisa Zavala

Print Name

Deputy City Clerk

Title

8/22/18

Date

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE APPROVING
THE FORMATION OF
ISLAND ANNEXATION AREA 456 A, B, C & E. HENDERSON AVENUE
SEWER UTILITY DISTRICT AND LEVYING THE ASSESSMENT

WHEREAS, Island Annexation Area 456 A, B, C & E. Henderson Avenue, were large areas annexed into the city at various times dating back to 2006; and

WHEREAS, the parcels in these area's utilize individual septic tanks that are failing; and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable law, the property owners were provided with notice of the public hearing and assessment ballot proceeding; and

WHEREAS, the public hearing has been held and the ballots from the proceeding have been tabulated; and

WHEREAS, the property owners within the proposed District have approved, via ballots cast at the end of the Public Hearing held August 21, 2018, with tabulation of said ballots continued to August 22, 2018;

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Porterville approves the formation of the Island Annexation Area 456 A, B, C & E. Henderson Avenue Sewer Utility District establishing an assessment to pay for the installation of sewer mains and sewer laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit 'A';
2. The City Council of the City of Porterville hereby authorizes the levying of the assessment based on the final cost of actual construction to install sewer mains, laterals, manholes trench pavement, etc.;
3. The City Council of the City of Porterville hereby authorizes the City to permit property owners to pay the one-time assessment over a period of a 30 year loan, with 3% interest. The City Council authorizes the execution and transmittal of all documents necessary to effect the payment schedule through the Tulare County Assessor's Office; and
4. The City Council of the City of Porterville hereby proclaims that property owners may, via an agreement with the City, decline to participate in the Sewer Utility District and to pay all connection fees based on the City's

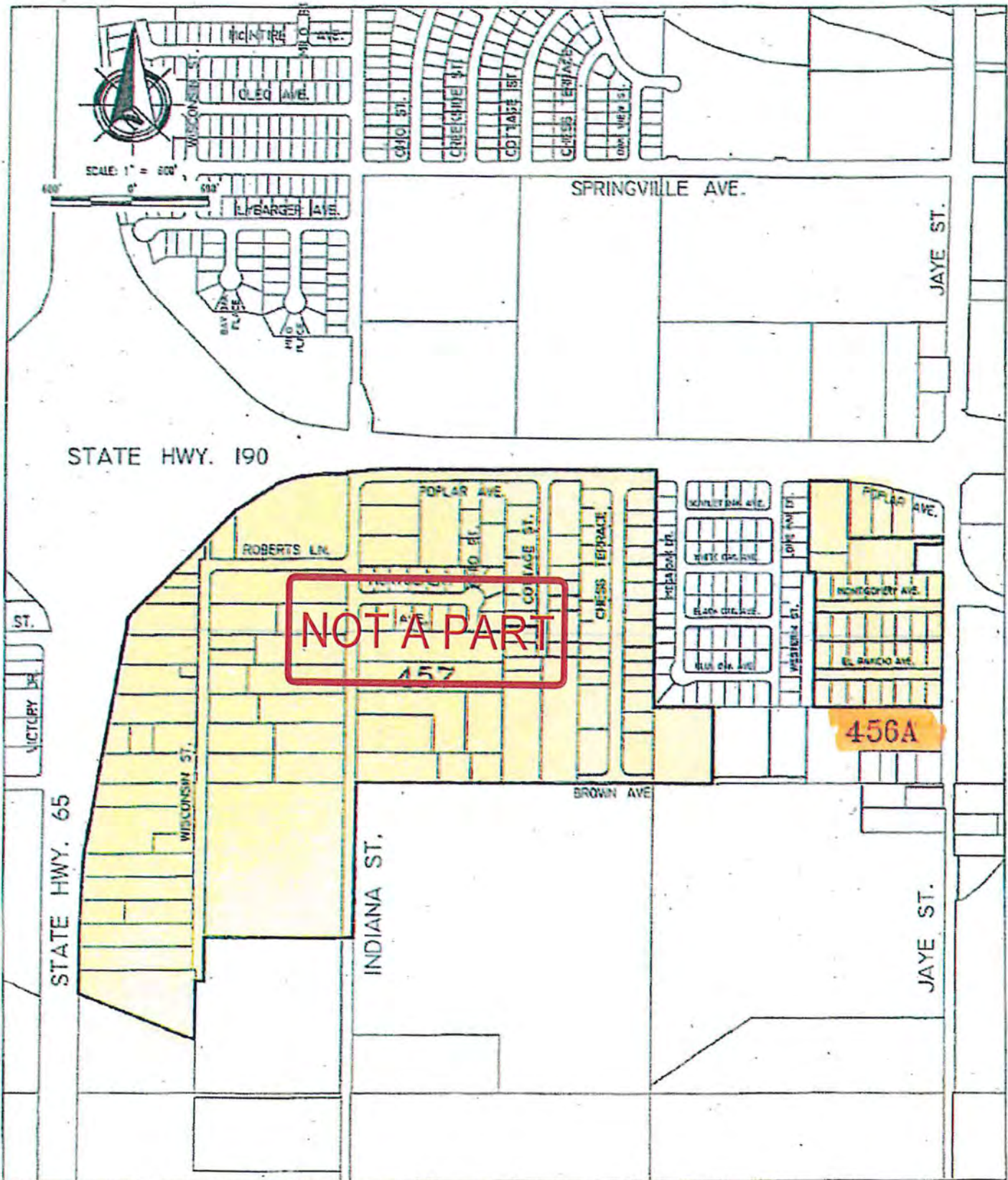
Exhibit "H", "Connection Fees" schedule upon request to connect. Sewer lateral costs shall be per actual construction costs adjusted 3% annually.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

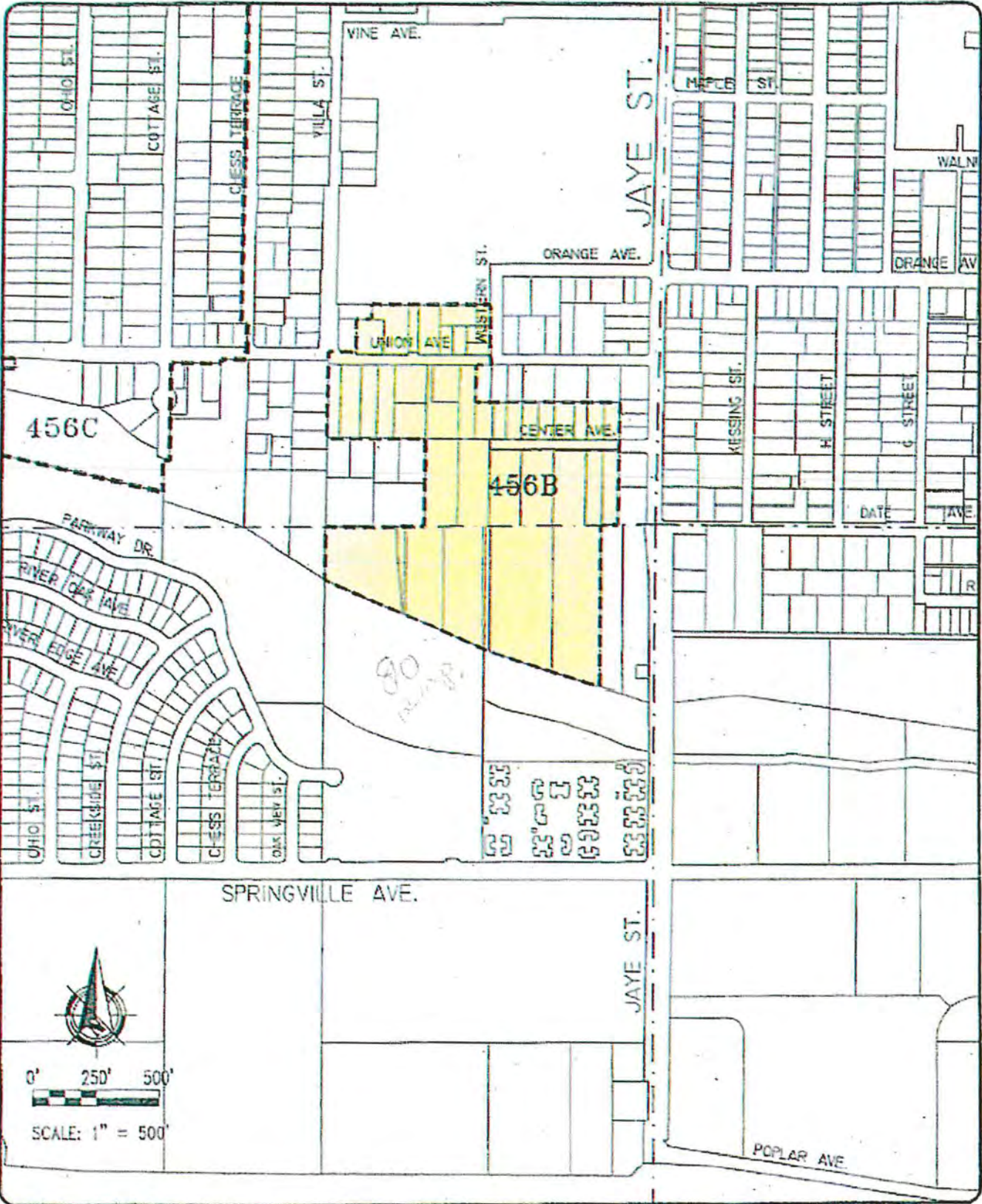
By: _____
Patrice Hildreth, Chief Deputy City Clerk



□ PROJECT BOUNDARIES

ISLAND ANNEX. 456A & 457

ISLAND ANNEXATION 456B



STATE HWY. 65

456C

190 p

0' 250' 500'

SCALE: 1" = 500'

INDIANA ST.

ROBY AVE.

DEVON AVE.

CHESS TERRACE

VILLA ST.

VINE AVE.

UNION AVE.

WESTERN ST.

PARKWAY DR.

RIVER OAK AVE.

RIVER EDGE AVE.

KENTREL AVE.

MILLO ST.

WISCONSIN ST.

COBBS ST.

CAPITOL

COTTAGE AVE.

GARDEN PLACE

OLIVE TERRACE

CARMELITA AVE.

HIGHLAND ST.

TOMAH AVE.

WISCONSIN ST.

OLIVE AVE.

CLOVERDALE ST.



0' 250' 500'

SCALE: 1" = 500'

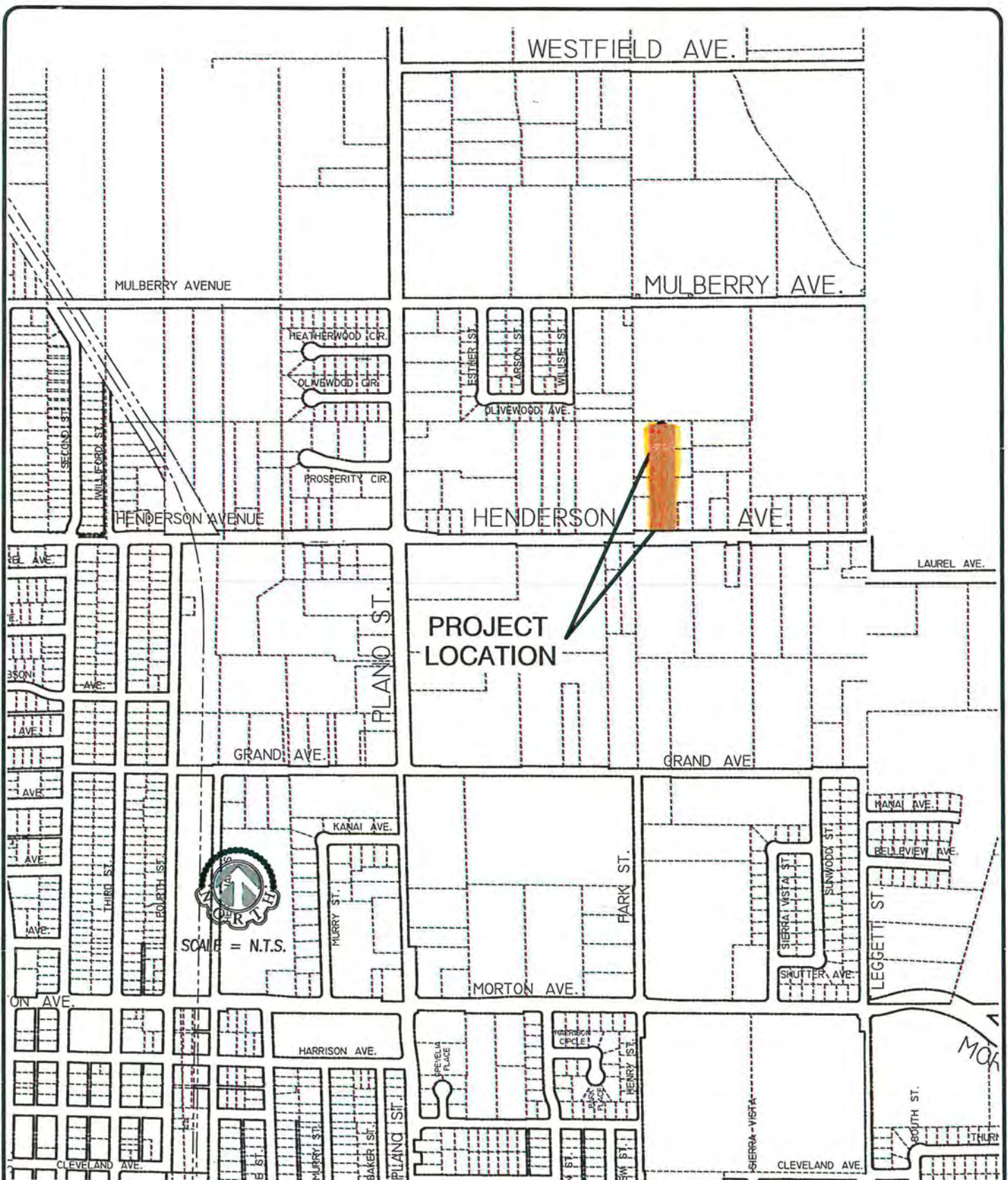


EXHIBIT "B"

CITY OF PORTERVILLE
ENGINEERING DIVISION

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

EAST HENDERSON
SEWER ANNEXATION
PROJECT

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



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Adoption of the City Library's Rules of Conduct

SOURCE: Parks and Leisure Services

COMMENT: At their scheduled meeting on August 14, 2018, the Library and Literacy Commission reviewed the 2006 Library Rules of Conduct and made moderate changes. The Commission also discussed incorporating an appeals process for suspended privileges.

The purpose of the rules is for conformity as to protect our community of Library users who expect our facility to be a clean, comfortable, and safe place for selecting materials, reading, researching, studying, writing, and attending programs and meetings. As a City municipal library, we are responsible for establishing rules of conduct to protect the rights and safety of Library patrons, volunteers, and staff, and for preserving and protecting the Library's materials, equipment, facilities, and grounds.

RECOMMENDATION: That the City Council approve the draft resolution adopting the proposed Rules of Conduct for the City Library and process for appeal.

ATTACHMENTS:

1. Draft Resolution
2. Proposed Library Rules of Conduct
3. Request for Appeal of Library Suspension Form

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE ADOPTING CITY OF PORTERVILLE
PUBLIC LIBRARY RULES OF CONDUCT**

WHEREAS, the adoption and enforcement of city library rules of conduct helps these facilities to continue to be a safe, comfortable, and valuable resource for community residents;

WHEREAS, the Porterville Library Commission has recommended that the City of Porterville adopt revised rules of conduct in order to better protect the rights and safety of library patrons, volunteers and staff; and preserve and protect the facility materials, equipment, facilities and grounds; and

WHEREAS, the revised rules of conduct include a suspension appeals process to assist in better enforcement and the maintenance of due process.

NOW THEREFORE BE IT RESOLVED:

1. The City Council of the City of Porterville hereby adopts the City of Porterville Public Library: Rules of Conduct, attached hereto as Exhibit "A."
2. The City Council of the City of Porterville hereby approves the Request for Appeal of Library Suspension Form, attached as Exhibit "B."

PASSED, APPROVED, and ADOPTED this ____ day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE PUBLIC LIBRARY: RULES OF CONDUCT

Welcome to the City of Porterville Public Library. The City library is supported by the taxes of the people of this community who expect our facility to be a clean, comfortable, and safe place for selecting materials, reading, researching, studying, writing, and attending programs and meetings. The City library is responsible for establishing rules of conduct to protect the rights and safety of patrons, volunteers, and staff, and for preserving and protecting materials, equipment, facilities, and grounds owned by the City of Porterville.

We expect patrons to respect other patrons' use of our library facilities and its resources. As a courtesy to others, we ask that you place your cell phones on "vibrate" and take any phone calls outside or to the public restrooms.

For the comfort and safety of patrons, volunteers, and staff, and the protection of Library property, the following are considered unacceptable conduct that is not allowed on City library properties.

1. Engaging in any activity in violation of Federal, State, local or other applicable law, or Library policy.
2. Willfully damaging Library materials, buildings, furnishings, equipment or grounds.
3. Bringing animals, other than service animals, into the Library.
4. Engaging in noisy or boisterous activities that interfere with or are disruptive to other patrons' use of the Library. (CPC§370; CPC§415)
5. Leaving children unattended anywhere on Library premises if they cannot care for themselves or if such children interfere with or disrupt other patrons' use of the Library.
6. Giving speeches or handing out printed materials in the Library. (However, such conduct may be allowed in the Library public meeting rooms upon receiving permission from the appropriate City official).
7. Soliciting money or engaging in commercial activity on Library premises.
8. Eating, drinking, smoking (including vaping), or bathing in the Library.
9. Theft and/or vandalism to library property, or the personal property of library patrons or staff. (CPC§484, CPC§490.5, CPC§594)
10. Carrying firearms or other dangerous weapons of any kind on Library premises.
11. Having unsanitary bodily hygiene which is so offensive to other persons that it constitutes a nuisance in the Library. (CPC§370)
12. Engaging in sexual conduct on Library premises. (CPC§647)
13. Using or taking illegal drugs or alcoholic beverages or being under the influence of either. (CPC§647)
14. Engaging in conduct which threatens the safety of other patrons or library staff. (CPC§422, CPC§602.1, CPC§415)
15. Loud talking, abusive language, profanity, or non-verbal attention that is willful, malicious, or repeated harassment. (CPC§370, CPC§415)
16. Fighting, running, pushing, shoving, or throwing things. (CPC§415)
17. Graffiti and littering. (CPC§594, CPC§374.4)
18. Obstructing the front of the Library and disturbing patrons entering/exiting the Library, or delaying or lingering without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

The foregoing, including but not limited to the respective references to the California Penal Code, is not intended to be a complete list of unacceptable behaviors but is intended for guidance only. In enforcing the Rules of Conduct, persons who violate this code of conduct will be asked to leave the library and understand that the City reserves the right to take any action that is necessary to preserve any of its rights and remedies under the law. This includes, but is not limited to, suspension of library privileges, and/or pursuing legal action for monetary damages against a patron who causes damage to or loss of materials, buildings, furnishings, equipment, or grounds.

If you wish to challenge a suspension you can obtain a Request for Appeal of Library Suspension form at the City Clerk's office at 291 North Main Street within 10 days from the start of the suspension. City Library privileges suspension appeals shall be processed at the City Clerk's office, 291 North Main Street. The following procedures shall apply to appeals:

1. Any person, who has had their Library borrowing and/or visiting privileges at Library facilities revoked, may appeal the suspension by completing an appeals form within 10 business days of the start of suspension.
2. The City Manager and/or other designee shall serve as the Hearing officer for any appeal.
3. The City Library staff shall submit to the Hearing Officer a written report specifying the reasons leading to the suspension, within 3 business days of the City Clerk's receipt of the request for appeal.
4. The Hearing Officer shall render a written decision within 21 business days of the City Clerk's receipt of the request for appeal. The Hearing Officer may extend the 21 day period, in writing, in order to gather and consider additional evidence and/or information. The decision by the Hearing Officer is final.



Request for Appeal of Library Suspension Form

Date: _____

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Email Address: _____

Phone numbers: _____(home) _____(cell) _____(work)

Reason for appeal: _____

[illegible]

X _____
Signature and Date

Please return this form to the City Clerk's Office, 291 North Main Street, within 10 business days of the start of suspension. The suspension will remain in effect during the appeals process. The Hearing Officer will render a written decision within 21 business days of the City's receipt of the Request for Appeal.



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Conflict of Interest Code Amendment

SOURCE: Administrative Services

COMMENT: The Political Reform Act requires every local government to review its Conflict of Interest Code on a biennial basis. A Conflict of Interest Code identifies which public officials, governmental employees and consultants must file Fair Political Practices Commission (FPPC) economic disclosure forms and sets forth the level of such disclosures. Government Code Section 87300 requires that the agencies' code reviewing body submit a biennial report identifying whether changes are warranted, and if so, what those changes entail.

The City Council, as the City's code reviewing body, accepted the City's Biennial Report for 2018 at its regular meeting of August 16, 2018. Said report concluded that an amendment to the City's Conflict of Interest Code was necessary. The recommended revisions pertain to changes in the list of designated employees only.

RECOMMENDATION: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

ATTACHMENTS:

1. Draft Resolution_Conflict of Interest Code
2. Exhibit A_Conflict of Interest Code_2018

Appropriated/Funded:

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 ADOPTING AMENDMENT NO. 10 TO THE
CITY'S CONFLICT OF INTEREST CODE

WHEREAS, Government Code Sections 87300 et seq. require that local agencies biennially review their Conflict of Interest Codes and submit to their code reviewing body a report identifying whether changes are warranted, and if so, what the proposed changes are; and

WHEREAS, at its regular meeting of August 16, 2018, the City Council, as the City of Porterville's code reviewing body, accepted the City's 2018 Biennial Report which concluded that an amendment to the City's Conflict of Interest Code was necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Conflict of Interest Code for the City of Porterville, attached hereto as Exhibit A, is hereby adopted; and

BE IT FURTHER RESOLVED by the City Council of the City of Porterville that the City Manager, as Administrative Supervisor, is hereby authorized to execute said document.

PASSED, APPROVED AND ADOPTED this 4th day of September, 2018.

MILT STOWE, MAYOR

ATTEST:

JOHN D. LOLLIS, CITY CLERK

By: Patrice Hildreth, Chief Deputy

2018 CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. Establishment. The City Council of the City of Porterville has heretofore established a Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein over all officers, officials, and employees of the City. The City Manager shall be the Administrative Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission except to administer and enforce the requirements, rules, and regulations set forth herein. The City Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of Section 87300 et seq. of the Government Code.

SECTION 2. Purpose. The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the Political Reform Act of 1974.

SECTION 3. Designated Positions. The positions listed on Exhibit "A" attached hereto are designated positions. Officers and employees holding those positions are designated employees and are deemed, for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employees by virtue of his or her position.

SECTION 4. Disclosure Statements. Each such designated employee shall file disclosure statements disclosing reportable investments, business positions, interests in real property, and income, to the

extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk.

SECTION 5. Place and Time of Filing.

- A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.
- B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.
- C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.
- D. After the initial filing, each person holding a designated position, shall, on or before the first day of April of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.
- E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. Contents of Disclosure Statements. Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. Disclosure of Investment or Interest in Real Property.

1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
 - a. A statement of the nature of the investment or interest;

- b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- c. The address or other precise location of the real property;
- d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000);
- e. In the case of a statement filed under Government Code Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

- 1. When income is required to be reported the statement shall contain, except as provided in Government Code Section 87207(b):
 - a. The name and address of each source of income aggregating five hundred (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), whether it was in excess

of ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);

- c. A description of the consideration, if any, for which the income was received;
 - d. In the case of a gift, the amount and the date on which the gift was received;
 - e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.
2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- a. The name, address, and a general description of the business activity of the business entity;
 - b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.
4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a

description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business, or plans to do business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. Prohibition on Receipt of Honoraria. No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than the statutory annual limit in a calendar year from any single source, as adjusted biennially pursuant to Section 89503(f).

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts in an aggregate amount of the limit or more as specified in Government Code Section 89503 (as adjusted biennially by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
- G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the employee, the employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Government Code Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to a designated employee who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.

SECTION 11. Interpretation. In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114, or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. Violation. Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to

Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. Effective Date. The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this 4th day of September, 2018.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

John D. Lollis, Administrative Supervisor

2018 CONFLICT OF INTEREST CODE OF THE
"CONFLICTS AND DISCLOSURE MONITOR AGENCY" OF THE
CITY OF PORTERVILLE

SECTION 1. Establishment. The City Council of the City of Porterville has heretofore established a Conflicts and Disclosure Monitor Agency (hereinafter "Agency") having jurisdiction as set forth herein over all officers, officials, and employees of the City. The City Manager shall be the Administrative Supervisor of such Agency with authority to act for and on behalf of such Agency. Such Agency shall not affect the duties, responsibilities, or chain of command of any Department, Board, or Commission except to administer and enforce the requirements, rules, and regulations set forth herein. The City Council shall be deemed the "Code Reviewing Body" of said Agency pursuant to the provisions of Section 87300 et seq. of the Government Code.

SECTION 2. Purpose. The Conflicts and Disclosure Monitor Agency of the City of Porterville hereby adopts this document as its "Conflict of Interest Code" in accordance with the requirements of the Political Reform Act of 1974.

SECTION 3. Designated Positions. The positions listed on Exhibit "A" attached hereto are designated positions. Officers and employees holding those positions are designated employees and are deemed, for the purposes of this Code, to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employees by virtue of his or her position.

SECTION 4. Disclosure Statements. Each such designated employee shall file disclosure statements disclosing reportable investments, business positions, interests in real property, and income, to the

extent required by the Act, and on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk.

SECTION 5. Place and Time of Filing.

- A. All designated employees required to file disclosure statements shall file same with the City Clerk, as Secretary to the Code Reviewing Body.
- B. A designated employee required to submit a disclosure statement shall file their initial statement within thirty (30) days after the effective date of this Code disclosing reportable investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12-months before the effective date of the Conflict of Interest Code.
- C. Individuals hereafter appointed to designated positions shall file his or her initial statement within thirty (30) days after assuming office disclosing reportable investments, business positions, and interests in real property held on, and income received during the twelve (12) months before, the date of assuming office.
- D. After the initial filing, each person holding a designated position, shall, on or before the first day of April of each calendar year, file an annual disclosure statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year, or since the date the designated employee took office if during the calendar year. Such annual statements shall cover the period of the preceding calendar year.
- E. Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

F. Any designated employee who resigns their position within twelve (12) months following initial appointment or within thirty (30) days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within thirty (30) days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

1. File a written resignation with the appointing power.
2. File a written statement with the filing officer on a form prescribed by the Commission and signed under the penalty of perjury stating that the individual during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

G. A designated employee required to file a statement of economic interest with any other public agency whose disclosure requirements are comparable hereto, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with such other agency, in lieu of an entirely separate statement.

SECTION 6. Contents of Disclosure Statements. Disclosure statements shall be submitted on forms supplied by the City Clerk, and shall contain the following information:

A. Disclosure of Investment or Interest in Real Property.

1. When an investment or an interest in real property is required to be disclosed the statement shall contain:
 - a. A statement of the nature of the investment or interest;

- b. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- c. The address or other precise location of the real property;
- d. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000);
- e. In the case of a statement filed under Government Code Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- f. For purposes of disclosure, interest in real property does not include the principal residence of the filer or any other property which the filer utilizes exclusively as a personal residence of the filer.

B. Disclosure of Income.

- 1. When income is required to be reported the statement shall contain, except as provided in Government Code Section 87207(b):
 - a. The name and address of each source of income aggregating five hundred (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - b. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), whether it was in excess

of ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);

- c. A description of the consideration, if any, for which the income was received;
 - d. In the case of a gift, the amount and the date on which the gift was received;
 - e. In the case of a loan, the annual interest rate and the security, if any, given for the loan, and the term of the loan.
2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- a. The name, address, and a general description of the business activity of the business entity;
 - b. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
3. When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.
4. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, or as to which he or she is a paid consultant, a

description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. If the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business, or plans to do business in the jurisdiction at any time during the two years prior to the date of the statement, it is required to be filed.

5. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired to disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal;

SECTION 7. Prohibition on Receipt of Honoraria. No member of the City Council or candidate for the office of City Council shall accept any honorarium. No designated employee shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (b) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

SECTION 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503. No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than the statutory annual limit in a calendar year from any single source, as adjusted biennially pursuant to Section 89503(f).

SECTION 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the employee or a member of his or her immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts or loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts in an aggregate amount of the limit or more as specified in Government Code Section 89503 (as adjusted biennially by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.
- G. For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a designated employee, by an agent on behalf of a designated employee, or by a business entity or trust in which the employee, the employee's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

1. Notwithstanding subdivision (c) of Government Code Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to a designated employee who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

SECTION 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. This notice shall be forwarded to the Administrative Supervisor, who shall record the employee's disqualification. Upon receipt of such statement, the Administrative Supervisor shall immediately arrange for the matter to be reassigned to another employee.

SECTION 11. Interpretation. In the event of any ambiguity in these rules as to interpretation, construction, or applicability, the Administrative Supervisor shall, by written instrument, clarify such ambiguity. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114, or from the City Attorney, provided that nothing in this section requires the attorney for the City to issue any formal or informal opinion.

SECTION 12. Violation. Violation of any provision of this Code, including: (1) willful failure to file, or timely file, any requisite Disclosure Statement, (2) willful failure to disclose any financial or other interest required to be disclosed in such Disclosure Statement, or (3) filer's willful failure to disqualify himself or herself as required herein, shall be grounds for discipline or removal from office, pursuant to

Government Code Section 91003.5. Upon ascertaining any such violation, the Administrative Supervisor shall report the same to the appointing official for appropriate proceedings. Such violation shall not, however, invalidate or otherwise affect any decision or action to which such violations might relate. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 13. Effective Date. The City of Porterville Conflict of Interest Code, and any amendments to said Code, shall become effective immediately upon passage and approval by the City Council.

Adopted this 4th day of September, 2018.

CONFLICTS AND DISCLOSURE MONITOR AGENCY

John D. Lollis, Administrative Supervisor

2018 DESIGNATED EMPLOYEES*
EXHIBIT "A"

- A. ADMINISTRATION:
 - 1. Deputy City Manager

- B. DEPARTMENT DIRECTORS:
 - 1. Administrative Services Director
 - 2. Community Development Director
 - 3. Fire Chief
 - 4. Parks and Leisure Services Director
 - 5. Police Chief
 - 6. Public Works Director

- C. DEPARTMENTAL EMPLOYEES AS FOLLOWS:
 - 1. Community Development Department:
 - a. Community Development Manager
 - b. Economic Development & Housing Manager
 - c. Associate Planner

 - 2. Finance Department:
 - a. Information Technology Manager
 - b. Administrative Analyst

 - 3. Fire Department:
 - a. Battalion Chief
 - b. Code Enforcement Officer I
 - c. Code Enforcement Officer II

 - 4. Parks & Leisure Services Department
 - a. City Librarian
 - b. Parks Superintendent

 - 5. Police Department:
 - a. Police Captain
 - b. Police Lieutenant

 - 6. Public Works Department
 - a. Deputy Public Works Director/City Engineer
 - b. Deputy Public Works Director/Field Services Manager
 - c. Assistant City Engineer
 - d. Chief Building Inspector
 - e. Building Inspector
 - f. Public Works Inspector

- D. CONSULTANTS: Consultants shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

The Administrative Supervisor may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Administrative Supervisor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

* This designation does not include the following City officials or employees required to report their financial interests pursuant to Article 2 of Chapter 7 of the Act, Government Code Sections 87200, et seq.:

- a. City Council Members
- b. City Manager
- c. City Attorney
- d. Finance Director



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Amendment to Employee Pay and Benefit Plan - Porterville City Employees Association

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Milias-Brown Act, City representatives have concluded labor negotiations with the Porterville City Employees Association. City representatives and PSSU have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents that are necessary to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the negotiated changes within the Porterville City Employees Association's MOU; and
2. Direct HR staff to amend all other documents as may be necessary to document and implement said negotiated changes.

ATTACHMENTS: 1. Draft Resolution_PCEA

Appropriated/Funded:

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 AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
PERTAINING TO PORTERVILLE CITY EMPLOYEES ASSOCIATION

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Porterville City Employees Association ("PCEA") for the period from July 1, 2018, until June 30, 2019, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

One (1) year, from July 1, 2018 through June 30, 2019.

II. OFF-SCHEDULE PAYMENT

Effective December 1, 2018, PCEA employees shall receive a one-time payment equivalent to two percent (2%) of the employee's base salary.

III. ADJUSTMENTS TO POSITION PAY PLAN

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, salaries for the following positions shall be adjusted as follows:

Water Utility Worker I: From Range 150 to Range 155

Water Utility Worker II: From Range 160 to Range 164

Water Utility Worker III: From Range 170 to Range 182

Engineering Specialist II: From Range 175 to Range 177*

Building Inspector I: From Range 180 to Range 186

Building Inspector II: From Range 190 to Range 196

*This removes the additional 1.44% currently paid.

IV. FITNESS INCENTIVE PROGRAM

Effective immediately, Item No. 4 of the Fitness Incentive Program language shall be amended to read, "Employees who knowingly sign and/or submit inaccurate/fraudulent sign in/out sheets or workout logs may become ineligible from further participation in the program and may face discipline up to and including termination. The Risk Manager maintains the right to determine eligibility of proposed workouts."

V. SALARY SURVEY

A regional salary survey shall be conducted.

VI. 2019/2020 NEGOTIATIONS

Labor negotiations for the 2019/2020 Fiscal Year shall begin no later than March 1, 2019.

VII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and PCEA.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2018.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Luisa Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Amendment to Employee Pay and Benefit Plan - Public Safety Support Unit

SOURCE: Administrative Services

COMMENT: Within the scope of the Meyers-Milias-Brown Act, City representatives have concluded labor negotiations with the Public Safety Support Unit (PSSU). City representatives and PSSU have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents that are necessary to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the negotiated changes within the Public Safety Support Unit's MOU; and
2. Direct HR staff to amend all other documents as may be necessary to document and implement said negotiated changes.

ATTACHMENTS: 1. Draft Resolution_PSSU

Appropriated/Funded:

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 AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
PERTAINING TO PUBLIC SAFETY SUPPORT UNIT EMPLOYEES

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Public Safety Support Unit ("PSSU") for the period from July 1, 2018, until June 30, 2019, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

One (1) year, from July 1, 2018 through June 30, 2019.

II. OFF-SCHEDULE PAYMENT

Effective December 1, 2018, PSSU employees shall receive a one-time payment equivalent to two percent (2%) of the employee's base salary.

III. ADJUSTMENTS TO POSITION PAY PLAN

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, salaries for the following positions shall be adjusted as follows:

Communications Dispatcher: From Range 155 to Range 158*

Senior Communications Dispatcher: From Range 165 to Range 168*

*This removes the additional 2.14% currently paid.

IV. SHIFT DIFFERENTIAL PAY

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, PSSU employees assigned to the night shift shall receive shift differential pay in the amount of five percent (5%) of base pay. This shift differential pay is not available to employees regularly assigned to a day shift who may periodically work a night shift.

V. STANDBY/CALL BACK

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, Community Services Officers and Communications Dispatchers who are scheduled to remain on-call after normal working hours or on a normal day off shall be compensated at the rate of \$20 per day of such service.

VI. COURT STANDBY

Effective immediately, Communications Dispatchers and Community Services Officers shall be eligible to be compensated for court appearances as follows:

Communications Dispatchers and Community Services Officers shall be compensated two (2) hours of straight time, at the employee's regular rate of pay, for each court session for which they have been placed on standby.

In the event the employee is called to court, they shall be compensated at the rate of one and one-half (1 ½) times their regular rate of pay from the beginning of that court session, but in no case less than two (2) hours.

If the employee is on standby during the morning session, and is called to testify in the afternoon session, then they shall be compensated for two (2) straight time hours for standby in the morning, and at the rate of one and one-half (1 ½) times their regular rate of pay for the afternoon session.

Travel time for employees to and from Court shall be compensable from Porterville to Visalia Court and from Visalia to Porterville Court at the rate of one and one-half (1 ½) not to exceed one hour.

VII. VACATION ACCRUAL SCHEDULE FOR RECORDS CLERKS

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, or as soon thereafter as possible, regular full-time Records Clerks within the Police Department working on a non-shift basis, shall have three regular holidays: New Year's Day, Thanksgiving Day, and Christmas Day. In the event a holiday falls on a Saturday or Sunday, the employee shall be credited eight vacation hours. Vacation accrual shall include three regular holidays and three floating holidays and be as follows:

<u>Years of Service</u>	<u>Hrs Accrued Per Month</u>	<u>Annual Accrual</u>	<u>Max Accumulation</u>
1-5	12.66	152	224
6-10	16.00	192	264
11-15	17.75	213	276
16 plus	19.33	232	304

VIII. UNIFORM & SAFETY EQUIPMENT ALLOWANCE - CSO II

Effective immediately, the uniform allowance for Community Services Officer II shall be reduced from \$700 to \$500, paid in one annual installment.

IX. FITNESS INCENTIVE PROGRAM

Effective immediately, Item No. 4 of the Fitness Incentive Program language shall be amended to read, "Employees who knowingly sign and/or submit inaccurate/fraudulent sign in/out sheets or workout logs may become ineligible from further participation in the program and may face discipline up to and including termination. The Risk Manager maintains the right to determine eligibility of proposed workouts."

X. COMMUNICATIONS DISPATCHER EXPERIENCE PAY

Effective the pay-period after the Memorandum of Understanding is fully executed and officially accepted, employees classified as full-time Communications Dispatchers shall be eligible to receive experience pay at the following rates. Communications Dispatchers shall receive said experience pay the first full pay-period following the applicable service years' completion, based on total year of California Peace Officers Standards and Training (POST) qualified dispatcher experience. Current Experience pay language shall be amended as follows:

- 2.5% 5 years of Communications Dispatcher experience
- 2.5% 10 years of Communications Dispatcher experience
- 2.5% 15 years of Communications Dispatcher experience
- 2.5% 20 years of Communications Dispatcher experience

XI. 2019/2020 NEGOTIATIONS

Labor negotiations for the 2019/2020 Fiscal Year shall begin no later than March 1, 2019.

XII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

All other terms and conditions previously negotiated and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in full force and effect until such time as they are subsequently modified or eliminated through the meet and confer process and mutually agreed upon by the City and PSSU.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2018.

Milt Stowe, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Luisa Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Request for Proclamation - Suicide Prevention Awareness Month - September 2018

SOURCE: Administrative Services

COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved, and affirmed the process at its meeting on February 21, 2017. The process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

Vice Mayor Ward has requested that the Council consider approval of a proclamation to proclaim September 2018 as "Suicide Prevention Awareness Month." If approved, the Vice Mayor requests that the proclamation be presented following approval of the item.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2018 as "Suicide Prevention Awareness Month."

ATTACHMENTS: 1. Request for Proclamation

Appropriated/Funded: N/A

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: John Lollis, City Manager



City of Porterville
REQUEST FOR PROCLAMATION



Date of Request: 8/13/2018

Name of Event/Individual: Suicide Prevention Awareness Month
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: _____

Name of Contact Person: Vice Mayor Brian Ward

Address: _____

Phone: _____ FAX: _____

E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: _____

Date of Council Meeting to be presented, if applicable: September 4, 2018
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

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

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

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council. To allow for this process it is recommended that you submit your proclamation request one month in advance. Please see the attached language regarding the process and timelines for submittal.

City Clerk's Section

Request Received: 8/20/18 Sponsored by: Ward Date: _____

Approved by Council: yes ☐ no ☐ Date: _____

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

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

“CITY OF PORTERVILLE”

PROCLAMATION

September Is National Suicide Prevention Awareness Month

WHEREAS; September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the CDC, each year more than 41,000 people die by suicide; and

WHEREAS; Suicide is the 10th leading cause of death among adults in the US, and the 2nd leading cause of death among people aged 10-24; and

WHEREAS; “Porterville, CA” is no different than any other community in the country in the mental health challenges facing our residents, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, concerned citizens and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like our very own Tulare County Suicide Prevention Task Force, Suicide Prevention Services (SPS) and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, every member of our community should understand that throughout life’s struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, we encourage all residents to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW, THEREFORE, be it resolved that I, Milt Stowe, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim the month of September 2018, as “National Suicide Prevention Awareness Month”

Dated this 4th day of September, 2018.

“Mayor’s Name”, Mayor



CITY COUNCIL AGENDA – SEPTEMBER 4, 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.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of 55 gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to 50 gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City of Porterville will need to submit its plan for compliance for approval by the State Water Resources Control Board.

At its last meeting on August 21, 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-six (26) 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. Although a new appropriation of State funding has not yet been made, there are sufficient residual funds from the original appropriation to fund the continuance of the program through September 30, 2018. Assemblyman Joaquin Arambula (Fresno) had requested of the Assembly Budget Committee the appropriation of \$3.5 million in the State's 2018-2019 fiscal year budget to continue to support the approximate 300 residences in the Central Valley that still have dry wells and receive temporary water deliveries, however, that appropriation request has not been granted. Should continued funding not be appropriated by the State, representatives for the State Water Resources Control Board have indicated that they will attempt to secure continued funding through Cleanup and Abatement Account (CAA) emergency funds. City staff remains concerned about the lack of continued support for the affected City residences while the extension of water mains and permanent connections will likely not be completed for approximately one year. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting.

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 is 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

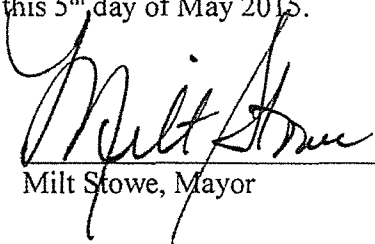
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

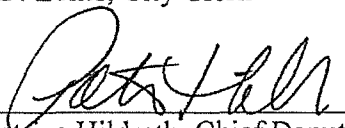
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary

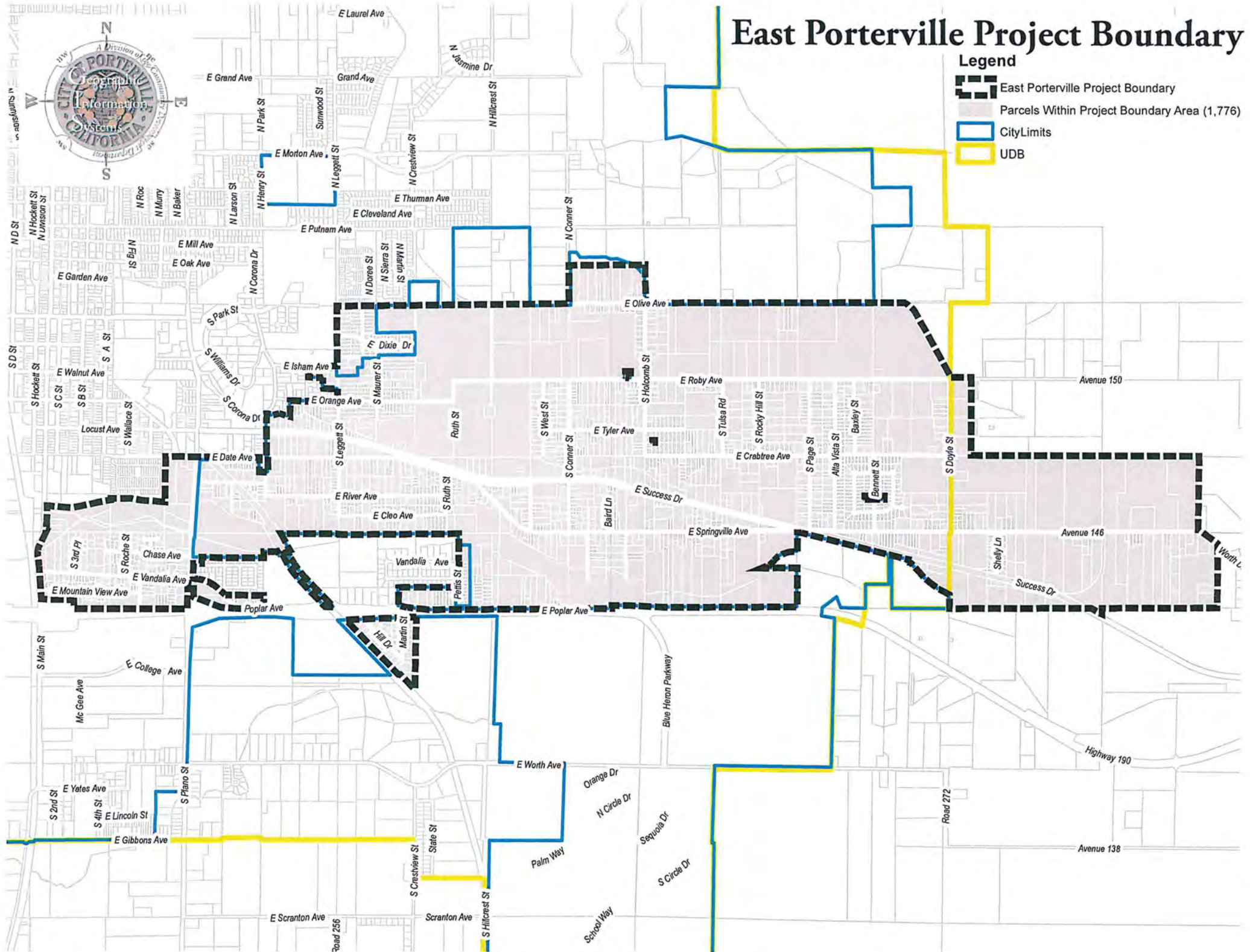


EXHIBIT 'B'

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:

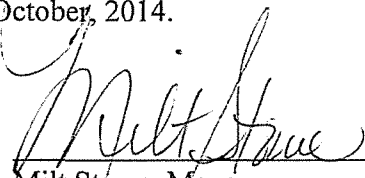
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, 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).

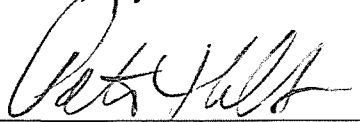
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, 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.

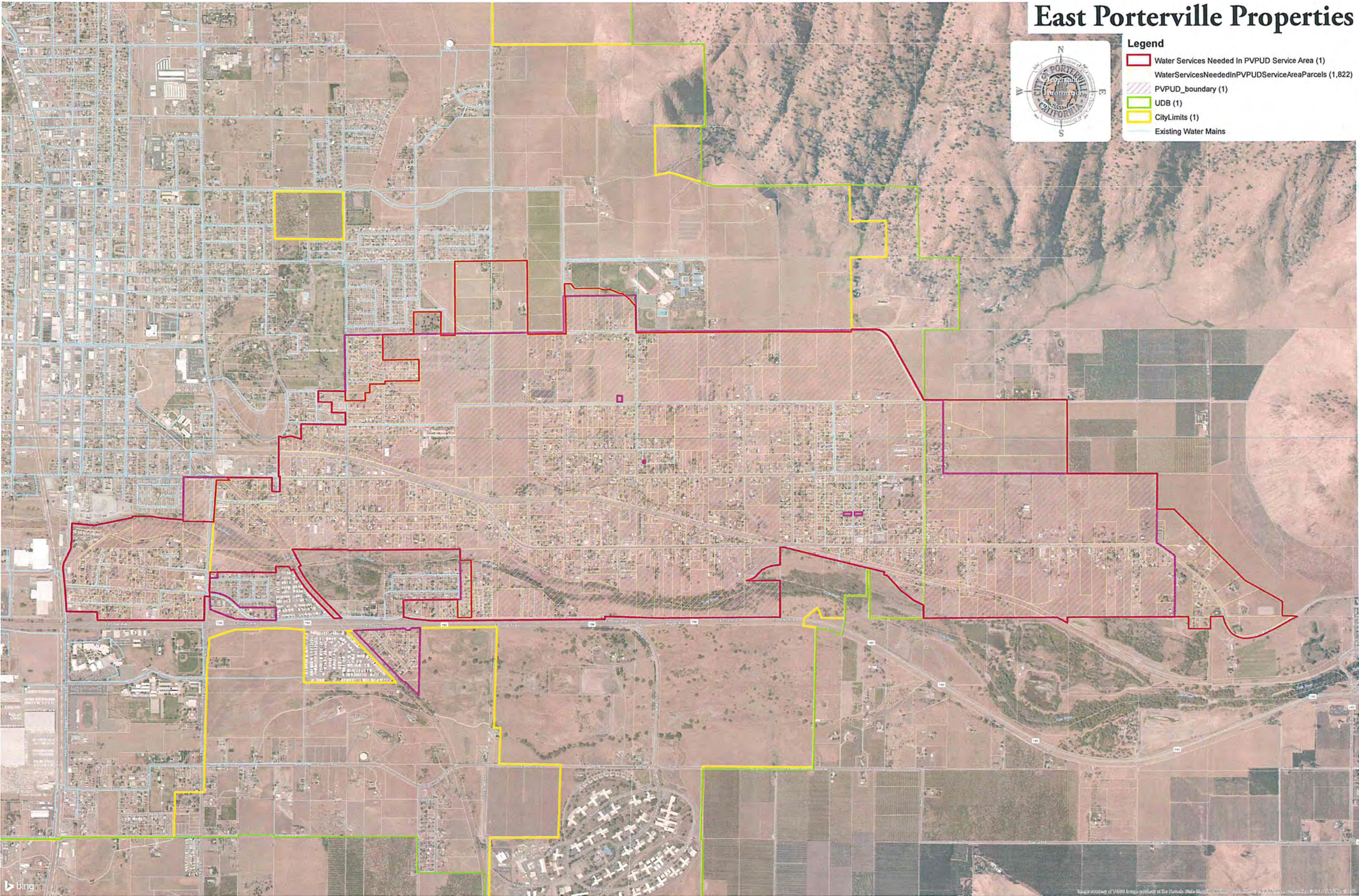
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues 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

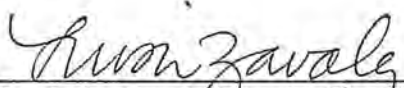

By: Luisa Zavala, Deputy City Clerk

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,

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



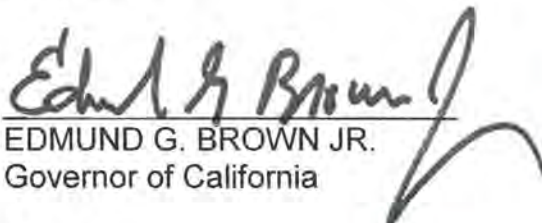
shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing 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 – SEPTEMBER 4, 2018

SUBJECT: City Council Member Requested Agenda Item - Consider Requesting the Arts Commission to Begin Planning the 1st Annual Porterville Arts Expo or Festival

SOURCE: City Manager's Office

COMMENT: Vice Mayor Ward has requested that the City Council consider requesting the Arts Commission to begin planning the 1st Annual Porterville Arts Expo or Festival.

RECOMMENDATION: That the City Council approve Vice Mayor Ward's request to consider requesting the Arts Commission to begin planning the 1st Annual Porterville Arts Expo or Festival.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: CDBG Consolidated Annual Performance and Evaluation Report (CAPER) FY 2017-2018

SOURCE: Community Development

COMMENT: The 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER), has been prepared for submittal to U.S. Department of Housing and Urban Development (HUD). The CAPER reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2017, through June 30, 2018. The CAPER is the performance reporting tool for the 2017-2018 Action Plan Program Year, and is required by HUD guidelines. Performance reporting meets four basic purposes:

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

As required by HUD regulations and the Citizen Participation Plan, staff obtained citizen participation by publishing and posting bilingual public comment notices. On Friday, August 17, 2018, Staff published a public comment notice in English and Spanish in the Porterville Recorder and Noticiero Semanal, respectively. The CAPER is available at the Community Development counter at City Hall, 291 N. Main Street, on the City's website (ci.porterville.ca.us), as well as at the Porterville Library located at 41 W. Thurman Avenue. The notices state public comments may be submitted in person or in writing until September 4, 2018, by 5:00 p.m. At the time of the writing of this staff report, no comments were received. If comments are received prior to the close of the comment period, staff will respond to the comments before the CAPER is submitted to HUD by September 28, 2018.

RECOMMENDATION: That the City Council consider the draft 2017-2018 Consolidated Annual Performance Evaluation Report and direct staff to submit

it to the Department of Housing and Urban Development by the required deadline of September 28, 2018, as well as respond to any comments received prior to September 04, 2018.

ATTACHMENTS: 1. Draft 2017-18 CAPER

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

(CAPER)

PROGRAM YEAR 2017-2018

15 Day Comment Period

DRAFT

AUGUST 2018

Jennifer M. Byers
Community Development Director
291 N. Main Street
Porterville Ca 93257
559-782-7460

TABLE OF CONTENTS

CR-05 Goals and Outcomes

CR-10 Racial and Ethnic Composition of (person/household/families) assisted

CR-15 Resources and Investments

CR-20 Affordable Housing

CR-25 Homeless and Other Special Needs

CR-30 Public Housing

CR-35 Other Actions

CR-40 Monitoring

CR-45 CDBG

Attachments

Response to CR-35

Public Notices

PR-26 Financial Summary Report

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

This section addresses activities undertaken during the program year to address pertinent Consolidated Plan, 2017/2018 Action Plan objectives and areas of high priority. To meet the City of Porterville's goals and objectives for PY17, the City administered funds primarily spent on the following activities : Porterville Youth Center, Business Assistance Program, First Time Low Income Homebuyer Program (FTHB), owner occupied Housing Rehabilitation & Public Utility Loan Program including water and sewer connections with minor housing rehabilitation, Shelter Plus Care Program for the chronically homeless, debt service on the Section 108 loan for the neighborhood community center known as the Heritage Center, and Park Improvements Program.

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

In keeping with this focus, the following objectives identified in the Consolidated Plan and 2017/2018 Action Plan were addressed:

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

Table 1-A: Is a summary of the progress attained, it is similar to the IDIS chart, however it is a more detailed representation.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$450	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	300	194	64.66	60	66	110
Affordable Housing	Affordable Housing	CDBG: \$15,000	Homeowner Housing Added	Household Housing Unit	2	0	0	1	0	0
Affordable Housing	Affordable Housing	CDBG: \$223,087	Homeowner Housing Rehabilitated	Household Housing Unit	6	24	400	4	5	125
Affordable Housing	Affordable Housing	CDBG: \$28,771	Direct Financial Assistance to Homebuyers	Households Assisted	5	5	100	1	0	0
Economic Development	Non-Housing Community Development	CDBG: \$0	Facade treatment/business building rehabilitation	Business	3	0	0	0	0	0
Economic Development	Non-Housing Community Development	CDBG: \$201,056.71	Jobs created/retained	Jobs	0	4	400	1	0	0
Economic Development	Non-Housing Community Development	CDBG: \$407,751.24	Businesses assisted	Businesses Assisted	3	2	66	1	0	0
Homelessness	Homeless	CDBG: \$5,000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	538	35	200	242	121
Homelessness	Homeless	CDBG: \$15,000	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	3	5	166	2	5	250
Homelessness	Homeless	CDBG: \$0	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	0	0	0	0	0	0
Homelessness	Homeless	CDBG: \$0	Homeless Person Overnight Shelter	Persons Assisted	0	0	0	0	0	0
Homelessness	Homeless	CDBG: \$0	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0	0	0	0	0
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$115,339	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	15415	15415	100	15415	15415	100
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$89,800	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	347	69.4	100	111	111
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$18,392	Buildings Demolished	Buildings	0	1	100	1	1	100
Strengthening Neighborhoods	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$3,000	Other;Disposition of Property	Other	0	1	100	0	1	100

Table 1A - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The table 1-Accomplishment in strategic plan represent 5 year goals for PY 2015-2019. This is the third year of accomplishment reported or 60% of the goals.

This section provides the Overall Benefit Analysis. Actions to address the highest priority activities identified in the City's Consolidated Plan are discussed below. These actions accomplished meeting these high priorities and benefitted low to moderate income persons. Most of the HUD Objectives and Outcomes assigned to each CDBG program and activity have been met. Those that have not been accomplished will contain an explanation.

Youth Centers: The City continued funding of the Porterville Youth Center. The Youth Center averages a daily attendance of 28 low-to moderate- income youth. The goal of 100 unduplicated youth has been surpassed annually. In FY17, 111 unduplicated youth were serviced and 91% of those youth were from low to moderate income households.

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

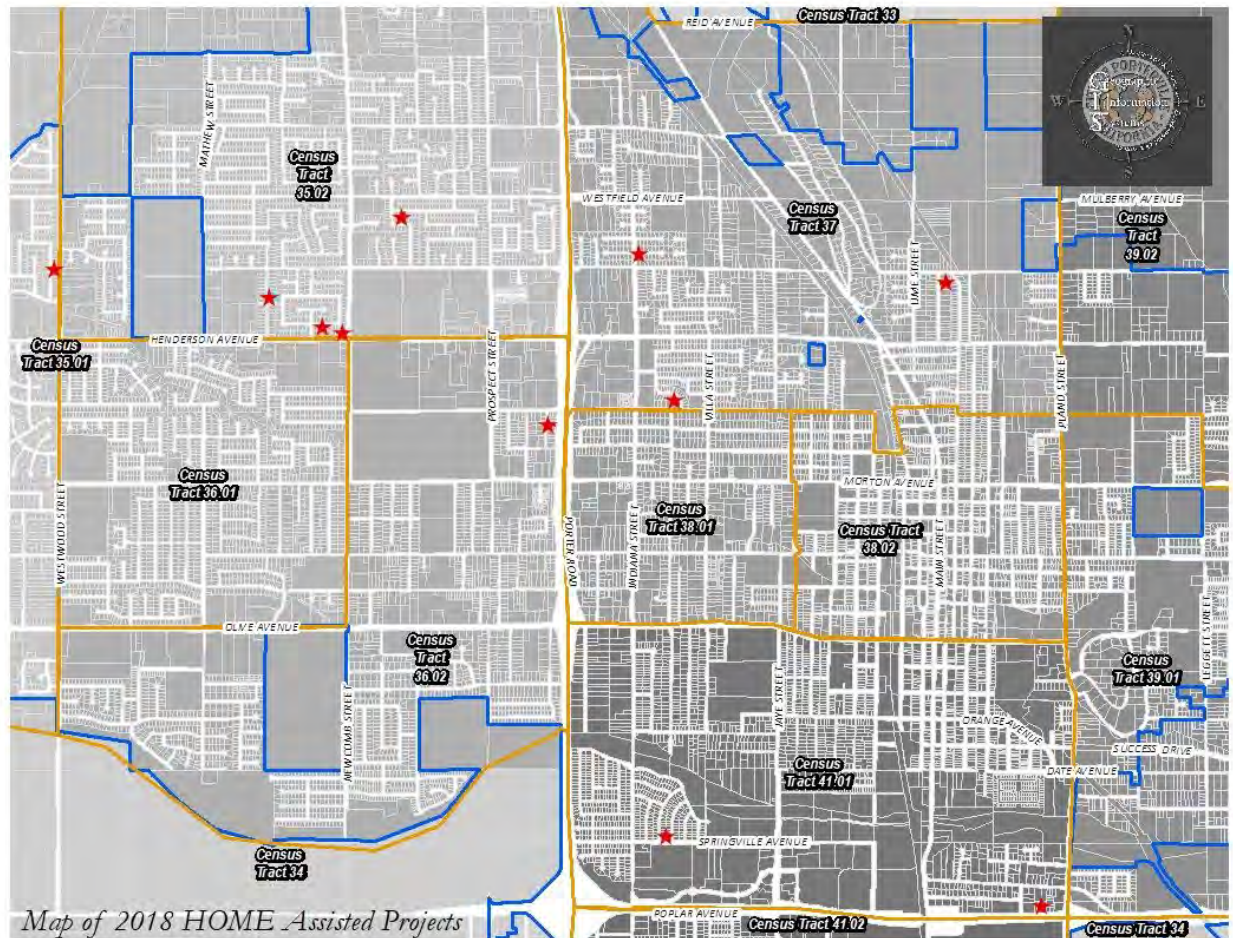
Public Utility Improvements: In FY17, two low income households benefitted from the City's Public Utility Loan Program which is now combined with the Owner Occupied Housing Rehabilitation Program.

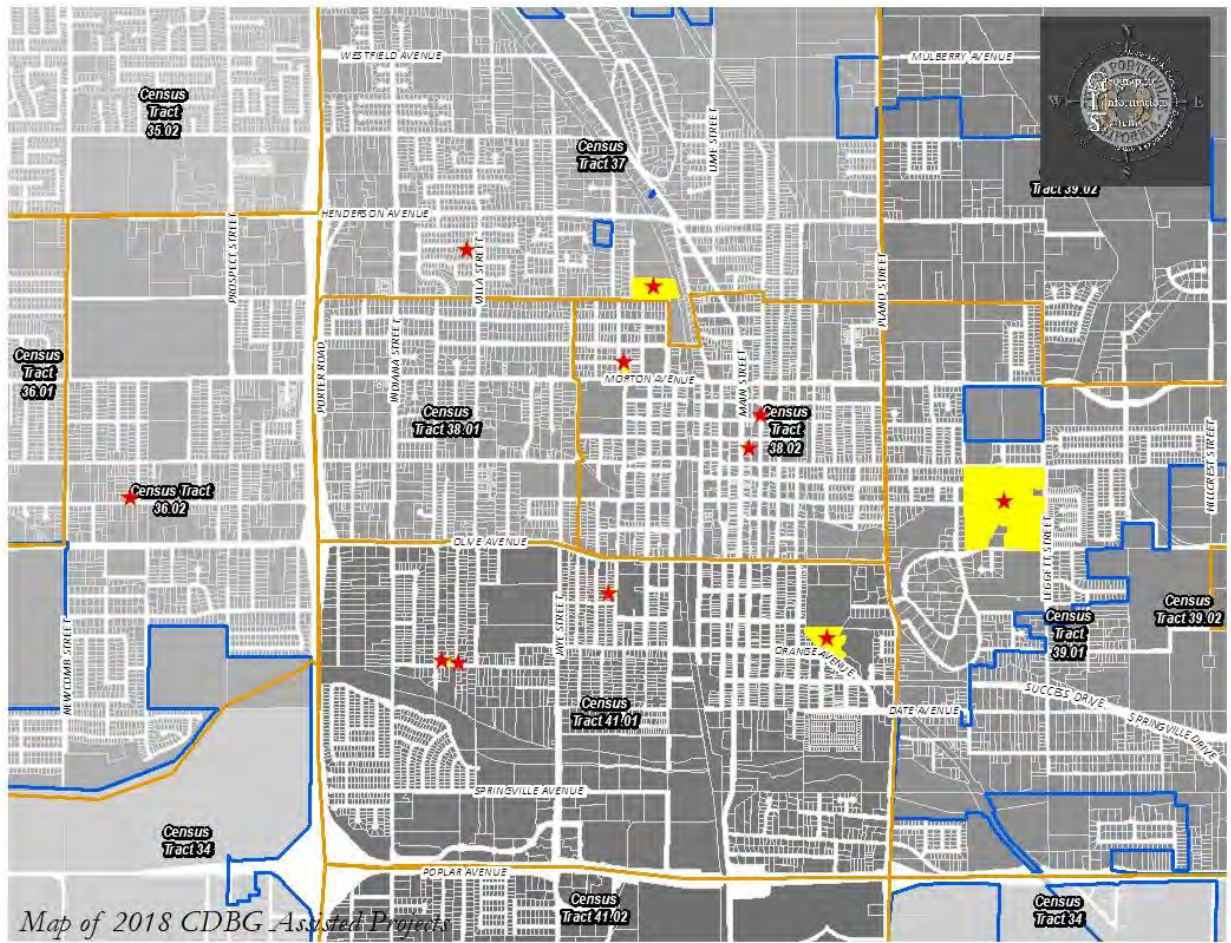
Affordable Housing Programs The Action Plan indicated that at least one low-to-moderate income households may receive first time home buyer assistance. This goal was attained by assisting 11 low-to-moderate income households, however not with CDBG funds. The city had received over \$400,000 in program income from payments received from past loans and those funds were used to assist First Time Homeowners with downpayment, gap and closing cost assistance. Through a combined effort of the City's Housing Rehabilitation and Public Utilities programs, at least two households were anticipated to receive assistance. The goal set in the Action Plan was accomplished. Five total households were assisted, three of which received housing rehabilitation assistance to address health and safety code issues and two connected to City water or sewer services. A Map is included to show where CDBG assisted units are

within the City as well as HOME assisted units which funds were leveraged for the First Time Homebuyer Program.

Accomplishments

Map of Assisted Low/Mod Families





CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	400
Black or African American	9
Asian	5
American Indian or American Native	27
Native Hawaiian or Other Pacific Islander	1
Other	13
Total	455
Hispanic	232
Not Hispanic	223

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Some programs do not record Race and Ethnicity in IDIS, therefore this chart was updated to reflect actual number of families assisted which is different from the auto generated from IDIS.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	1,491,654.26	787,523.31
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

This total will be finalized once the City of Porterville finance department has completed closing out the 2017-18 fiscal year. This total is as of June 30, 2018 based on a preliminary report of expenditures.

The auto-generated table by IDIS does not reflect actual amounts. Therefore actual balances have been included, per available resources at the beginning of FY 17. Every effort is made to use any available Program Income first, then any prior CDBG entitlement and finally the current entitlement. Some Activities only use Program Income, Prior Entitlement or Current entitlement, therefore all accounts resources have expenditures

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100	100	All programs are within the City Limits of Porterville

Table 4 – Identify the geographic distribution and location of investments

Narrative

The target area for all goal is Citywide. All assistance was provided to households within the city limits of Porterville, including newly annexed Tulare County unincorporated areas.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

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

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

Matching requirements were satisfied through the individual program guidelines. For the First-Time Home Buyer Program, lenders are requested to provide a higher percentage of the sales price than what the City provides. This provision also promotes affordable housing because it excludes the additional cost of primary mortgage insurance (PMI) when they are eligible for Conventional Financing if at least 20% is given as a down payment. One of the exceptions to the PMI cost avoidance is the use of FHA financing which is allowed with the program and requires PMI for the life of the loan regardless of amount of equity. Additionally, HOME and CalHOME funds are available to leverage FTHB funds. Matching funds associated with the Business Assistance Program are those funds necessary to complete the project and accommodate the business. Funds for the CDBG-R Rails to Trails project were leveraged with CMAQ, special local tax funds, and Park grants. By developing a partnership with the Porterville Unified School District in order to build the Heritage Center on the site adjacent to the Santa Fe Elementary School, the City and the School District agreed to construct buildings for shared uses and therefore leveraged the resources of each entity.

Examples are:

1. A public service is being provided at the Heritage Center which serves as a youth center. Services offered include Day Camp, Margaret J. Slattery Children's Library, Tiny Tots Daycare, Various Classes, and the Youth Center. Although CDBG helps pay for a public service within this center (the Youth Center) it is also subsidized with other funding sources including the General Fund.

2. With General Fund, improvements have been made to public parks including a shade structures to playgrounds, a fence around play area for safety, and a lighted multi-use walkway.
3. Porterville Sports Complex was also improved with Housing Related Parks Grant and is accessible for sports leagues including a free league for LMA/LMI families that cannot afford league fees.
4. A multi-use trail was added to Veteran's Park with the use of Housing Related Parks Grant and General funds.
5. The Fallen Heroes Park, was added and made ADA accessible with exercise equipment for public use.
6. The city owned Public Library offers a variety of free services to the public including free access to computers with internet access to assist families who do not own a computer and cannot afford internet service at home. Youth programs and adult literacy programs are also offered.
7. Through the land acquisition program a property was acquired and donated to a nonprofit who will build an affordable house for a low/mod family.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	2	5
Number of Non-Homeless households to be provided affordable housing units	5	5
Number of Special-Needs households to be provided affordable housing units	0	0
Total	7	10

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	2	5
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	4	5
Number of households supported through Acquisition of Existing Units	1	0
Total	7	10

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In PY17, the City of Porterville exceeded its goals as the outreach strategies were reviewed and improved.

Additionally, the City of Porterville is committed to providing a full range of housing opportunities throughout the community. It is the City's intent to assist in the development of housing opportunities within the City and, as such, the City will engage in programs that further improve the supply of lower income housing. The City cooperates with several local operators of facilities that meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. In addition to the required Point In Time count of the homeless community, the City co-chaired the Porterville Project Homeless Connect as a member of the of the Kings/Tulare Homeless Alliance to help bring needed services in one central location to those families that are currently experiencing homelessness and to those at risk of becoming homeless. The City also collaborates with the Housing Authority of Tulare County, who provides ongoing maintenance and upkeep of publicly assisted housing units within the City of Porterville. It serves as the housing provider for worst-case needs and low income renter households that pay more than half their income for rent. The Authority also provides assistance to persons with

disabilities that are capable of independent living. Some of their units have been retrofitted to accommodate persons with disabilities. Additionally, the City is on the Homeless Taskforce, which is a County Wide effort to identify gaps in services to help individuals and families experiencing homelessness overcome that situation or avoid it altogether.

The City's efforts to address "worst-case" housing needs and the needs of persons with disabilities included:

- a. Assisting five low and very low-income owner-occupied households with emergency home repairs dealing with immediate health, life, or safety issues.
- b. In PY17, the City continued to promote for the tenth year the Voluntary Income Tax Assistance Program (VITA) in Porterville. VITA is a national program providing free assistance to low income, elderly, limited English proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. This program aids in ensuring that these families don't have to use their limited resources on this service and are able to obtain their tax refunds.

Discuss how these outcomes will impact future annual action plans.

These outcomes demonstrate that there is still a need for affordable housing and the city would like to continue funding such programs.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	6	0
Low-income	4	0
Moderate-income	0	0
Total	10	0

Table 7 – Number of Households Served

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs-

The City of Porterville, in partnership with the Kings/Tulare Homeless Alliance (KTHA), works diligently to address homelessness within the city.

KTHA, which serves as the local continuum of care, coordinates efforts amongst service providers, faith-based partners, governmental agencies and other key stakeholders. KTHA hosts multiple monthly meetings such as the Case Management Roundtable and Community/Stakeholder meeting.

Outreach efforts have been a key focus. The Kings View PATH team and KTHA Housing Navigators conduct ongoing outreach to connect people who are least likely to access resources. Since July 2017, approximately 130 people experiencing homelessness were assessed for housing through street outreach efforts.

On January 26, 2018, KTHA held a Project Homeless Connect event in Porterville that served 242 people that were either homeless or at-risk of homelessness. The event offered free services to people experiencing homelessness such as medical services, dental services, prescription eye glasses, birth certificates, and California ID cards. Demographic information is collected as guests enter the event through an intake tool. The intake process collects a variety of domains such as demographics, veteran status, domestic violence and disabling conditions. This information is used to determine gaps in services within the community.

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

The Coordinated Entry System, operated by KTHA, includes virtually all homeless service providers within the City of Porterville. In addition to the Every Door Open approach, people experiencing homelessness can have an assessment completed by contacting the 2-1-1 Tulare County Community Resource Agency.

Addressing the emergency shelter and transitional housing needs of homeless persons

Within the City of Porterville, the following programs provide emergency shelter and transitional housing for people experiencing homelessness:

Program Type	Organization Name	Program Name	Year-Round Beds
ES	Central CA Family Crisis Center	CCFCC Women's Shelter	38
TH	EMQ Families First Inc.	Crossroads T.A.Y. Housing, Porterville	10
TH	Central CA Family Crisis Center	Women's Transitional Housing Program	8
ES=Emergency Shelter TH=Transitional Housing			

A key accomplishment during the FY 17/18 year was being awarded funding for the Housing and Disability Advocacy Program (HDAP), which is a partnership between Tulare HHSA and Community Services and Employment Training (CSET). HDAP will assist homeless, disabled individuals apply for disability benefit programs, while also providing housing supports such as outreach, case management, benefits advocacy, and housing supports to all program participants. The launch date for the program was July 1, 2018.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The community continues to focus on preventing homelessness along with addressing homelessness. In 2017, KTHA was awarded grant funding for a Prevention & Diversion Coordinator that will focus on strengthening collaborations with community partners that provide prevention services. The position will be filled in the fall of 2018.

Another key partnership developed in 2017 are the Tulare County Multi-Disciplinary Team (MDT) meetings. KTHA and other service providers now attend these meetings on a regular basis. Attendees include the Public Guardian, Mental Health, Adult Protective Services, SSI advocacy team, District Attorney's office, Victims Advocacy team, and many others. During these meetings, difficult cases are staffed with the overarching goal of preventing homelessness and keeping clients safe.

Several community partners offer local residents services which are designed to help with housing retention. Community residents can access up-to-date prevention resources by calling the local 2-1-1 line. Call center operators through 2-1-1 are able to pre-screen clients for eligibility and provide up-to-date information on program availability.

CalWorks eligible families are able to access housing assistance through the Housing Support Program. The program can assist with short term rental assistance and utility deposits for households faced with eviction.

Through a partnership between Tulare County HHSA and Uplift Families, there are 10 transitional housing beds available for youth exiting foster care. The program offers housing along with intensive wrap around services to assist participants in becoming self-sufficient.

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

These linkages have increased the community's efforts to avoid discharge into homelessness as well as serve the existing homeless population.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

KTHA is in the final stages of preparing to launch a Landlord Mitigation Fund, which is designed to improve access to housing. The mitigation fund will increase access to housing and decrease the number of days people spend experiencing homelessness. The project will launch in the fall of 2018.

The Coordinated Entry System continues to focus efforts on working with the top five households of each intervention type on the Housing Priority List to get them document ready. This focus has reduced the amount of time that people spend on the streets waiting to be placed once a unit becomes available.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City does not use funds from the Community Development Block Grant allocation to assist the Public Housing Agency. However, the Tulare County Housing Authority is an active PHA and referrals are made to the agency when needed and open communication exists about new programs that become available.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City has looked at ways to improve participation in the Homebuyer Education courses. Changes to the program include increased outreach, hosting a Housing Fair, partnership with a HUD approved Foreclosure prevention counselor from a local non-profit, use of social media, offering a one-day class, offering weekend classes. This past year Lenders and Realtors were also invited to present at the end of the class to answer any questions. Flyers and information are taken to public housing units in the City and information is also given to the local PHA for referral of families that may be interested in becoming homeowners.

Actions taken to provide assistance to troubled PHAs

Tulare County's Housing Authority is not a troubled PHA.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

This section summarizes other actions contained in the Consolidated Plan and Action Plan. These actions specifically address obstacles to meet underserved needs, foster and maintain affordable housing, eliminate barriers to affordable housing, overcome gaps in institutional structures and enhance coordination, improve public housing and resident initiatives, evaluate and reduce lead based paint hazards, ensure compliance with program and comprehensive planning requirements, and reduce the number of persons living below the poverty level. Several annexations have also taken place throughout the city in PY15, and PY16, to provide infrastructure for sewer and water connections for families. These annexations included approximately 800 parcels, with a projected population of 3,000 residents. This allows those county islands to now have access to City utilities.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

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

During FY 2017/18, Porterville Transit maintained nine fixed routes with a high demand for ridership at its 250 designated bus stops. During FY 2017/18, the Fixed Route served 635,648 riders, and the Demand-Response provided curb-to-curb service to 13,001 passengers, mostly seniors and ADA-certified riders.

The current transit fleet consists of fourteen (14) CNG (Compressed Natural Gas) and five battery-electric transit buses, making the transit fleet totally compliant with the California Air Resources Board (CARB) regulations.

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

These efforts, in conjunction with the City's first time home buyer programs and other housing programs,

have made progress toward the goal of eliminating barriers to affordable housing.

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

Staff continues to monitor all of the City/Agency assisted affordable housing projects to ensure that they are meeting the conditions of the regulatory agreements. The monitoring has now been the responsibility of the Porterville Housing Authority. The City continues to keep an open communication with several affordable housing developers to encourage this type of development.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

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

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

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

Priority for funding is given to an applicant that is an owner of, or in the process of purchasing, the property or evidence of a signed long-term lease. Priority is also assigned on the ability to generate direct employment opportunities for low/moderate income persons according to a minimum ratio of one full-time equivalent job per \$35,000 of CDBG assistance. During PY17, Porterville worked with three businesses who are in the process of applying for assistance.

11 of the City's moderate income households also benefitted from the purchase of a home under the City's First-Time Home Buyer programs with HOME Program Income.

In PY17, the City continued to promote the Voluntary Income Tax Assistance Program (VITA) which has been active in Porterville since 2006. VITA is a national program providing free assistance to low income, elderly, limited English

proficient and disabled individuals who require assistance in preparing their tax returns and cannot afford the services of a paid professional tax preparer. In the City of Porterville this program is provided by Community Services & Employment Inc. (CSET)

Combined with the Earned Income Tax Credit (EITC) outreach, the services provided by VITA in a low-income community can have a tremendous impact. In PY17, 445 families were assisted Porterville locations. This totaled \$744,193 in income tax refunds for those families.

Vita is promoted at the First time homebuyer workshops every month, a flyer is posted in City Hall and one is emailed to current families who have a loan with the City for one of the CDBG, HOME or CalHome programs in January of each year.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

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

The City of Porterville works with local profit and nonprofit organizations as well as the Tulare County Housing Authority and the offices of the County of Tulare. The 211 system developed by United Way of Kings/Tulare County serves to enhance coordination. This is a Community Resource tool which is continually updated. It provides a listing of Homeless Shelters, Senior Housing, Housing for Persons with Disabilities, Housing for Farm Laborers, and many other supportive services.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

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

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Please see attachment 1 which addresses the adopted Analysis of Impediments to Fair Housing Choice (commonly known as "the AI"), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the third year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

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

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

CAPER DEVELOPMENT AND CITIZEN PARTICIPATION PROCESS

Prior to submitting the CAPER to HUD, a notice soliciting public comment will be published in the *Porterville Recorder* in English and in the *Noticiero Semanal* in Spanish. Publication of the notice allows for a 15-day comment period plus time to prepare a summary of comments. A copy of the Notice of Public Review is included in the attachments. A summary of comments will be updated after the 15-day comment period and Public Hearing.

Drafts of the CAPER will be provided for the public's review in the Porterville City Library at the City Hall Community Development Department's counter and on the City's website. The Choose Porterville Facebook page will also be used to inform the community of Draft CAPER availability for review. Any person can also contact the City, in order to make other arrangements if they are not able access the CAPER at those locations.

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

The City council public hearing will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be available to be provided upon request, ranging up to five business days prior notification to the City Clerk. Request for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services

or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Public Comments: . A summary of comments will be updated after the 15-day comment period and Public Hearing.

Public Notices and Publications are attached as Attachment 2.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City continues to review its programs and guidelines for example in the past the First Time Low Income Homebuyer Program and the Owner Occupied Housing Rehabilitation Programs were changed to make the programs more marketable, while still complying with all requirements of the funding source. The City strives to be able to assist as many households as possible, so staff is constantly monitoring the market conditions to make changes in the program guidelines as necessary. Additionally, if there is a need that was previously not identified and it comes to the City's attention, this may also be a reason for needed changes in program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

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[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Attachment 1

Response to CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

This section addresses the adopted Analysis of Impediments to Fair Housing Choice (“AI”), including a summary of impediments identified in the analysis, and actions taken to overcome the effects of impediments identified through the analysis. This is the first year of review utilizing the AI in the adopted 2015 Five Year Consolidated Plan.

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

- The City allows for a broad range of residential densities up to 30 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes or exactions. In addition, Porterville allows for the creation of Planned Development districts which have been used on residential developments, allowing for smaller lot sizes, reduced setbacks, and higher densities, all of which can lead to lower housing costs.
- Permit processing times are relatively brief for typical development projects and streamlined through the implementation of the City’s computerized building permit and development review software program. Since 2008, the City of Porterville has been implementing a new project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where they previously took at least three weeks, and in some cases much longer.
- City fees are comparatively low, and there are only a few development exactions.
- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.
- Zoning and parking standards are not overly restrictive. Minimum single family lot sizes induce homebuilders to construct single family dwelling units for low- to moderate- income first time home buyers.
- The City has used millions of dollars of Certificates of Participation, bond funds, and other State and Federal grants and loans to provide new wells, major sewer and water trunk connections, expansion of the Wastewater Treatment Facility and street improvements to accommodate residential growth, and ensure maintenance of affordable housing. Substantial funds have been expended to extend infrastructure to the northeastern area of the city to encourage residential development in that area in accordance with the Land Use Element of the City’s General Plan.
- The City continues to evaluate its Development Ordinance and general plan policies to ensure no undue hardships are created for the development of low to moderate income housing. This was studied extensively in the most recent General Plan Update that was adopted in March 2008.
- As stated earlier, the Development Ordinance, combined the Zoning Ordinance and Subdivision Ordinance into one, well-integrated document was adopted in 2010, revised in 2012 and again in 2015. The Development Code clarifies previously ambiguous standards and generated a more

predictable outcome for developers. This is seen as a way to lower the costs of development that are associated with costly mistakes and unnecessary bureaucracy.

- The City's First-Time Home Buyer Program provides closing costs and down payment assistance to qualifying buyers. Providing this assistance mitigates one of the single largest barriers to obtaining affordable housing.
- The City's Owner Occupied Housing Rehabilitation Loan Program provides 0% interest, deferred loans to rehabilitate low and moderate income houses which help to keep the people in their homes by addressing health and safety issues.
- When available, the City provides direct assistance to developers that construct low to moderate income housing within the City and can grant density bonuses to developers who agree to construct a minimum number of units restricted for low income households.
- While the AI identifies a number of potential issues, certain issues are beyond the ability of a local jurisdiction to address, such as those related to lending practices. The following list identifies the strategies developed in the City's adopted AI that could be feasibly addressed by the City. Each strategy is followed by the actions that have been taken to address each item during the last program year, and the impacts of those actions:

Expanding Affordable Housing Opportunities:

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

Access to Information

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

Public Policies and Program

The City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing. Specifically, the newly adopted Housing Element establishes, as one of its action plan goals, "to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. As an example, the City's Development Ordinance facilitates affordable housing.

The Housing Element also addresses other actions to be taken to preserve the existing housing stock, conserve existing affordable housing opportunities, provide adequate residential sites through appropriate

land use designation and zoning to accommodate the City's share of regional housing needs, identify and encourage mixed-use and infill development, and ensure adequate services to infrastructure and housing.

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

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

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

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

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

Outreach to Lenders

The City will continue to work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans particularly for first-time home buyers. The City will encourage local lenders to provide information in both English and Spanish and to hold workshops in both languages. This outreach to lenders results in more low income persons participating in the Homebuyer Education Program and becoming applicants for funding assistance. The increase in communication makes for smoother processing of the loan applications. The foreclosure education and referral process certainly has had a positive impact on helping homeowners that were facing foreclosure with options that could prevent foreclosure and provide the public with important housing information.

Fair Housing Services

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, Self Help Enterprises, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing. The City continue to explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Whenever the City has a booth promoting housing programs, fair housing information is also provided, both in English and Spanish.

A Housing Fair was conducted in FY 17 to bring housing services in one central location, so that anyone in the community needing information on becoming a homebuyer or the process of home buying could have all the people involved in the process in one location. Additionally, service agencies where there to

provide free legal advice on renter and homeowner rights, Housing Counseling, Section 8 program information, Employment Services, Domestic violence and Homeless programs. City inspectors and City Planners were also available to answer zoning, building code, permits and other questions as necessary.

In PY17, the City had no fair housing complaints received, therefore no referrals were directed to HUD or DFEH.

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

Attachment 2

Public Notices and Publications



CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: August 14, 2018

DATE(S) TO BE PUBLICIZED: August 17, 2018

PUBLIC MEETING DATE: September 4, 2018

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2017/18 Action Plan

Budget Acct. No: 01-3020-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

**Please reply with confirmation of dates
and cost to Christina Tank at
ctank@ci.porterville.ca.us**

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

☒ Send Tear Sheets

☐ Send Declaration
of Publication

Send Result Report



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CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: August 14, 2018

DATE(S) TO BE PUBLICIZED: August 17, 2018

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AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for the City's

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	08/14/18 10:15	Porterville Recorder	0°00'28"	FAX	OK	200x100 Normal/On

NOTICE OF PUBLIC REVIEW AND COMMENT AND NOTICE OF PUBLIC HEARING

The City of Porterville Community Development Department is soliciting public review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's 2017/18 Action Plan. The Action Plan is submitted annually to the U.S. Department of Housing and Urban Development (HUD) to enable the City to receive federal funds under the Community Development Block Grant (CDBG) program.

The CAPER, which has been prepared for submittal to HUD, reports on specific federal assistance allocated to the City of Porterville for the period July 1, 2017 through June 30, 2018. The CAPER is the performance reporting tool for the 2017/18 Action Plan Program Year, and is required by HUD guidelines as described in a HUD Memorandum dated February 18, 1998.

The public review period for the CAPER begins August 17, 2018 and is limited to 15 days. The City of Porterville must receive all comments on the CAPER by 5:00 p.m., September 4, 2018. The CAPER is available for examination on the City's website www.ci.porterville.ca.us and at the following locations:

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

Porterville City Library
41 West Thurman Street
Porterville, CA 93257

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

In addition to the public review, a public hearing will be held by the City Council of the City of Porterville on Tuesday, September 4, 2018 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider the approval of the 2017-18 CAPER.

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

In compliance with the Americans with Disabilities Act, 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 Deputy 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. (28 CFR 35.102-35.104 ADA Title II)

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

DATED: August 14, 2018

Jennifer M. Byers, Community Development Director

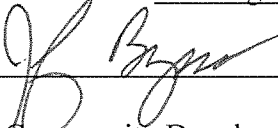


**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: August 13, 2018

PUBLIC MEETING DATE: September 4, 2018

DATE(S) TO BE PUBLICIZED: August 17, 2018

AUTHORIZED BY: 

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

Budget Acct. No: 19-3025-21

☐ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

☐ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

☒ TO BE ADVERTISED IN LEGAL SECTION

**Please reply with confirmation of dates
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City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

☒ Send Tear Sheets

☐ Send Declaration
of Publication

Send Result Report



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CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: August 13, 2018

PUBLIC MEETING DATE: September 4, 2018

DATE(S) TO BE PUBLICIZED: August 17, 2018

AUTHORIZED BY: [Signature]

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PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	08/14/18 09:42	Porterville Recorder	0°00'32"	FAX	OK	200x100 Normal/On

NOTICIA PÚBLICA PARA REVISIÓN Y COMENTARIO Y AVISO DE AUDIENCIA PÚBLICA

El Departamento de Desarrollo de Comunidad de la Ciudad de Porterville está solicitando revisión y comentarios públicos para el Reporte Anual Consolidado de Ejecución y Evaluación (CAPER) para el Plan de Acción 2017/18 de la Ciudad de Porterville. El Plan de Acción es enviado anualmente al Departamento de Viviendas y Desarrollo Urbano de los Estados Unidos (HUD) para habilitar que la ciudad reciba fondos federales bajo la Beca del Desarrollo de la Comunidad (CDBG).

El CAPER, cual ha sido preparado para ser entregado a HUD, reporta asistencia específica federal asignados a la Ciudad de Porterville para el periodo Julio 1, 2017 hasta Junio 30, 2018. El CAPER es la herramienta que reporta la ejecución del Programa del Plan de Acción del año 2017/18, y es requerido por los reglamentos de HUD como escritas en el Memorando de HUD con fecha de Febrero 18, 1998.

El periodo de revisión del CAPER comienza Agosto 17, 2018 y está limitado a 15 días. La Ciudad de Porterville debe recibir todos los comentarios del CAPER para Septiembre 4, 2018 antes de las 5:00 p.m. Copias del CAPER para su revisión estarán disponibles en la página de internet de la ciudad www.ci.porterville.ca.us en los siguientes locales:

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

Biblioteca Publica de Porterville
41 West Thurman Street
Porterville, CA 93257

Comentarios por escrito deben ser dirigidos a:

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

Además de la revisión pública, el Consejo Municipal de la Ciudad de Porterville tendrá una Audiencia Pública el martes 4 de septiembre de 2018 a las 6:30 p.m. o tan pronto como el asunto pueda ser escuchado en las Salas del Consejo de la Ciudad, 291 N. Main Street, Porterville, California, a fin de considerar la aprobación del CAPER 2017/18.

Cualquiera y todas las personas interesadas en este asunto pueden proveer comentarios. Personas de bajos ingresos, ingresos medios, personas deshabilitadas y ancianos, miembros de minorías y personas que residen en áreas donde se han propuesto actividades cubiertas por la Beca del Desarrollo de la Comunidad, son especialmente aconsejadas a comentar.

En cumplimiento con la Ley de Americanos con Discapacidades y la Ley de California Ralph M. Brown, si necesita asistencia especial para participar en esta reunión o para poder acceder a esta agenda y documentos en el paquete de la agenda, por favor comuníquese con la Secretaria Municipal Adjunta al (559) 782-7464. Notificación de 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para asegurar accesibilidad a esta reunión y / o provisión de un formato alternativo apropiado de la agenda y documentos en el paquete de agenda. (28 CFR 35.102-35.104 ADA Título II)

Para más información del Plan de Acción, o para presentar comentario oral, por favor llame a Jenni Byers al (559) 782-7460.

DATED: August 14, 2018

Jennifer M. Byers, Community Development Director



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: State of California Housing and Homelessness Funding Programs

SOURCE: Community Development

COMMENT: The State of California has recently approved a budget package that includes more than \$700 million in funding to address homelessness. The package includes four funding opportunities: Senate Bill 850, Proposition 2 (anticipated to pass), SB2 (SB850/AB74), as well as other funding opportunities.

Senate Bill 850 established the Homeless Emergency Aid Program (HEAP) which is a \$500 million one-time flexible block grant program to provide direct assistance to cities, counties and Continuums of Care (CoC's) to address the homelessness crisis throughout California. The HEAP includes three pots of funding based on the 2017 Point in Time (PIT) homeless counts for each CoC. The Kings/Tulare Homeless Alliance, which serves as the Continuum of Care for Kings and Tulare Counties, is anticipated to be allocated \$2,635,249, based on the PIT Count of 853 individuals. Because the area has less than 1,000 homeless people, an emergency shelter declaration will not be required, but may need to be evaluated for other funding sources.

CoC's must demonstrate that a local collaborative process has been conducted prior to application submission. The collaborative process may include items that Porterville is already involved in such as a Regional homeless taskforce meeting. The goal of the HEAP program is to provide immediate emergency assistance to people experiencing homelessness. The parameters of the program are intentionally broad to allow local communities to be creative and craft programs that meet the specific needs that are identified for their community.

Through the Tulare County Task Force on Homelessness, the County of Tulare is developing a strategic plan with the assistance of a consultant to address homelessness across the county. As part of the plan's development, the consultant has identified two major deficiencies: 1) a severe shortage of emergency shelter, especially low barrier for entry; and 2) lack of mobile outreach, with an emphasis on housing.

The funds must be expended by June 30, 2021, with 50 percent of the funds being contractually obligated by January 1, 2020. There are two rounds of funding anticipated. The Round 1 NOFA is anticipated to be released by September 5, 2018. There will be a training session in Visalia on September 7th, which Porterville staff has already registered for. The applications may be submitted starting in September, with early funding distribution being set in late

October. The application cut-off is December 31, 2018. Round 2 of the funding NOFA is set to be released on February 15, 2019 with applications being accepted through April 31, 2019.

Proposition 2 will be on the November 2018 ballot, to approve the use of Mental Health Services Act Funds for the No Place Like Home Act of 2018. If approved, Proposition 2 would authorize up to \$140 million in Mental Health Services Act funding to be utilized in 2018-19 and allow for the issuance of bonds of up to \$2 billion to assist counties in creating permanent supportive housing units beginning in January of 2019. Competitive funding, as well as non-competitive is expected to be available. It is projected that locally the non-competitive funding would receive \$906,358.

On January 1, 2018, a recordation fee of \$75 started being collected on real estate transactions per SB2 as signed into law on September 29, 2017. SB2 funds will provide funding for the California Emergency Solutions and Housing Program authorized by SB850 and the Housing for a Healthy California Program authorized by AB74.

The California Emergency Solutions and Housing Program (CESH) enables local governments to apply for funds through the Continuum of Care based on the 2017 PIT homeless count to be used for rapid rehousing, rental assistance, landlord incentives, and many other uses. This is one-time funding that may also be used for up to 48 months of rental assistance and housing relocation and stabilization services, operating subsidies for new and existing affordable permanent housing units for homeless individuals and families, flexible housing subsidy funds, and operating support for emergency housing interventions.

Housing for a Healthy California will allow local governments through collaboration with their county to access up to \$57.5 million for supportive housing through a competitive grant process. It is funded with 50 percent of the first year of SB2 document recording fee revenue. The one-time funding may be used to acquire, construct, or rehabilitate housing, and for project based operating assistance such as rental assistance for up to five years or a capitalized operating reserve for at least 15 years to pay for operating costs.

The implementation of the new state funding to address the homeless housing shortage continues to evolve. Funding for the new programs will flow through the counties and the continuums of care. Staff is actively engaged in partnering with the County of Tulare and the Kings/Tulare Homeless Alliance. Since these are new funding streams, HCD is conducting trainings around the funding opportunities. Staff continues to participate in the trainings and in regional meetings, such as the Tulare County Homeless Taskforce, to form the partnerships required to take advantage of the funding opportunities to assist those experiencing homelessness in Porterville.

RECOMMENDATION: That the City Council accept the item for informational purposes and provide direction to the varying grant opportunities

ATTACHMENTS: 1. State New Homeless Funding Matrix

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – SEPTEMBER 4, 2018

SUBJECT: Consider Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax)

SOURCE: City Manager's Office

COMMENT: The League of California Cities has requested several Resolutions from its member cities, including Resolutions of Support for Proposition 1 (Housing Programs and Veterans' Loans Bond) and Proposition 3 (Water Infrastructure and Watershed Conservation Bond Initiative), and Opposition to Proposition 6 (Voter Approval for Future Gas and Vehicle Taxes and 2017 Tax Repeal Initiative).

Proposition 1 is an initiative that would authorize \$4 billion in general obligation bonds for housing-related programs, loans, grants, and projects and housing loans for veterans. Bond revenue distribution would include \$1.5 billion for Multifamily Housing Program for low-income residents, \$1 billion for loans to help veterans purchase farms and homes, \$450 million for infill and transit-oriented housing projects, \$300 million for farmworker housing program, and \$300 million for manufactured and mobile homes. The initiative provides housing assistance for buyers, infrastructure financing, and matching grants to expand affordable housing stock. The initiative also appropriates General Fund revenue to pay off bonds for existing programs that have no revenues or insufficient revenues.

Proposition 3 is an initiative that would issue \$8.877 billion in general obligation bonds for water-related infrastructure and environmental projects. Bond revenue distribution would include \$3.03 billion for safe drinking water and water quality, \$2.895 billion for watershed and fisheries improvements, \$940 million for habitat protection, \$855 million for improved water conveyance, \$685 million for groundwater sustainability/storage, and \$472 million for surface water storage/dam repairs. The initiative also requires certain projects to provide matching funds for non-state sources, and gives priority to disadvantaged communities.

Proposition 6 is an initiative that would initiate a constitutional amendment, and repeal the gas and diesel tax increases and vehicle fees that were enacted in 2017 and require voter approval for fuel tax and vehicle fee increases in the future.

RECOMMENDATION: That the City Council consider Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax).

ATTACHMENTS:

1. Proposition 1 Draft Resolution of Support
2. Proposition 1 Text
3. Proposition 3 Draft Resolution of Support
4. Proposition 3 Text
5. Proposition 6 Draft Resolution of Opposition
6. Proposition 6 Text

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
IN SUPPORT OF PROPOSITION 1
(VETERANS AND AFFORDABLE HOUSING BOND ACT OF 2018)

WHEREAS, housing affordability is an urgent issue facing families and communities across California, and the cost of housing means many people and families can't afford other basics like food and transportation; and

WHEREAS, addressing California's lack of affordable housing must be an urgent priority at a time when more than half of California households that rent (more than 3 million) spend more than 30 percent of their income toward rent, and nearly one-third (over 1.5 million households) spend more than 50 percent of the income on rent; and

WHEREAS, the devastation of the housing crisis is evident in homelessness in our communities; and

WHEREAS, California's homeownership rates are at the lowest point since the 1940's and recent housing production levels are far short of the state's projected housing need for 180,000 new homes per year; and

WHEREAS, the proceeds from the 2006 housing bond that helped create and preserve affordable apartments, urban infill infrastructure, and single-family homes have been expended; and

WHEREAS, even though federal funding for affordable housing comprises a significant portion of California's resources to support affordable housing, with a decline of 51% and 66%, respectively, in funds allocated to California by the crucial funds from the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) and HOME programs; and

WHEREAS, last year the Legislature passed, and Governor Brown signed SB 3 (Beall), that placed the \$4 billion Veterans and Affordable Housing Bond Act on the November 6, 2018 general election ballot; and

WHEREAS, the Veterans and Affordable Housing Bond Act dictates funding to help

military veterans have a safe place to call home, provides stable housing for struggling families, people experiencing homelessness and individuals with disabilities; and

WHEREAS, the Veterans and Affordable Housing Bond Act builds affordable homes for hard-working people, enabling them to live in the communities where they work and near transit to reduce long commutes and curb pollution; and

WHEREAS, the Veterans and Affordable Housing Bond Act invests in Californians' priorities: building homes, creating jobs and boosting the economy; the initiative is expected to create 137,000 jobs and pump \$23.4 billion into California's economy; and

NOW, THEREFORE, it is hereby DECLARED and ORDERED, that the City Council of the City of Porterville does hereby support and can be listed as a member of the Veterans and Affordable Housing Act coalition.

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 4th day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

FILED

in the office of the Secretary of State
of the State of California

SEP 29 2017

At 12:10 O'Clock P. M.

By Nick Panabari
Deputy Secretary of State

Approved SEP 29, 2017

Edm L Brown
Governor

Senate Bill No. 3

Passed the Senate September 15, 2017

[Signature]
Secretary of the Senate

Passed the Assembly September 14, 2017

[Signature]
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.

[Signature]
Private Secretary of the Governor

Ch. 365
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CHAPTER _____

An act to add Part 16 (commencing with Section 54000) to Division 31 of the Health and Safety Code, and to add Article 5z (commencing with Section 998.600) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to housing, 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 3, Beall. Veterans and Affordable Housing Bond Act of 2018.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks. Existing law, the Veterans' Bond Act of 2008, authorized, for purposes of financing a specified program for farm, home, and mobilehome purchase assistance for veterans, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$900,000,000.

This bill would enact the Veterans and Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law. Of the proceeds from the sale of these bonds, \$3,000,000,000 would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided, and \$1,000,000,000 would be used to provide additional funding for the above-described program for farm, home, and mobilehome purchase assistance for veterans, as provided.

This bill would provide for submission of the bond act to the voters at the November 6, 2018, statewide general election in accordance with specified law.

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. This act shall be known, and may be cited, as the Veterans and Affordable Housing Bond Act of 2018.

SEC. 2. The Legislature finds and declares all of the following:

(a) California is experiencing an extreme housing shortage with 2.2 million extremely low income and very low income renter households competing for only 664,000 affordable rental homes. This leaves more than 1.54 million of California's lowest income households without access to affordable housing.

(b) While homelessness across the United States is in an overall decline, homelessness in California is rising. In 2015, California had 115,738 homeless people, which accounted for 21 percent of the nation's homeless population. This is an increase of 1.6 percent from the prior year. California also had the highest rate of unsheltered people, at 64 percent or 73,699 people; the largest numbers of unaccompanied homeless children and youth, at 10,416 people or 28 percent of the national total; the largest number of veterans experiencing homelessness, at 11,311 or 24 percent of the national homeless veteran population; and the second largest number of people in families with chronic patterns of homelessness, at 22,582 or 11 percent of the state's homeless family population.

(c) It is essential to continue funding, which is soon to expire, for housing programs that are necessary to address the housing needs of the large number of veterans and their families living in California.

(d) California is home to 21 of the 30 most expensive rental housing markets in the country, which has had a disproportionate impact on the middle class and the working poor. California requires the third highest wage in the country to afford housing, behind Hawaii and Washington, D.C. The fair market rent, which indicates the amount of money that a given property would require if it were open for leasing, for a two-bedroom apartment is \$1,386. To afford this level of rent and utilities, without paying more than

30 percent of income on housing, a household must earn an hourly “housing wage” of \$26.65 per hour. This means that a person earning minimum wage must work an average of three jobs to pay the rent for a two-bedroom unit. In some areas of the state, these numbers are even higher.

(e) Low-income families are forced to spend more and more of their income on rent, which leaves little else for other basic necessities. Many renters must postpone or forgo home ownership, live in more crowded housing, commute further to work, or, in some cases, choose to live and work elsewhere.

(f) California has seen a significant reduction of state funding in recent years. The funds from Proposition 46 of 2002 and Proposition 1C of 2006, totaling nearly \$5 billion for a variety of affordable housing programs, have been expended. Combined with the loss of redevelopment funds, \$1.5 billion of annual state investment dedicated to housing has been lost, leaving several critical housing programs unfunded.

(g) High housing costs and the shortage of housing stock in California directly affect the future health of California’s economy and, given the staggering numbers indicated above, bold action is necessary. Investment in existing and successful housing programs to expand the state’s housing stock should benefit California’s homeless and low-income earners, as well as some of the state’s most vulnerable populations, including foster and at-risk youth, persons with developmental and physical disabilities, farmworkers, the elderly, single parents with children, and survivors of domestic violence. Investments should also be made in housing for Medi-Cal recipients served through a county’s Section 1115 Waiver Whole Person Care Pilot program and family day care providers.

(h) Investment in housing creates jobs and provides local benefits. The estimated one-year impacts of building 100 rental apartments in a typical local area include \$11.7 million in local income, \$2.2 million in taxes and other revenue for local governments, and 161 local jobs or 1.62 jobs per apartment. The additional annually recurring impacts of building 100 rental apartments in a typical local area include \$2.6 million in local income, \$503,000 in taxes and other revenue for local governments, and 44 local jobs or .44 jobs per apartment.

(i) California has 109 federally recognized tribes and 723,000 residents with Native American ancestry, the largest number of

tribes and residents in the United States. Due to historic dislocation and lack of housing choices, most do not live on tribal lands and those who do live in severely substandard, overcrowded homes lacking quality water and sewer services at rates greater than the general population.

SEC. 3. Part 16 (commencing with Section 54000) is added to Division 31 of the Health and Safety Code, to read:

PART 16. VETERANS AND AFFORDABLE HOUSING BOND ACT OF 2018

CHAPTER 1. GENERAL PROVISIONS

54000. Together with Article 5z (commencing with Section 998.600) of Chapter 6 of Division 4 of the Military and Veterans Code, this part shall be known, and may be cited, as the Veterans and Affordable Housing Bond Act of 2018.

54002. As used in this part, the following terms have the following meanings:

(a) “Board” means the Department of Housing and Community Development for programs administered by the department, and the California Housing Finance Agency for programs administered by the agency.

(b) “Committee” means the Housing Finance Committee created pursuant to Section 53524 and continued in existence pursuant to Sections 53548 and 54014.

(c) “Fund” means the Affordable Housing Bond Act Trust Fund of 2018 created pursuant to Section 54006.

54004. This part shall only become operative upon adoption by the voters at the November 6, 2018, statewide general election.

CHAPTER 2. AFFORDABLE HOUSING BOND ACT TRUST FUND OF 2018 AND PROGRAM

54006. The Affordable Housing Bond Act Trust Fund of 2018 is hereby created within the State Treasury. It is the intent of the Legislature that the proceeds of bonds (exclusive of refunding bonds issued pursuant to Section 54026) be deposited in the fund and used to fund the housing-related programs described in this chapter. The proceeds of bonds issued and sold pursuant to this

part for the purposes specified in this chapter shall be allocated in the following manner:

(a) One billion five hundred million dollars (\$1,500,000,000) to be deposited in the Housing Rehabilitation Loan Fund established pursuant to Section 50661. The moneys in the fund shall be used for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, to be expended to assist in the new construction, rehabilitation, and preservation of permanent and transitional rental housing for persons with incomes of up to 60 percent of the area median income (AMI). These funds may also be used to provide technical assistance pursuant to Section 54007.

(b) One hundred fifty million dollars (\$150,000,000) to be deposited into the Transit-Oriented Development Implementation Fund, established pursuant to Section 53561, for expenditure, upon appropriation by the Legislature, pursuant to the Transit-Oriented Development Implementation Program authorized by Part 13 (commencing with Section 53560) to provide local assistance to cities, counties, cities and counties, transit agencies, and developers for the purpose of developing or facilitating the development of higher density uses within close proximity to transit stations that will increase public transit ridership. These funds may also be expended for any authorized purpose of this program and for state incentive programs, including loans and grants, within the department. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(c) Three hundred million dollars (\$300,000,000) to be deposited in the Regional Planning, Housing, and Infill Incentive Account, which is hereby created within the fund. Moneys in the account shall be available, upon appropriation by the Legislature, pursuant to the Infill Incentive Grant Program of 2007 established by Section 53545.13 for infill incentive grants to assist in the new construction and rehabilitation of infrastructure that supports high-density affordable and mixed-income housing in locations designated as infill, including, but not limited to, any of the following:

- (1) Park creation, development, or rehabilitation to encourage infill development.
- (2) Water, sewer, or other public infrastructure costs associated with infill development.
- (3) Transportation improvements related to infill development projects.
- (4) Traffic mitigation.

These funds may also be expended for any authorized purpose of this program. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(d) One hundred fifty million dollars (\$150,000,000) to be transferred to the Self-Help Housing Fund established pursuant to Section 50697.1. Notwithstanding Section 13340 of the Government Code and Section 50697.1, these funds are hereby continuously appropriated to the Department of Housing and Community Development without regard to fiscal years, which funds shall be transferred by the department to the California Housing Finance Agency for purposes of the home purchase assistance program established pursuant to Chapter 6.8 (commencing with Section 51341) of Part 3.

(e) Three hundred million dollars (\$300,000,000) to be deposited in the Joe Serna, Jr. Farmworker Housing Grant Fund, established pursuant to Section 50517.5, to fund grants or loans, or both, for local public entities, nonprofit corporations, limited liability companies, and limited partnerships, for the construction or rehabilitation of housing for agricultural employees and their families or for the acquisition of manufactured housing as part of a program to address and remedy the impacts of current and potential displacement of farmworker families from existing labor camps, mobilehome parks, or other housing. These funds may also be expended for any authorized purpose of this program. These funds may also be used to provide technical assistance pursuant to Section 54007. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department

of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(f) Three hundred million dollars (\$300,000,000) to be deposited in the Affordable Housing Innovation Fund established pursuant to subparagraph (F) of paragraph (1) of subdivision (a) of Section 53545. Moneys in the fund shall be available, upon appropriation by the Legislature, pursuant to the Local Housing Trust Fund Matching Grant Program established by Section 50842.2 to fund competitive grants or loans to local housing trust funds that develop, own, lend, or invest in affordable housing and used to create pilot programs to demonstrate innovative, cost-saving approaches to creating or preserving affordable housing. Local housing trust funds shall be derived on an ongoing basis from private contribution or governmental sources that are not otherwise restricted in use for housing programs. These funds may also be expended for any authorized purpose of this program. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

(g) Three hundred million dollars (\$300,000,000) to be deposited in the Self-Help Housing Fund established pursuant to Section 50697.1. The moneys in the fund shall be available for the CalHome Program authorized by Chapter 6 (commencing with Section 50650) of Part 2, to provide direct, forgivable loans to assist development projects involving multiple home ownership units, including single-family subdivisions, for self-help mortgage assistance programs, and for manufactured homes. These funds may also be expended for any authorized purpose of this program. At least thirty million dollars (\$30,000,000) of the amount deposited in the Self-Help Housing Fund shall be used to provide grants or forgivable loans to assist in the rehabilitation or replacement, or both, of existing mobilehomes located in a mobilehome or manufactured home community. These funds may also be used to provide technical assistance pursuant to Section 54007. Any funds not encumbered for the purposes of this subdivision by November 6, 2028, shall revert for general use in the Multifamily Housing Program authorized by Chapter 6.7

(commencing with Section 50675) of Part 2, unless the Department of Housing and Community Development determines that funds should revert sooner due to diminished demand.

54007. (a) (1) Notwithstanding any other provision of this part, the Department of Housing and Community Development may provide technical assistance to eligible counties and eligible cities, or developers of affordable housing within eligible counties and eligible cities, to facilitate the construction of housing for the target populations for the following programs funded pursuant to this part:

(A) The Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2).

(B) The Joe Serna, Jr. Farmworker Housing Grant Program (Chapter 3.2 (commencing with Section 50515.2) of Part 2).

(C) The CalHome Program (Chapter 6 (commencing with Section 50650) of Part 2).

(2) Technical assistance pursuant to this section shall be provided using the bond proceeds allocated pursuant to Section 54006 to the program for which the technical assistance is provided.

(3) The Department of Housing and Community Development shall not provide more than three hundred sixty thousand dollars (\$360,000) total in technical assistance pursuant to this section, and an eligible county or eligible city shall not receive more than thirty thousand dollars (\$30,000) in technical assistance annually.

(b) For purposes of this section, the following definitions shall apply:

(1) "Eligible city" means a city that is located within a county with a population of 150,000 residents or fewer.

(2) "Eligible county" means a county with a population of 150,000 residents or fewer.

(3) "Technical assistance" includes engineering assistance and environmental review related to an affordable housing project and reimbursement of administrative costs related to developing a grant proposal.

54008. (a) The Legislature may, from time to time, amend any law related to programs to which funds are, or have been, allocated pursuant to this chapter for the purposes of improving the efficiency and effectiveness of those programs or to further the goals of those programs.

(b) The Legislature may amend this chapter to reallocate the proceeds of bonds issued and sold pursuant to this part among the programs to which funds are to be allocated pursuant to this chapter as necessary to effectively promote the development of affordable housing in this state.

54009. Programs funded with bond proceeds shall, when allocating financial support, give preference to projects that are "public works" for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and other projects on which all construction workers will be paid at least the general prevailing rate of per diem wages as determined by the Director of Industrial Relations.

CHAPTER 3. FISCAL PROVISIONS

54010. Bonds in the total amount of three billion dollars (\$3,000,000,000), exclusive of refunding bonds issued pursuant to Section 54026, or so much thereof as is necessary as determined by the committee, are hereby authorized to be issued and sold for carrying out the purposes expressed in this part and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. All bonds herein authorized which have been duly issued, sold, and delivered as provided herein shall constitute valid and binding general obligations of the state, and the full faith and credit of the state is hereby pledged for the punctual payment of both principal of and interest on those bonds when due.

54012. The bonds authorized by this part 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), except subdivisions (a) and (b) of Section 16727 of the Government Code, and all of the provisions of that law as amended from time to time apply to the bonds and to this part, except as provided in Section 54028, and are hereby incorporated in this part as though set forth in full in this part.

54014. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this part, the committee is continued in existence. For the purposes of this part, the Housing Finance

Committee is "the committee" as that term is used in the State General Obligation Bond Law.

(b) The Department of Housing and Community Development may adopt guidelines establishing requirements for administration of its financing programs. The guidelines shall not constitute rules, regulations, orders, or standards of general application and are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) For the purposes of the State General Obligation Bond Law, the Department of Housing and Community Development is designated the "board" for programs administered by the department, and the California Housing Finance Agency is the "board" for programs administered by the agency.

54016. Upon request of the board stating that funds are needed for purposes of this part, the committee shall determine whether or not it is necessary or desirable to issue bonds, 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 are not required to be sold at any one time. Bonds may bear interest subject to federal income tax.

54018. There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money in addition to the ordinary revenues of the state, sufficient 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 collections of state revenues to do or perform each and every act which is necessary to collect that additional sum.

54020. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this part, an amount that will equal the total of both of the following:

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

(b) The sum which is necessary to carry out Section 54024, appropriated without regard to fiscal years.

54022. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of this part. The amount of the request shall not exceed

the amount of the unsold bonds that the committee has, by resolution, authorized to be sold, excluding any refunding bonds authorized pursuant to Section 54026, for purposes of this part, less any amount loaned pursuant to this section and not yet repaid and any amount withdrawn from the General Fund pursuant to Section 54024 and not yet returned to the General Fund. The board shall execute any documents as required by the Pooled Money Investment Board to obtain and repay the loan. Any amount loaned shall be deposited in the fund to be allocated in accordance with this part.

54024. For purposes of carrying out this part, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of any amount or amounts not to exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold, excluding any refunding bonds authorized pursuant to Section 54026, for purposes of this part, less any amount loaned pursuant to Section 54022 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 part. Any moneys made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from moneys received from the sale of bonds which would otherwise be deposited in that fund.

54026. The bonds 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. Approval by the electors of this act shall constitute approval of any refunding bonds issued to refund bonds issued pursuant to this part, including any prior 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.

54028. Notwithstanding any provisions in the State General Obligation Bond Law, the maturity date of any bonds authorized by this part shall not be later than 35 years from the date of each such bond. The maturity of each series shall be calculated from the date of issuance of each bond.

54030. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this part are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

54032. Notwithstanding any provision of the State General Obligation Bond Law with regard to the proceeds from the sale of bonds authorized by this part that are subject to investment under Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code, the Treasurer may maintain a separate account for investment earnings, may order the payment of those earnings to comply with any rebate requirement applicable under federal law, and may otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of tax-exempt bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

54034. All moneys derived from premiums and accrued interest on bonds sold pursuant to this part shall be transferred to the General Fund as a credit to expenditures for bond interest; provided, however, that amounts derived from premiums may be reserved and used to pay the costs of bond issuance prior to transfer to the General Fund.

SEC. 4. Article 5z (commencing with Section 998.600) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5z. The Veterans and Affordable Housing Bond Act of
2018

998.600. Together with Part 16 (commencing with Section 54000) of Division 31 of the Health and Safety Code, this article shall be known and may be cited as the Veterans and Affordable Housing Bond Act of 2018.

998.601. (a) 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, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set

out in full in this article. All references in this article to "herein" refer both to this article and that law.

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the board.

998.602. As used herein, the following terms have the following meanings:

(a) "Board" means the Department of Veterans Affairs.

(b) "Bond" means a veterans' bond, a state general obligation bond, issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.

(d) "Committee" means the Veterans Finance Committee of 1943, established by Section 991.

(e) "Fund" means the Veterans' Farm and Home Building Fund of 1943, established by Section 988.

(f) "Payment Fund" means the Veterans' Bonds Payment Fund established by Section 988.6.

998.603. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1 (commencing with Section 987.50)), and of all acts amendatory thereof and supplemental thereto, the committee may create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of not more than one billion dollars (\$1,000,000,000), exclusive of refunding bonds, in the manner provided herein.

998.604. (a) All bonds authorized by this article, when duly sold and delivered as provided herein, constitute valid and legally binding general obligations 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 principal and interest thereof.

(b) There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money, in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, these bonds as provided herein, and all officers required by law to perform any duty in regard to the collection of state revenues shall collect this additional sum.

(c) On the dates on which funds are to be remitted pursuant to Section 16676 of the Government Code for the payment of debt service on the bonds in each fiscal year, there shall be transferred to the Payment Fund to pay the debt service all of the money in the fund, not in excess of the amount of debt service then due and payable. If the money transferred on the remittance dates is less than debt service then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon as it shall become available, together with interest thereon from the remittance date until paid, at the same rate of interest as borne by the bonds, compounded semiannually. Notwithstanding any other provision of law to the contrary, this subdivision shall apply to all veterans' farm and home purchase bond acts pursuant to this chapter. This subdivision does not grant any lien on the fund, the Payment Fund, or the moneys therein to the holders of any bonds issued under this article. For the purposes of this subdivision, "debt service" means the principal (whether due at maturity, by redemption, or acceleration), premium, if any, or interest payable on any date with respect to any series of bonds. This subdivision shall not apply, however, in the case of any debt service that is payable from the proceeds of any refunding bonds.

998.605. There is hereby appropriated from the General Fund, for purposes of this article, a sum of money that will equal both of the following:

(a) That sum annually necessary to pay the principal of, and the interest on, the bonds issued and sold as provided herein, as that principal and interest become due and payable.

(b) That sum necessary to carry out Section 998.606, appropriated without regard to fiscal years.

998.606. For the purposes of this article, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of a sum of money not to exceed the amount of the unsold bonds which have been authorized by the committee to be sold pursuant to this article. Any sums withdrawn shall be deposited in the fund. All moneys made available under this section to the board shall be returned by the board to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this article.

998.607. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this article. The amount of the request shall not exceed the amount of unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this article. The board shall execute whatever documents are 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 by the board in accordance with this article.

998.608. Upon request of the board, supported by a statement of its plans and projects approved by the Governor, the committee shall determine whether to issue any bonds authorized under this article in order to carry out the board's plans and projects, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out these plans and projects progressively, and it is not necessary that all of the bonds be issued or sold at any one time.

998.609. (a) As long as any bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of any money that the division may have available on deposit with the Treasurer.

998.610. (a) The committee may authorize the Treasurer to sell all or any part of the bonds authorized by this article at the time or times established by the Treasurer.

(b) Whenever the committee deems it necessary for an effective sale of the bonds, the committee may authorize the Treasurer to sell any issue of bonds at less than their par value, notwithstanding Section 16754 of the Government Code. However, the discount on the bonds shall not exceed 3 percent of the par value thereof.

998.611. Out of the first money realized from the sale of bonds as provided herein, there shall be redeposited in the General Obligation Bond Expense Revolving Fund, established by Section 16724.5 of the Government Code, the amount of all expenditures made for the purposes specified in that section, and this money may be used for the same purpose and repaid in the same manner whenever additional bond sales are made.

998.612. Any bonds issued and sold pursuant to this article 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. The approval of the voters for the issuance of bonds under this article includes approval for the issuance of bonds issued to refund bonds originally issued or any previously issued refunding bonds.

998.613. Notwithstanding any provision of the bond act, if the Treasurer sells bonds under this article for which bond counsel has issued an opinion to the effect that the interest on the bonds is excludable from gross income for purposes of federal income tax, subject to any conditions which may be designated, the Treasurer may establish separate accounts for the investment of bond proceeds and for the earnings on those proceeds, and may use those proceeds or earnings to pay any rebate, penalty, or other payment required by federal law or take any other action with respect to the investment and use of bond proceeds required or permitted under federal law necessary to maintain the tax-exempt status of the bonds or to obtain any other advantage under federal law on behalf of the funds of this state.

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

SEC. 5. Sections 3 and 4 of this act shall become operative upon the adoption by the voters of the Veterans and Affordable Housing Bond Act of 2018.

SEC. 6. Sections 3 and 4 of this act shall be submitted by the Secretary of State to the voters as a single measure, the Veterans and Affordable Housing Bond Act of 2018, at the November 6, 2018, statewide general election.

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 maximize the time available for the analysis and preparation of the proposed issuance of bonds pursuant to Sections 3 and 4 of this act, it is necessary that this act take effect immediately.

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
IN SUPPORT OF PROPOSITION 3
(WATER SUPPLY AND WATER QUALITY ACT OF 2018)

WHEREAS, the Water Supply and Water Quality Act of 2018 has qualified for the November 2018 California Statewide ballot as Proposition 3; and

WHEREAS, Porterville, like many other cities across the state seeks to improve the reliability and sustainability of its water supply; and

WHEREAS, in many instances the water challenges faced by Porterville are of regional and statewide interest; and

WHEREAS, the Water Supply and Water Quality Act of 2018 includes important funding for SGMA implementation, groundwater/brackish desalination, stormwater treatment, wastewater recycling, watershed restoration, water conservation, infrastructure repair, in addition to other funds of importance to our city and other local agencies; and

WHEREAS, these grant funds would result in significant cost savings for cities and ratepayers, healthier watersheds, and improvements in both water supply and quality in urban areas; and

NOW, THEREFORE, it is hereby DECLARED and ORDERED, that the City Council of the City of Porterville does hereby support Proposition 3, and urges residents of Porterville to vote for the measure in November.

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 4th day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Gerald H. Meral, Ph.D.
PO 1103 Inverness, Ca 94937
jerrymeral@gmail.com
415-717-8412

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AUG 11 2017

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

August 11, 2017

Attorney General Xavier Becerra

Attention: Ashley Johansson, initiative coordinator

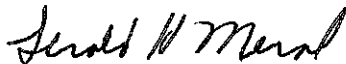
1300 I Street, 17th floor, Sacramento, Ca 95814

Dear Attorney General Becerra:

Enclosed are amendments to our water bond initiative, 17-0010. Please prepare a title and summary based on this amended initiative. A copy in underline and strikeout is provided, as well as a clean copy. Please let me know if you have any questions.

Sincerely

Gerald H. Meral



Cc: Legislative analyst

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Division 38 (commencing with Section 86000) is added to the Water Code, to read:

DIVISION 38. State water supply infrastructure, water conveyance, ecosystem and watershed protection and restoration, and drinking water protection act of 2018.

CHAPTER 1. Short Title.

86000. This division shall be known and may be cited as the Water Supply and Water Quality Act of 2018.

CHAPTER 2. Findings and Declarations.

86001. The people find and declare the following:

(a) In our frequently very dry state, our high-tech, agricultural and urbanized economy relies on an uninterrupted and high-quality water supply. By making water use more efficient, reducing the demand for water, providing new and diverse water supplies, improving the quality of our source watersheds, and protecting key environmental uses of water, this measure will assure that the economic and environmental engines of California are not derailed by a shortage of water.

(b) California's recent historic drought raises serious questions about the long-term reliability of our current water supplies. The drought underscores the need to use our existing water supplies more efficiently, increase investments in our water infrastructure, and more effectively integrate our water system from the headwaters to the end user.

(c) California's water situation requires implementation of the Governor's Water Action Plan to provide for the water needs of people, agriculture and the environment. This division will help provide a more reliable water supply by reducing waste, increasing the amount of water available to meet our needs, and improving water quality. This division also provides additional protection for our communities from floods.

(d) This division will implement cost effective methods of water development and conservation to meet California's present and future water needs in a changing climate, including capture of urban drainage and stormwater runoff, groundwater and brackish water desalting, groundwater storage, water recycling, water conservation, and watershed management, restoration, enhancement and protection.

(e) Many of the water supply and water quality investments provided by this division will be matched by agencies and grant recipients, more than doubling the effectiveness of the funding provided.

(f) Agencies implementing this division will give high priority to cost-effective projects, and to the most durable and most environmentally beneficial projects. Funding will go to projects that contribute to implementation of the Governor's Water Action Plan, the goal of which is to increase the resiliency of the California water system and the ability of California communities to cope with drought conditions.

(g) Every Californian has a right to safe, clean, affordable, and accessible drinking water. By complying with Section 106.3, agencies providing funds for safe drinking water pursuant to this division will help achieve the intent of that Section.

(h) This division provides a fair and reasonable distribution of funds directly and indirectly benefitting every region of the state.

(i) This division provides short and long-term cost-effective actions to address the water shortages caused by the recent drought, and will help prepare local communities for future droughts. Droughts reduce water supplies for people, agriculture and the environment. This division will help meet the water needs of people, agriculture, and the environment and make California more resilient in the face of a changing climate.

(j) By improving the health and water productivity of watersheds, communities will become more self-reliant with respect to water supply, and local environmental quality will be increased.

(k) By removing invasive plants such as yellow starthistle, giant reed (*Arundo donax*) and tamarisk, water supply will be increased and habitat for fish and wildlife will be improved.

(l) Flooding can devastate communities and infrastructure. We can make better use of floodwaters by capturing waters and putting them to use in our communities, on our farms, and by recharging groundwater basins. By providing funds to intelligently manage our watersheds and floodplains, this division will also help avoid flood damage, improve fish and wildlife habitat, remove pollutants from our water supply, enhance groundwater, remediate aquifers and improve the environment. Better floodplain management may allow improved operation of upstream reservoirs for water supply purposes.

(m) Severe fire conditions can lead to significant erosion, reduced water quality and impacts on water infrastructure. This division provides funding to manage forests and watersheds to reduce fire danger, mitigate the effects of wildfires on water supply and quality, and enhance water supplies.

(n) This division funds the following programs, which respond to human and environmental water needs in California:

(1) Improvement of water supply and water quality utilizing cost effective methods, including water conservation, desalting of groundwater and other inland saline water, stormwater management, wastewater recycling, and similar water management measures.

(2) Better management of forest and rangeland watersheds, such as through the Sierra Nevada Watershed Improvement Program to improve the pattern, quantity and quality of water runoff and groundwater recharge. Improving soil health improves the ability of the ground to better contain groundwater and moderate the rate of water runoff.

(3) Better groundwater management, including faster implementation of the Sustainable Groundwater Management Act, and better recognition of the connection between surface and groundwater.

(4) Provision of water for fish and wildlife, including restoration of the Pacific Flyway and management of habitat in a dynamic way to respond to changing environmental conditions.

(5) Increased capacity to convey water resulting in greater groundwater recharge and improved conveyance and utilization of floodwaters for use in drought years.

(o) The State Water Resources Control Board, the Department of Fish and Wildlife, and many other agencies have recognized that providing funding for fish habitat enhancement is vital to restoring native California fish populations, and that relying solely on flow to restore those populations will not be sufficient. Providing funding for fish habitat enhancement is a vital complement to reasonable flows to protect fish.

(p) California has lost ninety-five percent (95%) of its historical wetlands. These wetlands provide food, water and cover for migratory and other birds, fish, mammals, reptiles, amphibians and a vast number of plant species. Many species may become endangered or threatened without wetlands and many more survive only due to wetlands available today. This division combines work to sustain and protect current wetlands with the potential to increase wetlands in California to support a thriving flora and fauna.

(q) The implementation of this division will result in cost savings to local governments immediately by substantially more than one billion dollars, and reduce local government operating costs by hundreds of millions of dollars per year. This division will provide funding that displaces local government funding, resulting in the implementation of projects in the following areas. These projects would have eventually been implemented by local government.

(1) Safe Drinking Water. State direct and matching funds will reduce the cost to local government of implementing drinking water and wastewater treatment systems, and to some extent the operation of those systems.

(2) Wastewater recycling. State funds will reduce the cost of these plants, reducing the capital cost of the projects for local governments. By reducing local government capital costs, the cost of water from these plants will also be reduced. Implementation of wastewater recycling plants will defer the need for more expensive alternative sources of water supply, thus further reducing local capital and operating costs.

(3) Groundwater desalting. State funds will reduce the cost of these plants, reducing the capital cost of the projects for local governments. By reducing local government capital costs, the cost of water from these plants will also be reduced. Implementation of groundwater desalting plants will defer the need for more expensive alternative sources of water supply, thus further reducing local capital and operating costs.

(4) Water Conservation. State funds will reduce the cost of these projects, reducing costs to local government. More importantly, reduced water demand resulting from these projects will reduce operating costs, and will temporarily or permanently defer the construction and operating costs of more expensive capital outlay projects needed to provide new water.

(5) Repairing flood control reservoirs. State funds will reduce the costs of these projects for local government.

(6) San Francisco Bay Restoration Authority funds. State investment in wetlands projects providing flood protection around San Francisco Bay will reduce flood risk associated with climate change. This will reduce the cost of other flood control measures, and more importantly will reduce flood damage which often results in tremendous costs to local government for facility repair.

(7) Stormwater funding. Regulations imposed by the State Water Resources Control Board and various regional water quality control boards will result in the construction of various capital outlay projects costing billions of dollars. Providing funds through this measure will reduce the cost of these projects to local government.

(8) Fisheries restoration. This division provides hundreds of millions of dollars for fisheries restoration. Local and regional water agencies are voluntarily undertaking many of these projects. By providing state funds, this division will reduce local costs. In addition, the resulting increase in fish populations will make it possible to improve local water supplies, avoiding local government costs to provide replacement water supplies costing hundreds of millions or even billions of dollars.

(9) Bay Area Regional Reliability. Bay Area water districts are undertaking extensive improvements in their water distribution systems to interconnect their water supplies for greater drought water supply reliability and other benefits. By providing funds for this program, this division will reduce their costs by two hundred and fifty million dollars (\$250,000,000).

(10) Friant Kern Canal Repair. Groundwater overdraft has caused subsidence of the Friant Kern Canal. State funds to repair the canal will reduce the cost of repairing the canal to local water districts. Avoiding the cost to finance this project will also save tens of millions of dollars per year in interest costs which would have to be paid by these districts.

(11) Oroville Dam Repair. Although the costs of repairing Oroville Dam should be covered by the federal government either through the Federal Emergency Management Agency or the Corps of Engineers, the federal government may not fulfill this obligation. If the State Water Resources Development System contractors, all local agencies, are forced to cover all or part of these costs, this division will reduce their costs by two hundred million dollars (\$200,000,000). Interest costs would also be reduced.

(r) Substantial funds remain to be allocated to storage projects pursuant to Division 26.7. For this reason, and so as not to interfere with the work of the California Water Commission in awarding these funds, this measure does not include funding for the construction of specific storage projects.

CHAPTER 3. Definitions.

86002. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this division, as follows:

(a) "Conservation" means rehabilitation, stabilization, restoration, reduced water use, development, and reconstruction, or any combination of those activities.

(b) "Conservation actions on private lands" means projects implemented with willing landowners that involve the adaptive and flexible management of natural resources in response to changing conditions and threats to habitat and wildlife. These investments and actions are specifically designed to create habitat conditions on private lands which, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(c) "Delta" means the Sacramento-San Joaquin Delta as defined in Section 12220.

(d) "Department" means the Department of Water Resources.

- (e) "Desalination" means removing salt and other contaminants from polluted groundwater or other inland sources of water containing salts, including brackish water.
- (f) "Disadvantaged community" has the meaning set forth in subdivision (a) of Section 79505.5, as it may be amended.
- (g) "Economically distressed area" has the meaning set forth in subdivision (k) of Section 79702, as it may be amended.
- (h) "Finance committee" means the Water Supply Reliability and Drought Protection Finance Committee created by Section 86182.
- (i) "Fund" means the Water Supply Reliability and Drought Protection Fund of 2018 created by Section 86169.
- (j) "Groundwater sustainability agency" means an agency defined in subdivision (j) of Section 10721.
- (k) "Integrated Regional Water Management Plan" means a comprehensive plan for a defined geographic area that meets the requirements of Part 2.2 (commencing with Section 10530) of Division 6, as that part may be amended.
- (l) "Invasive plant" means a terrestrial or aquatic plant not native to California of no or negligible agricultural value which does any of the following: displaces native plants, threatens native plant biodiversity, harms agricultural or rangeland productivity, degrades wildlife habitat, contributes to fire hazard, or uses more water than the plants it displaces.
- (m) "Multi-benefit project" means a project that serves more than one purpose, including but not limited to flood management, water supply, water quality improvement, environmental enhancement, recreation, energy conservation, reduction of emission of climate-changing gases, and fish and wildlife improvement.
- (n) "Nonprofit organization" means an organization qualified to do business in California and exempt under Section 501(c)(3) or Section 501(c)(6) of Title 26 of the United States Code, to the extent permitted by state and federal law.
- (o) "Protection" means those actions necessary to prevent harm or damage to persons, property or natural resources or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, conservation, preservation and interpretation as interpretation is defined in subdivision (i) of Section 75005 of the Public Resources Code.
- (p) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.
- (q) "Public water systems" are defined in subdivision (h) of section 116275 of the Health and Safety Code and means regional, municipal, and district urban water suppliers, including privately owned water suppliers as defined in Part 2.6, Section 10617 of the Water Code Division 6.
- (r) "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 that improve physical and

ecological processes, including but not limited to erosion control; sediment management; the control and elimination of invasive species; prescribed burning; fuel hazard reduction; fencing out threats to existing or restored natural resources; meadow, wetland, riparian, and stream restoration; and other plant and wildlife habitat improvement to increase the natural system value of the property. Restoration projects shall include the planning, monitoring and reporting necessary to ensure successful implementation of the project objectives.

(s) "Severely disadvantaged community" means a community with a median household income of less than 60 percent (60%) of the statewide median household income.

(t) "Sierra Nevada Watershed Improvement Program" is a coordinated, integrated, collaborative program to restore the health of California's primary watershed by increasing the pace and scale of forest restoration in order to maintain the important benefits that the Sierra Nevada region provides.

(u) "State board" means the State Water Resources Control Board.

(v) "State General Obligation Bond Law" means 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.

(w) "Stormwater" and "dry weather runoff" are defined as in Section 10561.5.

(x) "Stormwater Resource Plans" are defined as in Part 2.3 (commencing with Section 10560) of Division 6.

CHAPTER 4. Accountability.

86003. (a) (1) The California Natural Resources Agency shall provide for an independent audit of expenditures pursuant to this division no less than every three years.

(2) On or before January 10, 2020, and every six months thereafter, the Natural Resources Agency shall publish on its website a report that contains all of the following information relating to this division for the previous six months with the information summarized by section of this division:

(A) Funding encumbrances.

(B) Summary of new projects funded.

(C) Summary of projects completed.

(D) Discussion of progress towards meeting the metrics of success established pursuant to Section 86157.

(E) Discussion of common challenges experienced by state agencies and recipients of funding in executing projects.

(F) Discussion of major accomplishments and successes experienced by state agencies and recipients of funding in executing projects.

(3) This subsection shall remain in effect only until January 1, 2028, and as of that date is repealed.

(b) The Department of Finance or the Controller, or the California State Auditor at the direction of the Legislature, may conduct an audit of the expenditures of any state agency receiving funding pursuant to

this act.

(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.

CHAPTER 5. Improvement of Water Supply and Water Quality.

CHAPTER 5.1. Safe Drinking Water.

86004. The sum of seven hundred fifty million dollars (\$750,000,000) is appropriated from the Fund to the State board for expenditures, grants, and loans to improve water quality or help provide clean, safe, and reliable drinking water to all Californians.

86005. The projects eligible for funding pursuant to this chapter shall help improve water quality for a beneficial use. The purposes of this chapter are to:

- (a) Reduce contaminants in drinking water supplies regardless of the source of the water or the contamination.
- (b) Assess and prioritize the risk of contamination to drinking water supplies.
- (c) Address the critical and immediate needs of disadvantaged, rural, or small communities that suffer from contaminated or inadequate drinking water supplies, including, but not limited to, projects that address a public health emergency.
- (d) Leverage other private, federal, state, and local drinking water quality and wastewater treatment funds.
- (e) Provide disadvantaged communities with public drinking water infrastructure that provides clean, safe, and reliable drinking water supplies that the community can sustain over the long term.
- (f) Ensure access to clean, safe, reliable, and affordable drinking water for California's communities.
- (g) Meet primary and secondary drinking water standards or remove contaminants identified by the state or federal government to meet primary or secondary drinking water standards.

86006. The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, lead, 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, total dissolved solids, electrical conductivity, and uranium.

86007. (a) (1) Of the funds authorized by Section 86004, five hundred million dollars (\$500,000,000) shall be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both. Priority shall be given to projects that provide treatment for contamination or access to an alternate drinking water source or sources for small community water systems or state small water systems in disadvantaged communities whose drinking water source is impaired by chemical and nitrate contaminants and other health hazards

identified by the State board. Eligible recipients serve disadvantaged communities and are public water systems or public agencies.

(2) Eligible expenses may include initial operation and maintenance costs for systems serving disadvantaged communities. Priority shall be given to projects that provide shared solutions for multiple communities, at least one of which is a disadvantaged community that lacks safe, affordable drinking water and is served by a small community water system, state small water system, or a private well. Construction grants shall be limited to five million dollars (\$5,000,000) per project, except that the State board may set a limit of not more than twenty million dollars (\$20,000,000) for projects that provide regional benefits or are shared among multiple entities, including consolidation of two or more drinking water systems, at least one of which shall be a small disadvantaged community. Not more than 50 percent (50%) of a grant may be awarded in advance of actual expenditures.

(3) For the purposes of this subdivision, "initial operation and maintenance costs" means those initial, eligible, and reimbursable costs under a construction funding agreement that are incurred up to, and including, but not limited to, initial startup testing of the constructed project in order to deem the project complete. Initial operation and maintenance costs are eligible to receive funding pursuant to this section for a period not to exceed three years.

(b) Of the funds authorized by this section, up to ten million dollars (\$10,000,000) shall be available for grants to provide school children with safe drinking water under the Drinking Water for Schools Grant Program pursuant to Section 116276 of the Health and Safety Code.

86008. Of the funds authorized by Section 86004, two hundred fifty million dollars (\$250,000,000) shall be available for deposit in the State Water Pollution Control Revolving Fund Small Community Grant Fund created pursuant to Section 13477.6 for grants and loans for wastewater treatment projects. Priority shall be given to projects that serve disadvantaged communities and severely disadvantaged communities, and to projects that address public health hazards. Projects may include, but not be limited to, projects that identify, plan, design, and implement regional mechanisms to consolidate wastewater systems or provide affordable treatment technologies.

86009. Of the funds authorized by Section 86004, up to sixty million dollars (\$60,000,000) shall be made available for drinking water infrastructure and/or wastewater improvements on private property, or for interim replacement drinking water supplies.

(a) Funds may be used for the following purposes:

(1) To conduct water quality testing of drinking water wells.

(2) To install and replace laterals, repair or replace private wells or onsite wastewater systems, properly close abandoned wells and septic system infrastructure, and provide infrastructure necessary to connect residences to a public water or wastewater system.

(3) To replace interior drinking water plumbing and fixtures that contain lead.

(4) To provide interim replacement drinking water supplies.

(b) The State board may establish a revolving loan fund to facilitate financing for activities allowable under this section.

(c) Priority shall be given to projects that assist low-income homeowners, including mobile home owners, and vulnerable populations.

86010. (a) For the purposes of awarding funding pursuant to this chapter, a local cost share of not less than 50 percent (50%) 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.

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

(c) Up to 15 percent (15%) of the funds available pursuant to this chapter may be allocated for technical assistance to disadvantaged communities. The State board shall operate a multidisciplinary technical assistance program for small and disadvantaged communities which may include, but is not limited to, outreach and education, needs assessments, review of alternative approaches to provide communities with safe drinking water or wastewater services, project selection and design, board and operator training, and other technical, managerial, and financial capacity building assistance for utilities serving disadvantaged communities related to providing communities with safe drinking water or wastewater services. The agency may also contract with a nonprofit organization, resource conservation district, or other local agency to provide these services.

CHAPTER 5.2. Water Recycling and Desalination.

86020. The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board to award grants and loans to eligible entities as defined in subdivision (a) of Section 86166 on a competitive basis for wastewater recycling projects. Grants pursuant to this section may be made for all of the following:

(a) Water recycling projects, including, but not limited to, treatment, storage, conveyance, brine disposal, and distribution facilities for potable and nonpotable recycling projects.

(b) Dedicated distribution infrastructure to serve residential, commercial, agricultural, fish and wildlife habitat, and industrial end-user retrofit projects to allow use of recycled water.

(c) Pilot projects for new potable reuse and contaminant removal technology.

(d) Multi-benefit recycled water projects that improve water quality.

(e) Multi-benefit recycled water projects that protect, conserve and restore wetland and other wildlife habitat.

(f) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.

86021. The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board to award grants to eligible entities as defined in subdivision (a) of Section 86166 on a competitive basis for desalination of brackish groundwater, and other brackish water desalination projects which do

not directly negatively affect riparian habitat, estuaries, coastal bays, coastal lagoons, or ocean waters of California as defined by the State board. Grants pursuant to this section must comply with the requirements of this section, and may be made for all of the following:

- (a) Treatment, storage, conveyance, and distribution facilities. Projects may remove contaminants in addition to salts, but shall be primarily constructed and operated to remove salt.
- (b) Distribution infrastructure to serve residential, commercial, agricultural, fish and wildlife habitat, and industrial end-user retrofit projects to allow use of desalted water.
- (c) Multi-benefit salt removal projects that improve water quality.
- (d) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.
- (e) Multi-benefit salt removal projects that provide water supply for wetland and other wildlife habitat.
- (f) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.

86022. No grant made pursuant to this chapter shall exceed fifty percent (50%) of the cost of the project, but this requirement may be eliminated or reduced for that portion of projects that primarily serve disadvantaged communities, economically distressed areas, or wildlife habitat.

86023. Projects funded pursuant to this chapter shall be selected on a competitive basis with priority given to the following criteria:

- (a) Water supply reliability improvement.
- (b) Water quality and ecosystem benefits related to decreased reliance on diversions from the Delta or from local rivers and streams, and benefits related to attainment of beneficial uses and water quality objectives in local receiving waters.
- (c) Public health benefits from improved drinking water quality or supply.
- (d) Cost-effectiveness, based on the amount of water produced per dollar invested, and other cost-effectiveness criteria adopted by the State board.
- (e) Energy efficiency and greenhouse gas emission reductions.
- (f) Water supply or water quality improvements benefitting disadvantaged communities.
- (g) Protection and restoration of fish and wildlife habitat, as well as provision of a reliable water supply for fish and wildlife.

CHAPTER 5.3. Water Conservation.

86030. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the

department for the following purposes:

(a) Statewide turf removal program.

(1) The program shall provide financial incentives to public and private property owners to convert their irrigated or watered landscaping to drought tolerant plantings, including appropriate low water using plants. The department shall set a maximum amount each applicant can receive, and shall allow greater incentives to low-income homeowners who could not otherwise afford to participate in the landscape water conversion program. No less than seventy-five percent (75%) of the funds allocated to this program shall be spent on programs benefitting residential property owners. The department shall make awards to nonresidential applicants on the basis of cost-effectiveness with respect to water supply. Each grant must reduce water consumption by at least fifty percent (50%) compared to current water use.

(2) The most cost-effective projects and those projects that provide the greatest environmental benefits based on the state investment shall receive highest priority for funding. Environmental benefits shall include, but not be limited to, planting appropriate drought resistant native and other plants, reduction in consumptive water use, and increased availability of water for environmental benefits.

(3) The department shall not reject or reduce eligibility to residents residing in service areas which have previously offered turf removal rebate programs as long as the resident was not a participant in the program.

(4) The department shall cooperate with eligible entities as defined in subdivision (a) of Section 86166 and the California Public Utilities Commission to develop an on-bill repayment mechanism to pay for the consumer's share of the landscape conversion project.

(b) Leak detection.

(1) Competitive grants on a matching basis to public water systems to reduce leaks in their water distribution systems, eliminate leaks in the water systems of their customers if the water system operator determines that customer leak detection and elimination is a cost-effective way to improve the water system operator's water supply and provides a public benefit, and install instrumentation to detect leaks at residential, institutional, and commercial properties. The department shall make awards on the basis of cost-effectiveness with respect to water supply. Water system operators receiving grants pursuant to this subdivision shall give highest priority to leak detection and water waste elimination programs in disadvantaged communities and economically distressed areas.

(2) No grant award shall exceed fifty percent (50%) of the cost of the project. Cost sharing may be reduced or eliminated for a grant award that primarily benefits residential property owners in a disadvantaged community or an economically distressed area.

(c) Toilet replacement. Competitive grants on a matching basis to public water systems or eligible entities as defined in subdivision (a) of Section 86166 to replace toilets using more than three gallons per flush with new toilets that conserve water and flush 1.28 gallons per flush or less. The department shall make awards on the basis of cost-effectiveness with respect to water supply. Entities receiving grants pursuant to this subdivision shall give highest priority to toilet replacement programs in disadvantaged communities and economically distressed areas.

(d) Water meters. Installation of water meters in disadvantaged communities that are not metered.

(e) Energy saving water conservation. Competitive grants on a matching basis to public water systems to undertake water conservation projects that promote saving energy. These projects shall document the greenhouse gas emission reductions coming from water conservation programs. The department shall make awards on the basis of cost-effectiveness with respect to water supply as well as energy savings. Highest priority shall be given to programs in disadvantaged communities and economically distressed areas.

(f) In determining how to allocate the funds appropriated pursuant to this section, the department shall determine which technologies are most cost-effective, produce the greatest environmental benefits, and provide the most benefit to disadvantaged communities and economically distressed areas.

(g) Any entity receiving a grant pursuant to this section may use grant funds to establish a revolving fund from which the entity may make loans to implement water conservation programs. The interest rate shall be established by the entity, and the entity may charge a reasonable administration fee to be paid along with the interest on the loan over the lifetime of the loan. Payments made on loans made pursuant to this program shall be returned to the revolving fund to be used for additional loans to implement water conservation programs. Loans made pursuant to this section may be for up to 15 years, or for the useful life of the water conservation project, whichever is shorter.

86031. The sum of fifteen million dollars (\$15,000,000) is appropriated from the Fund to the California Energy Commission for the Water Energy Technology Program to accelerate the deployment of innovative water and energy saving technologies and help continue to make water conservation a California way of life.

86032. (a) The purpose of this section is to help make it possible to improve flows in tributaries to the Delta, and to expedite the transfer of conserved agricultural water while minimizing impacts on water rights holders.

(b) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the department for matching grants to local agencies to aid in the construction and implementation of agricultural water conservation projects, and for grants in accordance with Section 79158.

(c) For the purposes of approving a grant under this section, the department shall determine if there will be a net savings of water as a result of each proposed project and if the project is cost-effective and technically sound.

(d) A project under this section shall not receive more than five million dollars (\$5,000,000) in grant proceeds from the department.

(e) The department shall give preference to the most cost-effective and technically sound projects.

(f) Priority shall be given to grants that result in water savings which are used to improve the quality of fish and wildlife through increased flows in tributaries to the Delta. Grants improving internal water district efficiency for other uses and transfers are also eligible for funding.

(g) No project may cause adverse impacts to fish or wildlife without mitigating those impacts below a level of significance. The cost of mitigation may be included in grant funds.

CHAPTER 5.4. Flood Management for Improved Water Supply.

86040. (a) The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the Central Valley Flood Protection Board for:

(1) Enlargement and environmental enhancement of existing floodways and bypasses within the jurisdiction of the Central Valley Flood Protection Board, including providing recreation opportunities.

(2) Improvement of flood control facilities and environmental enhancement within the jurisdiction of the Central Valley Flood Protection Board.

(b) To be eligible for funding under this section, a project shall provide reduced flood risk, reduced liability, or reduced maintenance responsibility for state agencies or local flood control districts or both.

(c) The Central Valley Flood Protection Board shall give preference to:

(1) Those projects that primarily benefit disadvantaged communities or economically distressed areas.

(2) Multi-benefit projects designed to reduce flood risk and enhance fish and wildlife habitat by allowing rivers and floodplains to function more naturally. These projects create additional public benefits such as protecting farms and ranches, improving water quality, increasing groundwater recharge, and providing public recreation opportunities.

(3) Those projects that include matching funds, including but not limited to matching funds from other state agencies. Matching fund requirements may be reduced or eliminated to the extent the project directly benefits disadvantaged communities or economically distressed areas.

(d) The Central Valley Flood Protection Board may make grants to eligible entities as defined in subdivision (a) of Section 86166 to implement this section.

(e) The Central Valley Flood Protection Board may use up to one million (\$1,000,000) of these funds to develop a programmatic permit for authorization of habitat restoration and related multi-benefit floodplain restoration projects whose primary purpose is restoration and that meet the criteria described in paragraphs (a) and (b) of this section.

(f) Of the amount appropriated in paragraph (a), fifty million dollars (\$50,000,000) shall be awarded for matching grants to public agencies to construct flood control improvements to existing dams on rivers in the Sacramento Valley that provide flood protection to urbanized areas. If these funds are not awarded for this purpose by January 1, 2032, they may be used for the other purposes of this section.

86041. (a) The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the department for grants to local agencies on a fifty percent (50%) matching basis to repair or reoperate reservoirs that provide flood control either as a principal purpose or as an indirect effect of their operation. Grantees must demonstrate that the proposed repair or reoperation will increase the amount of water stored in those reservoirs that could be put to beneficial use. No funds appropriated under this section shall be used to raise the height of any dam. Spillway modification projects that do not raise the

crest height of the dam are eligible for grant funds.

(b) (1) To be eligible for funding under this section, a project must provide substantial increases in recreational opportunities, such as trails along river channels, and significant net improvements to fish and wildlife habitat in and adjacent to the river channel downstream of the reservoir, and to the extent compatible with safe reservoir operation, within the reservoir. At least ten percent (10%) of project costs shall be allocated to these recreational and habitat purposes. The funds to carry out these purposes shall be allocated by the department directly to a state conservancy if there is a conservancy with jurisdiction over the area of the project. If there is no conservancy, the Natural Resources Agency's California River Parkways Program shall contract with an eligible entity as defined in subdivision (a) of Section 86166 to carry out these purposes. The agency operating the reservoir being repaired or reoperated shall approve the recreational and habitat elements of the project and shall not charge any fees for review, plan check, permits, inspections, or any other related costs associated with the project, and shall provide permanent operation and maintenance of the entire project, including the habitat and recreational elements. Projects may include grants to eligible entities as defined in subdivision (a) of Section 86166 to implement this paragraph.

(2) All costs associated with the requirements of this subdivision may be paid for with funds provided to local agencies by this section, and do not have to be matched by the agency.

(c) Grants made pursuant to this section may be for the purpose of seismic retrofit.

(d) No grants made pursuant to this section shall be for reservoir maintenance or sediment removal from the reservoir or upstream of the reservoir, except as necessary to complete projects authorized under paragraphs (a), (b), and (c).

(e) Applicants shall certify that projects paid for by funds provided by this section will be permanently operated and maintained.

(f) First priority shall be given to projects that benefit disadvantaged communities.

(g) Projects to assist in the reoperation of eligible reservoirs shall increase water supply for beneficial uses through the purchase and installation of water measuring equipment, acquisition of information systems, and the use of technologies and data to improve reservoir management.

(h) (1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter to create recreational facilities or wildlife habitat may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of those recreational facilities or wildlife habitat.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in land, recreation facilities or wildlife habitat with money from this chapter and transfers the interest in land, recreational facilities or wildlife habitat to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in the land, recreational facilities or wildlife habitat.

(3) This subdivision does not apply to state agencies.

(4) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund

pursuant to this subdivision, the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land, recreational facilities or wildlife habitat to be acquired or developed from funds otherwise available to the agency, tribe or organization.

(5) If the interest in land, recreational facilities or wildlife habitat is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land, recreational facilities or wildlife habitat is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this section.

(i) The department shall give preference to those projects that coordinate reservoir reoperation with the provision of water for groundwater recharge through conjunctive use or other integrated surface/groundwater projects.

86042. The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the San Francisco Bay Restoration Authority to provide matching grants for flood management, wetlands restoration, and other projects consistent with Article 2 (commencing with Section 66704.5) of Chapter 5 of Title 7.25 of the Government Code. For purposes of this section, matching funds may include funds provided by local governments, regional governments, the federal government, private parties, or other funds raised by the San Francisco Bay Restoration Authority. No grant shall exceed fifty percent (50%) of the cost of the project.

86043. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter to acquire an interest in land may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of that interest in land.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in land with money from this chapter and transfers the interest in land to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in land.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land to be acquired from funds otherwise available to the agency, tribe or organization.

(c) If the interest in land is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

CHAPTER 5.5. Funding for Water Measurement and Information.

86048. The sum of sixty million dollars (\$60,000,000) is appropriated from the Fund for water measurement and information systems, as follows:

(a) The sum of twenty million dollars (\$20,000,000) is appropriated to the department for development of

methods and installation of water measuring equipment to improve estimates of water balance, water budgets, diversions and water use to support water allocations, drought management, groundwater management, water quality management and water rights.

(b) The sum of ten million dollars (\$10,000,000) is appropriated to the State board for development of information systems, technologies, and data that improve the State board's ability to manage water rights. These systems will include, but not be limited to, digitizing and making available the 10 million pages of paper records on water rights within the State board and in other repositories and the creation of a digital repository for water diversion and use data.

(c) The sum of ten million dollars (\$10,000,000) is appropriated to the Water Data Administration Fund established pursuant to Section 12420, to be used by the department in consultation with the State board for the purpose of making California water information interoperable, consistent with Part 4.9 of Division 6 of the Water Code.

(d) The sum of twenty million dollars (\$20,000,000) is appropriated as follows:

(1) Five million dollars (\$5,000,000) is appropriated to the University of California for its multi-campus Water Security and Sustainability Research Initiative to develop core elements of a water resources information system, in cooperation with the department and the State board.

(2) Five million dollars (\$5,000,000) is appropriated to the California Water Institute at California State University, Fresno to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(3) Five million dollars (\$5,000,000) is appropriated to the Irrigation Training and Research Center at California Polytechnic State University San Luis Obispo to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(4) Five million dollars (\$5,000,000) is appropriated to the Office of Water Programs at California State University, Sacramento to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(5) The institutions of higher education receiving funds pursuant to this paragraph shall work together to assure that their efforts do not conflict or overlap, but are complementary to each other.

CHAPTER 5.6. Capture and Use of Urban Runoff and Stormwater.

86050. (a) The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board for projects to capture and use urban dry weather runoff and stormwater runoff. All grants made pursuant to this section by the State board for construction projects must be to counties or cities, a city and county, or a joint powers authority containing a city, county, or city and county with responsibility for flood control or management. The State board may spend up to fifty million dollars (\$50,000,000) for grants to eligible entities as defined in subdivision (a) of Section 86166 to develop Stormwater Resource Plans. Funds available pursuant to this section shall be allocated to projects serving and providing a direct benefit to disadvantaged and severely disadvantaged communities. The State board may use these funds to make grants for technical assistance and outreach to disadvantaged communities.

(b) The sum of thirty million dollars (\$30,000,000) is appropriated from the Fund to the California Tahoe Conservancy for projects to capture and use dry weather runoff and stormwater runoff in the Lake Tahoe Basin pursuant to Title 7.42 (commencing with Section 66905) of the Government Code.

(c) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the Santa Monica Mountains Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code in the area defined in paragraph (2) of subdivision (d) of Section 86080.

(d) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code.

(e) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the State Coastal Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 21 (commencing with Section 31000) of the Public Resources.

(f) Funds spent pursuant to this section shall be used for competitive grants for projects that develop, implement, or improve multi-benefit projects identified and prioritized in Stormwater Resource Plans consistent with Part 2.3 (commencing with Section 10560) of Division 6, as that part may be amended, and shall include as many as possible of the following benefits: capture and treatment of stormwater or dry weather runoff for beneficial uses; removal of pollutants from the captured and treated runoff; creation or restoration of habitat or parkland to capture and treat stormwater or dry weather runoff for beneficial uses by using best management practices that improve environmental quality; removal of pollutants from the captured and treated runoff; creation or restoration of habitat or parkland; storage, infiltration or use of the captured and treated runoff to augment local water supplies; creation or restoration of native habitat, trails, park land or other natural open space; reduction of urban heat islands; and provision of other public recreational opportunities. Projects that include wetlands and native habitat or project elements designed to mimic or restore natural watershed functions shall be given the highest priority.

(g) Of the amount appropriated pursuant to subdivision (a), at least forty million dollars (\$40,000,000) shall be available for projects that reduce the flow of trash and other pollutants: (1) into a National Estuarine Research Reserve, onto beaches, or into near-shore coastal waters in San Diego County, or (2) into San Diego Bay. Priority shall be given to projects that reduce the flow of trash or other pollutants into one or more units of the State Parks System.

86051. (a) Each state agency receiving funds pursuant to this chapter shall require at least a fifty percent (50%) cost share by recipients of grant funds, but may eliminate or reduce the matching requirements for that portion of projects primarily benefiting disadvantaged communities or economically distressed areas.

(b) Projects funded by this section must comply with water quality policies or regulations adopted by the State board or the regional water quality control board with jurisdiction over the project.

(c) Project costs may include development of decision support tools, data acquisition, and geographic information system data analysis to identify and evaluate the benefits and costs of potential stormwater capture and reuse projects.

(d) Preference shall be granted to projects that divert stormwater or dry weather runoff from storm drains or channels and put it to beneficial use.

(e) Agencies receiving funds pursuant to this section shall give high priority to projects benefitting disadvantaged communities. Each agency receiving funds pursuant to this chapter shall allocate at least thirty-five percent (35%) of the funds they receive for projects that benefit disadvantaged communities.

(f) In implementing this chapter, each agency receiving funds pursuant to this chapter shall consult with the Natural Resources Agency regarding the integration and prioritization of the habitat, park land, open space, recreational and public use components of stormwater and dry weather runoff capture and reuse projects, and shall seek assistance from the Natural Resources Agency in the review and scoring of proposed projects.

(g) Projects may prevent stormwater and dry weather runoff from entering storm drains or channels.

86052. Entities defined in subdivision (a) of Section 86166 are eligible to receive funds under subdivisions (b), (c), (d) and (e) of Section 86050.

86053. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code, regardless of whether that Chapter is still in effect.

Chapter 5.7. Integrated Regional Water Management.

86054. The sum of five million dollars (\$5,000,000) is allocated to the department to provide direct funding support to approved Integrated Regional Water Management (IRWM) regional water management groups for the purpose of maintaining ongoing IRWM planning and implementation efforts, thereby sustaining the significant investment made through IRWM for regional collaboration on water management.

CHAPTER 6. Watershed, Land, and Fisheries Improvements.

CHAPTER 6.1. Watershed Improvement for Water Supply and Water Quality Enhancement.

86080. The sum of two billion three hundred fifty-five million dollars (\$2,355,000,000) is appropriated from the Fund to protect, restore and improve the health of watershed lands, including forest lands (including oaks, redwoods and sequoias), meadows, wetlands, chaparral, riparian habitat and other watershed lands, including lands owned by the United States, in order to protect and improve water supply and water quality, improve forest health, reduce fire danger consistent with the best available science, mitigate the effects of wildfires on water quality and supply, increase flood protection, remediate aquifers, or to protect or restore riparian or aquatic resources. No grants made pursuant to this section shall be for reservoir maintenance or sediment removal from a reservoir or upstream of a reservoir, except as necessary for field research required pursuant to subdivision (a). Funds shall be allocated as follows:

(a) Two hundred million dollars (\$200,000,000) to the Sierra Nevada Conservancy for the protection, restoration and improvement of Sierra Nevada watersheds, pursuant to Division 23.3 (commencing with Section 33300) of the Public Resources Code and including the purposes outlined in Section 33320 of the Public Resources Code. Funds shall also be spent for the implementation and to further the goals and

purposes of the Sierra Nevada Watershed Improvement Program. Projects eligible for funding under the Sierra Nevada Watershed Improvement Program may include research and monitoring to measure the impact of forest restoration work on water supply, climate and other benefits, including long-term air quality, water quality and quantity, greenhouse gas emissions, carbon storage, habitat, recreational uses, and community vitality. Projects funded under the Sierra Nevada watershed Improvement Program shall be based on the best available science regarding forest restoration and must be undertaken to improve water supply and quality, protect and restore ecological values and to promote forest conditions that are more resilient to wildfire, climate change, and other disturbances. The Sierra Nevada Conservancy may make grants to federal agencies if it determines such grants are the most efficient way to implement the intent of this division on federally managed lands.

(b) Sixty million dollars (\$60,000,000) to the California Tahoe Conservancy for the protection and restoration of watersheds of the Lake Tahoe Basin, pursuant to Title 7.42 (commencing with Section 66905) of the Government Code. Funds shall be spent for implementation and to further the goals and purposes of the Lake Tahoe Environmental Improvement Program, pursuant to Article 6 of Chapter 1.692 of Division 5 (commencing with Section 5096.351) of the Public Resources Code.

(c) One hundred million dollars (\$100,000,000) to the San Francisco Bay Area Conservancy Program of the Coastal Conservancy for the protection and restoration of watersheds of the San Francisco Bay Area, pursuant to Chapter 4.5 of Division 21 of the Public Resources Code (commencing with Section 31160).

(d) One hundred eighty million dollars (\$180,000,000) for the protection and restoration of watersheds of Los Angeles, Ventura, and Orange Counties as follows:

(1) Sixty million dollars (\$60,000,000) to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for the protection and restoration of the watersheds of the San Gabriel and Lower Los Angeles Rivers pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code.

(2) Sixty million dollars (\$60,000,000) to the Santa Monica Mountains Conservancy, for the protection and restoration of the watersheds of Santa Monica Bay, the Upper Los Angeles River and the Upper Santa Clara River pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code, and the watersheds defined in subdivision (c) of Section 79570.

(3) Thirty million dollars (\$30,000,000) to the Santa Ana River Conservancy Program of the Coastal Conservancy for the protection and restoration of watersheds of the Santa Ana River pursuant to Chapter 4.6 of Division 21 of the Public Resources Code (commencing with Section 31170).

(4) Thirty million dollars (\$30,000,000) to the Baldwin Hills Conservancy for the protection and restoration of the Baldwin Hills and Ballona Creek watersheds, and for projects to capture dry weather runoff and stormwater runoff pursuant to Division 22.7 (commencing with Section 32550) of the Public Resources Code.

(e) Forty million dollars (\$40,000,000) to the San Diego River Conservancy for the protection and restoration of watersheds in San Diego County pursuant to Division of 22.9 (commencing with Section 32630) of the Public Resources Code.

(f) One hundred thirty-five million dollars (\$135,000,000) to the State Coastal Conservancy for the protection and restoration of coastal watersheds pursuant to Division 21 (commencing with Section

31000) of the Public Resources Code.

(g) One hundred fifty million dollars (\$150,000,000) for the protection and restoration of the watersheds of the Sacramento and San Joaquin Rivers as follows:

(1) One hundred million dollars (\$100,000,000) to the Sacramento-San Joaquin Delta Conservancy for protection and restoration of the Delta pursuant to Division 22.3 (commencing with Section 32300) of the Public Resources Code. Highest priority shall be given to projects that benefit the restoration of native species and that reduce the negative impacts of excessive salinity intrusion. Highest priority shall also be given to projects that restore habitat important to species listed pursuant to the federal Endangered Species Act (16 U.S.C. Chapter 35) and the California State Endangered Species Act (Fish and Game Code Sections 2050-2100). The funds may also be used for improvement of public recreational facilities in the Delta, and for grants to local agencies and nonprofit organizations to increase community access to parks and recreational opportunities for underserved urban communities in the Delta. The Conservancy may implement programs designed to reduce greenhouse gas emissions from the Delta.

(2) Twenty million dollars (\$20,000,000) to the San Joaquin River Conservancy for the implementation of the San Joaquin River Parkway pursuant to Division 22.5 (commencing with Section 32500) of the Public Resources Code.

(3) Thirty million dollars (\$30,000,000) to the Lower American River Conservancy Fund created by Section 5845.9 of the Public Resources Code. The Wildlife Conservation Board shall use these funds to implement Chapter 10.5 of Division 5 of the Public Resources Code (commencing with Section 5845).

(h) One hundred and seventy million dollars (\$170,000,000) for river parkways, as follows:

(1) Seventy million dollars (\$70,000,000) to the California Natural Resources Agency for projects pursuant to the California River Parkways Act of 2004, Chapter 3.8 (commencing with Section 5750) of Division 5 of the Public Resources Code. The Secretary of the Natural Resources Agency shall allocate at least sixty-five percent (65%) of these funds for projects that benefit disadvantaged communities. With the remaining funds, the Secretary shall seek to benefit poorer communities that do not qualify as disadvantaged communities.

(2) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Guadalupe River corridor.

(3) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Russian River corridor.

(4) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Santa Clara River corridor.

(5) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Tijuana River corridor.

(6) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Carmel River corridor.

(7) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Napa River corridor.

(8) Fifteen million dollars (\$15,000,000) to the State Coastal Conservancy for river parkway projects within the San Diego Bay watershed.

(9) Fifteen million dollars (\$15,000,000) to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(10) Ten million dollars (\$10,000,000) to the California Tahoe Conservancy to implement habitat restoration, public recreation, and water quality improvements along the Upper Truckee River corridor.

(i) One hundred fifty million dollars (\$150,000,000) shall be available for projects that restore, protect and preserve the Los Angeles River and its tributaries, as follows:

(1) Seventy-five million dollars (\$75,000,000) to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code, and Section 79508 of the Water Code.

(2) Seventy-five million dollars (\$75,000,000) to the Santa Monica Mountains Conservancy pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code, and Section 79508 of the Water Code.

(j) Three hundred million dollars (\$300,000,000) to the Wildlife Conservation Board for the following:

(1) For the protection and restoration of the watersheds of the Sacramento, Smith, Eel, and Klamath Rivers and other rivers of Marin, Sonoma, Mendocino, Humboldt and Del Norte Counties, and the Carrizo Plain pursuant to Chapter 4 of Division 2 (commencing with Section 1300) of the Fish and Game Code.

(2) For protection and restoration of oak woodlands and rangelands pursuant to Division 10.4 (commencing with Section 10330) of the Public Resources Code and Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code.

(3) For acquisition and restoration of riparian habitat, migratory bird habitat, anadromous fisheries, wetland habitat and other watershed lands pursuant to Chapter 4 of Division 2 (commencing with Section 1300) of the Fish and Game Code.

(4) Grants may include funding to help fulfill state commitments to implement Natural Community Conservation Plans adopted pursuant to Chapter 10 of Division 3 (commencing with Section 2800) of the Fish and Game Code, and to large scale regional Habitat Conservation Plans adopted pursuant to the federal Endangered Species Act (16 U.S.C. Chapter 35).

(5) Of the amount made available pursuant to this subdivision, the sum of ten million dollars (\$10,000,000) shall be available to assist farmers in integrating agricultural activities with watershed restoration and wildlife protection. Priority shall be given to projects that include partnerships with resource conservation districts.

(6) Of the amount made available pursuant to this subdivision, the sum of fifty million dollars (\$50,000,000) is appropriated to the Oak Woodlands Conservation Fund established by Section 1363 of the Fish and Game Code, and may be expended pursuant to Article 3.5 of Chapter 4 of Division 2 of the Fish and Game Code.

(7) Of the amount made available pursuant to this subdivision, the sum of thirty million dollars (\$30,000,000) shall be available for grazing land protection pursuant to the California Rangeland, Grazing Land and Grassland Protection Act, commencing with Section 10330 of Division 10.4 of the Public Resources Code.

(8) Of the amount made available pursuant to this subdivision, not less than sixty million dollars (\$60,000,000) shall be available for projects that advance the conservation objectives 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. First priority shall be given to plans that include protection of aquatic ecosystems. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required.

(k) Twenty-five million dollars (\$25,000,000) to the Coachella Valley Mountains Conservancy for the protection and restoration of the Coachella Valley watershed pursuant to Division 23.5 (commencing with Section 33500) of the Public Resources Code.

(l) One hundred fifty million dollars (\$150,000,000) to the Department of Parks and Recreation for protection and restoration of watershed lands within and affecting units of the State Parks System, with high priority to redwood and other forest land important to protecting river and stream flows and quality. In addition to other purposes authorized pursuant to this section, the Department of Parks and Recreation may allocate funds to improve and increase the efficiency and effectiveness of State Park water supply and wastewater treatment systems.

(m) Sixty million dollars (\$60,000,000) to the Department of Conservation for watershed restoration and conservation projects on agricultural lands, rangelands, managed wetlands, and forested lands.

(1) No less than thirteen million dollars (\$13,000,000) shall be used for grants pursuant to Section 9084 of the Public Resources Code.

(2) No less than thirty-one million dollars (\$31,000,000) shall be used for the purposes of Division 10.2 (commencing with Section 10200) of the Public Resources Code.

(3) Ten million dollars (\$10,000,000) shall be used for the Watershed Coordinator Grant Program.

(n) One hundred million dollars (\$100,000,000) to the California Ocean Protection Council for projects that: (1) reduce the amount of pollutants that flow to beaches, bays, coastal estuaries, and near-shore ecosystems; and (2) protect coastal and near-shore ocean resources from the impacts of rising sea levels, storm surges, ocean acidification and related hazards, including, but not limited to, increasing the resiliency of near-shore ocean habitats. Projects may include, but are not limited to, projects that protect

or restore beaches, coastal estuaries and watersheds, bays, and near-shore ecosystems including marine protected areas. Of this amount, the Council shall use at least five million dollars (\$5,000,000) for the Local Coastal Program sea level rise grant program that supports Local Coastal Program updates to address sea level rise, including sea-level rise modeling, vulnerability assessments, and adaptation planning and policy development.

(o) The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the Natural Resources Agency, for water-related projects that implement the Natural Resources Agency's Salton Sea Management Program consistent with provisions of Article 2 (commencing with Section 2940) of Chapter 13 of Division 3 of the Fish and Game Code, and in fulfillment of the obligations of the State of California to comply with the terms of Chapters 611, 612, 613, and 614 of the Statutes of 2003. These statutes were enacted to facilitate the execution and implementation of the Quantification Settlement Agreement, including restoration of the Salton Sea. The Natural Resources Agency may expend these funds on projects that provide multiple benefits of ecosystem restoration, air quality improvement, and economic recovery for severely disadvantaged communities.

(1) Of the amount appropriated pursuant to this paragraph, not less than twenty million dollars (\$20,000,000) shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6 of the Public Resources Code.

(2) Of the amount allocated pursuant to this section, the sum of one million dollars (\$1,000,000) shall be available for a Salton Sea Integrated Watershed Plan providing technical assistance for, outreach to, and engagement with severely disadvantaged communities.

(p) Five million dollars (\$5,000,000) to the Delta Stewardship Council for the Delta Science Program as described in Section 85280.

(q) Fifty million dollars (\$50,000,000) to the department for Urban Streams Restoration Program competitive grants pursuant to Section 7048. The department shall allocate at least sixty-five (65%) of these funds for projects that benefit disadvantaged communities. With the remaining funds, the department shall seek to benefit poorer communities that do not qualify as disadvantaged communities.

(r) Twenty million dollars (\$20,000,000) to the California Department of Forestry and Fire Protection for grants for urban forestry projects that manage, capture or conserve stormwater, recharge local groundwater supplies or improve water supplies or water quality through infiltration, sediment management and erosion control pursuant to the California Urban Forestry Act, Chapter 2 (commencing with Section 4799.06) of Part 2.5 of Division 4 of the Public Resources Code.

(s) Fifteen million dollars (\$15,000,000) to the Delta Protection Commission for expenditures, grants, or loans for projects that improve water quality by improving wastewater treatment in Delta legacy communities (as described in section 32301(f) of the Public Resources Code) and at recreational facilities in the Delta. Funds may be expended on wastewater improvement projects serving Delta legacy communities, or Delta legacy community households with failing septic systems which threaten the quality of groundwater or surface water supplies used for urban, agricultural or fisheries purposes. Funds may also be allocated to improve and increase the efficiency and effectiveness of Delta recreational facility wastewater treatment systems. Priority shall be given to projects that address public health hazards. Projects may identify, plan, design, and implement regional mechanisms to consolidate wastewater systems or provide affordable treatment technologies.

(t) Twenty million dollars (\$20,000,000) to the Department of Parks and Recreation for projects that provide access to rivers for non-motorized recreation, and for grants to eligible entities as defined in subdivision (a) of Section 86166 for this purpose. First priority shall be given to projects that include matching funds, and to projects that serve disadvantaged communities and economically distressed areas, whether or not they include cost sharing.

(u) (1) Twenty million dollars (\$20,000,000) to the Wildlife Conservation Board for the construction of a Pacific Flyway Center in the vicinity of the Suisun Marsh, to be operated by the California Department of Fish and Wildlife. The Department of Fish and Wildlife may contract with a nonprofit organization to operate the Center. The Center shall be used to educate the public about the importance of California's wetlands, agricultural lands (including rice) and riparian areas in benefitting waterfowl, shorebirds, native plants and animals, the value of wetlands in absorbing gases that cause climate change, and similar educational purposes. The operator of the Center shall make special efforts to bring people, and especially students, from disadvantaged communities to the Center for educational purposes. If the Wildlife Conservation Board determines that all or part of these funds is not needed to complete this project, it may allocate the unneeded part of the funds to the purposes of paragraph (j) of this section.

(2) (A) Of the amount appropriated by paragraph (1), the Wildlife Conservation Board may make a grant of up to four million dollars (\$4,000,000) to a nonprofit organization whose principal purpose is wildlife conservation to establish a trust fund, the interest from which shall be used exclusively to operate the Pacific Flyway Center and bring people from disadvantaged communities to the Center.

(B) With the approval of the Department of Fish and Wildlife, the nonprofit organization can transfer the operation of the Pacific Flyway Center to another nonprofit organization. If such a transfer takes place, the trust fund shall be transferred to the new nonprofit organization.

(3) If the funds allocated by this section are not all used to construct the Pacific Flyway Center by January 1, 2028, any remaining funds are appropriated to the Wildlife Conservation Board for the purposes of Section 86123.

(v) Eighty million dollars (\$80,000,000) to the Coastal Conservancy for the removal of Matilija Dam, and for associated levee and flood control improvements, water supply improvements, and related projects on Matilija Creek and the Ventura River, and for river parkway projects along the Ventura River. The Conservancy may grant all or part of these funds to Ventura County. Highest priority for the river parkway projects shall be those which benefit disadvantaged communities. If the Coastal Conservancy determines that all or part of these funds is not needed to complete this project, it may allocate the unneeded part of the funds to the purposes of paragraph (f) of this section.

(w) The sum of twenty-five million dollars (\$25,000,000) to the University of California for the Natural Reserve System for matching grants for land acquisition and for the construction and development of facilities that will be used for research and training to improve the management of aquatic ecosystems, natural lands and the preservation or conservation of California's wildlife resources. Priority shall be given to projects that advance research on the impacts of climate change, reduction of greenhouse gas emissions, and adaptation of natural systems to the impacts of climate change.

(x) (1) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Sierra Nevada Conservancy for the purpose of awarding grants within the jurisdiction of the Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel

reduction, postfire watershed rehabilitation, forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.

(2) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Department of Forestry and Fire Protection for the purpose of awarding grants in areas outside the jurisdiction of the Sierra Nevada Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel reduction, postfire watershed rehabilitation and restoration, forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.

86083. Consistent with the other requirements of this chapter, funds spent pursuant to this chapter may be used for grants to eligible entities as defined in subdivision (a) of Section 86166. Funds awarded to eligible entities may be used for projects on land owned by a state or federal agency. With the exception of funds allocated to grant programs, funds may also be used directly by the state agency receiving the funds to implement watershed improvement projects consistent with this chapter. In making grants pursuant to this chapter, agencies shall give high priority to applications that include cost sharing, and to grants that benefit disadvantaged communities and economically distressed areas whether or not they include cost sharing.

86084. (a) For a project to be eligible for funding pursuant to this chapter, the project shall have watershed protection and restoration, water supply or water quality benefits, or ecosystem benefits relating to rivers, streams, forests, meadows, wetlands or other water-related resources.

(b) (1) Funds appropriated pursuant to this chapter may be used for protection and restoration of forests, meadows, wetlands, riparian habitat, coastal resources, and near-shore ocean habitat; to acquire land and easements to protect these resources and avoid development that may reduce watershed health, and to take other measures that protect or improve the quality or quantity of water supplies downstream from projects funded in whole or in part by this chapter. Forest restoration projects, including but not limited to hazardous fuel reduction, post-fire watershed rehabilitation, and forest management and tree planting using appropriate native plants shall be based on the best available science regarding forest restoration and must be undertaken to protect and restore ecological values and to promote forest conditions that are more resilient to wildfire, climate change, and other disturbances.

(2) Fuel hazard reduction activities on United States Forest Service lands in the Sierra Nevada and similar forest types shall be generally consistent with objectives of the Sierra Nevada Watershed Improvement Program and the best available science, including United States Forest Service General Technical Report 220 as it may be updated.

86085. Any entity receiving funds pursuant to this chapter that expends funds on private lands shall secure an agreement or interest in the private lands to assure the purpose of the expenditure is maintained for such time as is commensurate with the best practices for the type of project.

86086. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding for a project pursuant to this chapter may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of that project.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in a project with money from this chapter and transfers the interest in the project to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in the project.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the project to be undertaken using funds otherwise available to the agency, tribe or organization.

(c) The interest from the trust fund shall be used only to monitor the implementation of a project, and maintain a project and its water supply and water quality benefits implemented pursuant to this chapter.

(d) If an interest in a project is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in the project is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated and shall be returned to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

86087. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code, regardless of whether that Chapter is still in effect.

86088. By April 30, 2019, the Natural Resources Agency shall recommend provisions for grant approval guidelines to each state agency that receives an appropriation pursuant to this chapter in order to ensure appropriate consistency of the guidelines. Each agency shall consider the recommendations of the Natural Resources Agency as they adopt their own guidelines.

86089. Agencies receiving funds pursuant to this chapter shall give high priority to projects that benefit the native wildlife, birds and fishes of California.

CHAPTER 6.2. Land and Water Management for Water Supply Improvement.

86090. The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the Wildlife Conservation Board for the purpose of awarding competitive grants to eligible entities as defined in subdivision (a) of Section 86166 to improve the quality of public and private rangelands, wildlands, meadows, wetlands, riparian areas and aquatic areas for the purpose of increasing groundwater recharge and water supply from those lands, and for improving water quality consistent with protecting and restoring ecological values.

86091. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code,

regardless of whether that Chapter is still in effect.

86094. In making grants pursuant to this chapter, the Wildlife Conservation Board shall give highest priority to projects which:

(a) Are most cost-effective in producing improved water supply or water quality, and which provide the greatest fish and wildlife benefits.

(b) Include matching funds.

(c) Benefit disadvantaged communities and economically distressed areas.

(d) Are for the purpose of invasive plant control and eradication, restoration of riparian habitat, meadows and wetlands, and other projects that improve the flow of water from the lands, and reduce the use of water by invasive plant species.

86096. For a project to be eligible for funding pursuant to this chapter, the project shall have water supply or water quality benefits or both. A project that targets the removal of invasive plants to increase water supply shall only be funded if the applicant guarantees that the land from which plants will be removed will be maintained.

86097. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of the funded project.

(2) A local public agency, Indian tribe or nonprofit organization that undertakes a project with money from this division and can no longer maintain the project shall transfer the ownership of the trust fund to another public agency, Indian tribe or nonprofit organization that is willing and able to maintain that project.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the project in an appropriate condition.

(c) The interest from the trust fund established from the funds available pursuant to this section shall be used only to maintain a project and its water supply and water quality benefits implemented pursuant to this chapter.

(d) If the interest in a project is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in the project is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated and shall be returned to the Wildlife Conservation Board. The funds returned may be utilized only for projects authorized by this chapter.

86098. In implementing this chapter, the Wildlife Conservation Board may provide incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms.

86099. At least ten percent (10%) of the funds available pursuant to this section shall be allocated for projects that provide a direct benefit to disadvantaged communities. These benefits may include range improvement, among other benefits. These projects may include technical assistance for, outreach to, and engagement with disadvantaged communities.

CHAPTER 6.3. Conservation Corps.

86105. The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the California Conservation Corps for projects to protect, restore, and improve the health of watershed lands, including forest lands, meadows, wetlands, chaparral, riparian habitat and other watershed lands. Projects may include, but are not limited to, regional and community fuel hazard reduction projects on public lands, invasive species removal, and stream, river, and riparian restoration projects. The California Conservation Corps shall allocate at least fifty percent (50%) of the funds pursuant to this section for grants to certified local conservation corps. Projects shall improve water quality, water supply reliability, or riparian or watershed health. Projects shall be undertaken in coordination with a nonprofit organization or public agency.

CHAPTER 6.4. Central Valley Fisheries Restoration.

86106. (a) The people of California find and declare that the protection, restoration and enhancement of native fish populations (including anadromous salmonids) of the Central Valley is necessary for the ecological and economic health of the State of California.

(b) Fish need both suitable habitat and appropriately timed flows in rivers and their tributaries.

(c) The State Water Resources Control Board shall take note of the funding provided by this chapter and the resulting fish habitat restoration as the Board determines flows necessary to restore Central Valley native fish populations and fisheries.

(d) Many state and federal agencies, including the Department of Water Resources, Department of Fish and Wildlife, Delta Stewardship Council, Delta Conservancy, Wildlife Conservation Board, Central Valley Flood Protection Board, and federal Bureau of Reclamation, United States Fish and Wildlife Service, and National Marine Fisheries Service have prepared policies and plans to restore Central Valley native fish and fisheries habitat, but these policies and plans are not fully funded.

(e) Many state and federal laws require the restoration of Central Valley native fish populations and fisheries habitat, but funding has not been fully available to carry out the requirements of these laws.

(f) The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the California Natural Resources Agency for the restoration of Central Valley populations of native fish and fisheries habitat.

(1) (A) The Secretary of the Natural Resources Agency shall appoint a Central Valley Fisheries Advisory Committee made up of representatives from the Central Valley Salmon Habitat Partnership, appropriate local, state and federal fish and water management and other agencies, nonprofit organizations, commercial fishing organizations, universities, local agencies and Indian tribes with relevant scientific expertise including representation from the upper watersheds. The committee shall advise the Secretary on the annual expenditure of funds appropriated pursuant to this Chapter. The

committee may solicit projects, and direct the creation of projects pursuant to this chapter, subject to approval by the Secretary.

(B) The committee shall work closely with representatives from each river basin in the Central Valley, including local government and water agencies, Indian tribes, and nonprofit organizations, to develop projects that are most suitable for the conditions in the basin, and which meet the other requirements of this section.

(C) In proposing projects, the committee shall take into account the entire life cycle of the fish species to be benefitted, and shall consider the interaction of the effects of each project within a river basin with projects in other river basins. The committee shall also consider adverse impacts resulting from poor watershed health, including severe wildfire and extensive tree mortality.

(2) Projects funded pursuant to this section shall increase self-sustaining populations of native fish, or contribute to an existing fish population becoming self-sustaining in the future, with a minimal requirement of expenditures to continue to operate the project. No funds may be expended on fish hatcheries.

(3) The committee shall give high priority to projects that provide multiple benefits, such as improved flood management, improved water quality, improved water supply, enhanced groundwater sustainability, aquifer remediation and reduction of emission of greenhouse gases, while also improving conditions for native fish species and their habitats. The committee shall also give high priority to projects that can be integrated into an existing flow regime and provide multi-species benefits over a range of flow conditions. The committee shall also give high priority to projects that are consistent with recovery plan and resiliency strategies for native California fish species.

(4) Expenditures shall be for capital outlay projects, such as conservation easements, water measurement needed to measure the effects of the project, projects that restore or enhance fisheries habitat such as floodplain expansion, reintroductions of fish into their historical habitat, improved fish passage opportunities, creation or enhancement of spawning and rearing habitat and other projects. Acquisition of land or easements as part of a fisheries enhancement project must be from willing sellers. Project costs shall include the costs of planning, environmental review, mitigation of the impacts of the project, and permitting. High priority shall be given to projects that provide adult and juvenile fish access to or fish passage through agricultural fields or floodplain habitats that will provide enhanced juvenile rearing and food production opportunities.

(5) Of the funds authorized by this section, the Secretary of the Natural Resources Agency may allocate up to ten million dollars (\$10,000,000) for one or more grants for capital outlay and related programmatic purposes to institutions of higher education for facilities that can be used to improve scientific and technical coordination, communication and training among those institutions, the department, the Department of Fish and Wildlife, the State board and other state agencies to assure that developments in ecosystem and fisheries science and management are deployed and employed across higher education institutions and state government agencies.

(g) Based on the recommendations of the committee, the Secretary of the Natural Resources Agency may make grants to any state or local agency, Indian tribe, or nonprofit organization to carry out the purpose of this section. The Secretary shall give high priority to projects that include matching funds, projects with a local agency as the lead agency, and projects supporting proposed actions in the Sacramento Valley Salmon Resiliency Strategy (as published by the California Natural Resources Agency in June 2017, and as

it may be amended), the National Marine Fisheries Service California Central Valley Steelhead Recovery Plan and other similar strategies as they are adopted.

(h) Of the amount appropriated pursuant to this section, not less than thirty-five million dollars (\$35,000,000) shall be available for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their floodplains, riparian and side-channel habitat restoration pursuant to the California Riparian Habitat Conservation Program, Chapter 4.1 (commencing with Section 1385) of Division 2 of the Fish and Game 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. Priority shall be given to projects supported by multi-stakeholder 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.

(i) Of the amount appropriated pursuant to this section, five million dollars (\$5,000,000) shall be available to assist in the development of the Central Valley Salmon Partnership Habitat Implementation Plan.

(j) The Secretary shall give high priority to the removal of Dennett Dam on the Tuolumne River, if additional funds are still needed to complete removal of the Dam.

(k) A local public agency, Indian tribe or nonprofit organization receiving funding under this chapter may use up to twenty percent (20%) of those funds to establish a trust fund, the proceeds of which shall be used exclusively to pay or help pay for the maintenance and monitoring of the project being funded.

(1) If the local public agency, Indian tribe or nonprofit organization is unable to continue to maintain and monitor the project, it may transfer ownership of the trust fund to another public agency, Indian tribe or nonprofit organization, with the approval of the Secretary of the Natural Resources Agency.

(2) This subdivision does not apply to state agencies.

(3) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to paragraph (1), the agency, tribe or organization shall certify to the Secretary of the Natural Resources Agency that it can maintain the project from funds otherwise available to the agency, tribe or organization.

(4) If all or part of the project cannot be maintained or is condemned, the trust fund and any unexpended interest are appropriated to the California Natural Resources Agency. The funds returned to the Agency may be utilized only for projects pursuant to this chapter.

(l) Of the amount appropriated to the California Natural Resources agency pursuant to this section, seven million dollars (\$7,000,000) is appropriated to the Department of Fish and Wildlife for native fish restoration projects on the upper Feather River below Oroville dam for gravel restoration, streambed restoration, and salmon habitat restoration projects.

CHAPTER 7. Groundwater Sustainability and Storage.

86110. (a) The sum of six hundred seventy-five million dollars (\$675,000,000) is appropriated from the Fund to the department for projects and programs that support sustainable groundwater management

consistent with Part 2.74 of Division 6 (commencing with Section 10720). The funds shall be used for competitive grants that advance sustainable groundwater management through implementation of groundwater sustainability plans and projects that protect, enhance, or improve groundwater supplies. At least ten percent (10%) of all grants made pursuant to this paragraph shall be made to groundwater sustainability agencies whose groundwater basins underlie disadvantaged communities.

(b) The sum of ten million dollars (\$10,000,000) is appropriated from the fund to the State board, for use by the Office of Sustainable Water Solutions to implement a multidisciplinary technical assistance program for small and disadvantaged communities, and support the involvement of disadvantaged communities and the public in groundwater sustainability agencies and in the development and implementation of groundwater sustainability plans.

86111. (a) Of the funds authorized by section 86110, six hundred forty million dollars (\$640,000,000) shall be available for grants to groundwater sustainability agencies implementing groundwater sustainability plans pursuant to subdivision (k) of Section 10721 for the following purposes:

(1) Groundwater recharge and storage projects including but not limited to acquisition of land and groundwater pumping allocations from willing sellers, planning of facilities such as feasibility studies and environmental compliance, distribution systems, and monitoring facilities. No grant made pursuant to this section shall exceed twenty million dollars (\$20,000,000).

(2) Projects that implement groundwater sustainability plans pursuant to Part 2.74 of Division 6 (commencing with Section 10720). Projects eligible for funding include but are not limited to feasibility studies, environmental compliance, engineering work used to develop groundwater use and sustainable yield for specific projects, well use measurement and innovative decision support tools.

(3) Projects that assess and address saltwater intrusion including future impacts related to climate change.

(4) Matching grants to groundwater sustainability agencies to develop groundwater sustainability plans pursuant to subdivision (k) of Section 10721. No grant shall exceed one million dollars (\$1,000,000), and no groundwater sustainability agency shall receive more than one grant.

(b) Of the funds authorized by this section, the sum of five million dollars (\$5,000,000) shall be available for research to guide investments made pursuant to this section. Research activities may include, but are not limited to, geophysical surveys, system-level modeling and analysis, development of novel methods and tools that can be applicable to local decision-making, cross-sector economic and policy analysis of novel recharge methods, and development of new approaches to significantly enhance groundwater recharge and fit-for-purpose water treatment and reuse.

(c) Of the funds authorized by this section, the department may allocate up to ten million dollars (\$10,000,000) for the development of publicly accessible decision support tools to assist groundwater sustainability agencies in conducting drinking water quality analysis, including the development and assessment of sustainable yield, undesirable results, measurable objectives and other required targets. The decision support tools should also support vulnerability assessments to help determine communities that may be at risk of facing water supply or contamination challenges. The tools should be available for other efforts such as drought vulnerability assessments and shall be linked to the Human Right to Water indicator housed at the State board.

(d) Of the funds authorized by this section, the department may allocate up to five million dollars (\$5,000,000) for one or more grants for capital outlay and related programmatic purposes to institutions of higher education for facilities that can be used to improve communication and coordination among these institutions, the department and the State board in order to assure that developments in groundwater science and management are efficiently deployed and employed across higher education institutions and state government agencies.

(e) A local public agency, Indian tribe or nonprofit organization receiving funding under this section may use up to twenty percent (20%) of those funds to establish a trust fund used exclusively to pay or help pay for the maintenance and monitoring of the agency's or organization's interest in land acquired pursuant to this section.

(1) If the local public agency, Indian tribe or nonprofit organization that acquired an interest in land with money from this section decides to transfer that interest to another public agency, Indian tribe or nonprofit organization, the ownership of the trust fund established to maintain that interest in land shall also be transferred.

(2) This subdivision does not apply to state agencies.

(3) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to this subdivision the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land to be acquired from funds otherwise available to the agency, tribe or organization.

(4) If the interest in land is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

86112. (a) The department shall give priority for funding pursuant to this chapter to the following in equal priority:

(1) Groundwater basins designated by the department as critically overdrafted basins, groundwater basins which are in danger of becoming critically overdrafted, and groundwater basins where surface and groundwater are interconnected.

(2) Groundwater basins with documented water quality problems, land subsidence, impacts on surface streams or groundwater dependent ecosystems, or other undesirable results as defined by subdivision (x) of Section 10721.

(3) Groundwater basins that protect important state-owned resources, such as state parks and wildlife areas.

(4) Projects that support the use of floodwaters of acceptable water quality to recharge groundwater basins. This innovative multi-benefit concept brings together four important California water management objectives, including flood hazard reduction, sustainable groundwater management, ecosystem restoration, and water supply reliability.

(A) Projects may include adaptive modification of flood and conservation storage operations at reservoirs, modifications to spillway facilities at existing reservoirs, inundation of new or expanded flood bypasses or temporary flood storage land areas, application of floodwaters to agricultural lands during fallow or dormant seasons, or increased use of existing groundwater recharge facilities.

(B) Projects may include using floodwaters for recharge of groundwater projects, with both flood hazard reduction and groundwater sustainability benefits.

(C) Projects that provide benefits in flood hazard reduction and groundwater sustainability. Project feasibility can also be supported by ecosystem restoration and water supply benefits.

(b) Of the amount appropriated in section 86110, the department may use up to ten million dollars (\$10,000,000) for the following purposes:

(1) Assess statewide potential for use of floodwaters for recharge and prioritize locations based upon proximity and conveyance connections in the State with flood hazard reduction and groundwater sustainability needs.

(2) Complete a pilot study of a priority location to demonstrate potential water resources management innovations to facilitate flood hazard reduction and groundwater recharge.

(3) Identify and demonstrate use of analytical tools and innovative water management techniques to support development of available floodwaters and recharge of groundwater basins.

(4) Develop economic monetization techniques of groundwater recharge benefits.

(5) Demonstrate application of the department's climate change methodology to both water supply and flood management applications.

(6) Provide technical assistance to groundwater sustainability and local flood management agencies, as well as coordination with state and federal flood agencies.

(c) The department shall consider the following criteria when awarding grants:

(1) The potential of the project to prevent or correct undesirable results due to groundwater use.

(2) The potential of the project to maximize groundwater storage, reliability, recharge or conjunctive use.

(3) The potential of the project to support sustainable groundwater management.

(4) The annualized cost-effectiveness of the project to achieve the goals of the Sustainable Groundwater Management Act, Chapter 2.74 of Division 6 (commencing with Section 10720).

(d) Eligible entities as defined in subdivision (a) of Section 86166, including groundwater sustainability agencies, shall be eligible for grants. Priority for funding shall be given to local agencies implementing the Sustainable Groundwater Management Act.

(e) For purposes of awarding funding under this chapter, a local cost share of not less than fifty percent (50%) of the total cost of the project shall be required. The cost-sharing requirement may be waived or reduced for that portion of a project that directly benefits a disadvantaged community or economically distressed area, or for projects the majority of whose benefits are to restore ecosystems dependent on groundwater.

(f) No grant may be made unless the Department of Fish and Wildlife certifies that harm done to fish or wildlife as a result of the project will be mitigated to ensure any potential impacts are less than significant.

(g) Eligible projects may include such infrastructure improvements such as improved canal and infiltration capacity.

86113. (a) For purposes of this section, "District" means the Borrego Water District.

(b) Of the amount appropriated in Section 86110, thirty-five million dollars (\$35,000,000) shall be awarded as a grant to the District for the following programs:

(1) Acquisition of land and acquisition of the right to pump groundwater from willing sellers to reduce groundwater pumping in order to bring groundwater pumping within the boundaries of the Borrego Springs Subbasin of the Borrego Valley Groundwater Basin to a level that is sustainable on a long-term basis pursuant to the Sustainable Groundwater Management Act, Chapter 2.74 of Division 6 (commencing with Section 10720). Lands acquired may be transferred to the Department of Parks and Recreation, a nonprofit organization or another public agency for future management.

(2) Water end-use efficiency, including urban and agricultural water conservation, and water conservation on recreational facilities such as golf courses.

(3) Restoration of lands acquired pursuant to this section.

(4) Stormwater capture for groundwater basin recharge and re-use.

(5) Other District projects implementing the Sustainable Groundwater Management Act.

(c) (1) No cost sharing by the District is required to implement this section. This is justified because the community of Borrego Springs is a severely disadvantaged community, and because excessive groundwater pumping can impact important resources in Anza-Borrego Desert State Park whose 500,000 annual visitors contribute an estimated forty million dollars (\$40,000,000) annually to the region, as well as support 600 jobs.

(2) The District may require cost sharing by beneficiaries when making grants pursuant paragraphs (2) and (4) of subdivision (b).

(d) As a condition of this grant, the District must agree to:

(1) Implement measures which assure that lands not presently being irrigated will not come into irrigation, and that presently irrigated lands will not become more intensively irrigated; and

(2) Require new development to pay all costs of water purchases the District incurs, and all costs of water projects the District undertakes in order to accommodate that development.

(e) (1) The District or a nonprofit organization that receives funding pursuant to this chapter to acquire an interest in land may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance, monitoring and restoration of that interest in land.

(2) The District or a nonprofit organization that acquires an interest in land with money from this chapter and transfers the interest in land to another public agency or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in land.

(3) This subdivision does not apply to state agencies.

(4) If the District or nonprofit organization does not establish a trust fund pursuant to this subdivision, the agency or organization shall certify to the department that it can maintain the land to be acquired from funds otherwise available to the agency or organization.

(5) If the interest in land is condemned or if the District or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the District. The funds returned to the District may be utilized only for projects pursuant to this chapter.

(f) Any funds not needed by the District to implement the program described in this section may be granted by the District to a nonprofit organization or the California Department of Parks and Recreation to acquire lands adjacent to or in the immediate proximity of Anza-Borrego Desert State Park to prevent development or irrigation of that land which might impact groundwater resources in the Park. These lands may be inside or outside the boundaries of the District, but must be within the boundaries of the Borrego Springs Subbasin of the Borrego Valley Groundwater Basin, which is the source of all potable water for the Borrego Springs community and visitors to the Park. The lands may be used for wildlife habitat.

(g) The District may award grants to nonprofit organizations in order to carry out all or part of the programs authorized by this section.

CHAPTER 8. Water for Wildlife, Pacific Flyway Restoration, and Dynamic Habitat Management.

86120. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the Wildlife Conservation Board (hereinafter in this section "the Board") to acquire water from willing sellers and to acquire storage and delivery rights to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas and estuaries. High priority shall be given to meeting the water delivery goals of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575). The Board may arrange for acquisition, long-term lease agreements, or transfer of water rights if it determines such actions are beneficial to wildlife conservation. The Board may sell, transfer, or store water or storage rights purchased pursuant to this section, if the Board finds that the sale, transfer or storage will not cause harm to fish and wildlife. In years when the Board does not require the water for fish and wildlife purposes, the Board may temporarily sell or lease the water or delivery rights. Notwithstanding Section 13340 of the Government Code, the proceeds of any water sales pursuant to this section by the Board are appropriated directly to the Board without regard to fiscal year. The Board shall use the proceeds of the sale, lease or transfer of water or delivery rights to achieve conservation purposes authorized by this

section. The acquisition of water using funds expended pursuant to this chapter shall only be used for projects that will provide fisheries, wildlife or ecosystem benefits.

86121. The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the California Department of Fish and Wildlife for the purpose of improving water supply and water quality conditions for fish and wildlife on private lands. The California Department of Fish and Wildlife may provide incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. Such incentives shall be designed to be appropriately flexible and responsive to the highly variable amounts of water required by fish and wildlife.

The Department of Fish and Wildlife shall use a portion of the funds provided by this section to develop a programmatic authorization to expedite approval of habitat restoration and water quality improvement projects not covered under Chapter 6.5 of Division 2 of the Fish and Game Code, and for the implementation of that Chapter.

86122. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the Wildlife Conservation Board for coastal and Central Valley salmon and steelhead fisheries restoration projects. The Wildlife Conservation Board shall give priority to projects that contribute to the recovery of salmon and steelhead species listed pursuant to the state or federal endangered species acts, to enhance commercial and recreational salmon fisheries and to achieve the goals of Chapter 8 of Part 1 of Division 6 (commencing with Section 6900) of the Fish and Game Code.

(a) Of the amount appropriated by this section, up to one hundred million dollars (\$100,000,000) shall be spent for matching grants to local agencies for capital outlay projects to implement programs to improve fish passage opportunities and to restore anadromous salmonid habitats, particularly juvenile rearing habitat for spring run salmon, on rivers in the Sacramento Valley that have dams blocking the main stem of the river.

(b) Of the amount appropriated by this section, at least one hundred million dollars (\$100,000,000) shall be spent to install fish screens on the Sacramento and San Joaquin Rivers and their tributaries and in the Delta to screen anadromous fish from water intakes. High priority shall go to projects identified as high priority in the Sacramento Valley Salmon Resiliency Strategy (as published by the California Natural Resources Agency in June 2017, and as it may be amended).

86123. (a) The sum of two hundred eighty million dollars (\$280,000,000) is appropriated from the Fund to the Wildlife Conservation Board for projects to protect migratory birds through habitat acquisition, easements, restoration, or other projects, and to provide water for wildlife refuges and wildlife habitat areas to fulfill the purposes identified in the Central Valley Joint Venture Implementation Plan, as it may be amended, including:

(1) Projects to implement this section which may include conservation actions on private lands.

(2) Protection and restoration of riparian and wetland habitat in the Sacramento River Basin.

(3) Protection and restoration of riparian and wetland habitat in the San Joaquin and Tulare Basins.

(b) Of the amount appropriated by this section, forty million dollars (\$40,000,000) shall be deposited in the California Waterfowl Habitat Preservation Account established pursuant to Section 3467 of the Fish

and Game Code, for the purposes of implementing the California Waterfowl Habitat Program pursuant to Article 7 (commencing with Section 3460) of Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, the California Landowner Incentive Program of the Department of Fish and Wildlife, the Permanent Wetland Easement Program of the Wildlife Conservation Board, and the establishment or enhancement of waterfowl nesting and other wildlife habitat cover on fallowed lands including projects authorized pursuant to Section 1018.

(c) Of the amount appropriated by this section, ten million dollars (\$10,000,000) shall be deposited in the Shared Habitat Alliance for Recreational Enhancement (SHARE) Account established pursuant to Section 1572 of the Fish and Game Code and administered by the Department of Fish and Wildlife for the purposes of providing hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreements with private landowners.

(d) Of the amount appropriated by this section, at least one hundred and ten million dollars (\$110,000,000) shall be expended for acquisition and delivery of water to wildlife refuges, and associated infrastructure projects, to achieve full compliance with the terms of subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575).

CHAPTER 8.6. Sacramento Region Water Reliability and Habitat Protection.

86124. (a) Ten million dollars (\$10,000,000) is appropriated from the Fund to the department for grants to the Regional Water Authority and to the City of Sacramento on behalf of the Sacramento Area Water Forum for projects that are consistent with the coequal objectives of the Water Forum Agreement. Eligible projects include facilities, studies and other actions to improve flow and temperature conditions and habitat in the lower American River, increase water use efficiency and conservation, or improve the integration of surface water and groundwater supplies to provide for dry year water supply reliability.

(b) The Regional Water Authority and the Water Forum shall jointly develop and approve studies, projects, or programs to be funded by the grants. Highest priority shall be given to improving water temperature conditions in the lower American River, and to projects or programs that contribute to both of the Water Forum's coequal objectives of improving water supply and protecting the environment. The Regional Water Authority will be the grantee for water supply and water efficiency projects. The City of Sacramento, on behalf of the Water Forum, will be the grantee for environmental protection, water temperature studies, and habitat restoration projects.

(c) The amount allocated in aggregate to the package of projects shall not exceed fifty percent (50%) of the projects' total cost.

(d) No funds appropriated pursuant to this section may be spent to build new surface storage or raise existing reservoirs.

CHAPTER 9. Bay Area Regional Water Reliability.

86125. Two hundred and fifty million dollars (\$250,000,000) is appropriated from the Fund to the department for a grant to the group of eight water agencies collectively known as the Bay Area Regional Reliability Partnership (BARR) for new facilities that extend the benefits of surface water storage for region-wide benefits in any of the following areas: drought supply reliability, drinking water quality, and emergency storage, as generally described in the Final Mitigation Project List contained in the San Francisco Bay Area Regional Reliability Drought Contingency Plan. The Contra Costa Water District may

receive the grant on behalf of the Partnership unless the BARR Partnership has a governance structure in place at the time of the grant award that makes its eligible to receive the funds directly. The participating water agencies in the San Francisco Bay Area Regional Reliability Drought Contingency Plan will determine and designate funds to one or any of the listed projects, however in no case will the amount determined for any single project be more than 50% of the project's total cost. No funds appropriated pursuant to this section may be spent to build new surface storage, or raise existing reservoirs.

CHAPTER 10. Improved Water Conveyance and Water Conservation.

86126. Even though the drought has eased, the effects of the drought are still being felt in many areas throughout the state, including the San Joaquin Valley. Further exacerbating the impact of drought conditions on water users were legal requirements restricting pumping from the Sacramento-San Joaquin Delta. One of the consequences of both the drought and pumping restrictions was a significant increase in groundwater pumping as a means to replace reduced surface supplies. Such increase in groundwater pumping lowers groundwater tables, which in turn causes wells to go dry and land to subside, which has particularly been the case on the east side of the San Joaquin Valley. The Friant-Kern Canal has lost 60% of its capacity to convey water for both consumptive uses and groundwater recharge. Unless conveyance capacity is restored and increased, the subsidence will continue to get worse and those local communities, including disadvantaged communities, who largely rely on groundwater to serve their citizens, will continue to suffer adverse effects. Significant public benefits will result from this state investment, including avoiding increased unemployment, stabilization of groundwater, and securing a more stable food supply for California.

86127. The sum of seven hundred fifty million dollars (\$750,000,000) is appropriated from the Fund to the department for a grant to the Friant Water Authority for water conveyance capital improvements, including restored and increased conveyance capacity to and in the Madera and Friant-Kern canals, resulting in greater groundwater recharge, improved conveyance and utilization of floodwaters, and for water conservation. Improvements with funds provided by this paragraph shall be completed consistent with applicable state and federal laws and contracts.

86128. The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the Natural Resources Agency for actions that support projects defined in paragraph 11 in the settlement agreement to restore the San Joaquin River referenced in Section 2080.2 of the Fish and Game Code. Before expenditure may occur, formal concurrence on specific projects to be undertaken is required by the settling parties to the agreement.

86129. The diversion of water from Barker Slough to the North Bay Aqueduct adversely impacts listed fish species, and also adversely impacts water quality served to a large urban area. There would be multiple public benefits to relocating the diversion to the North Bay Aqueduct to the Sacramento River.

86130. The sum of five million dollars (\$5,000,000) is appropriated from the fund to the department to plan for a diversion of water from the Sacramento River to the North Bay Aqueduct to reduce the adverse impact on listed fish species, and provide a higher quality of drinking water to those served by the Aqueduct.

CHAPTER 11. Oroville Dam Flood Safety.

86131. Oroville Dam provides flood control for the Sacramento Valley. The inclusion of flood control at Oroville Dam was not an obligation of the public water agencies that receive water from Oroville Dam. The flood control function of Oroville Dam was paid for by the federal government.

86132. The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the department for repair and reconstruction of the spillways at the Oroville Dam.

86133. The sum of twenty-one million dollars (\$21,000,000) is appropriated from the Fund to the department. Fifteen million dollars (\$15,000,000) shall be spent for Feather River sediment management and removal between Live Oak and Verona in coordination with the Sutter Butte Flood Control Agency. Six million dollars (\$6,000,000) of these funds shall be awarded as a grant to the Sutter Butte Flood Control Agency for floodwater attenuation projects at the Oroville Wildlife Area that provide downstream flood control relief and ecosystem restoration.

86134. The sum of one million dollars (\$1,000,000) is appropriated from the Fund to the department for a grant to Butte County for capital outlay projects and equipment for emergency preparedness coordination and communications consistent with the California Office of Emergency Services Standardized Emergency Management System (SEMS).

CHAPTER 12. General Provisions.

86151. (a) In projects involving voluntary habitat restoration, water quality improvement and multi-benefit floodplain restoration each agency administering provisions of this division shall encourage interagency coordination and develop and utilize efficient project approval and permitting mechanisms, including but not limited to the provisions of Chapter 6.5 of Division 2 of the Fish and Game Code (regardless of whether that chapter is still in effect) and programmatic permits for voluntary habitat restoration, so as to avoid project delays and maximize the amount of money spent on project implementation.

(b) Projects designed to primarily protect migratory birds through acquisition, easements, restoration or other projects shall be consistent with the plans and recommendations established by the federal Migratory Bird Joint Venture partnerships that encompass parts of California.

(c) Any agency providing funds pursuant to this division to disadvantaged communities or economically distressed areas may provide funding to assist these communities in applying for that funding, including technical and grant writing assistance. These funds may be provided to nonprofit organizations and local public agencies assisting these communities.

(d) Any agency receiving funds pursuant to this division may contract for the services of resource conservation districts pursuant to Section 9003 of the Public Resources Code.

(e) Agencies may count in-kind contributions up to twenty-five percent (25%) of the total project cost as part of cost sharing. Agencies may count the value of the donated land in a bargain sale as part of cost sharing.

(f) Agencies considering proposals for acquisition of lands shall also consider the ability of the proposed final owner of the land to maintain it in a condition that will protect the values for which it is to be acquired, and to prevent any problems that might occur on neighboring lands if the land is not properly managed.

(g) Trust funds established pursuant to this act shall be managed pursuant to the requirements of the Uniform Prudent Management of Institutional Funds Act, Part 7 (commencing with Section 18501) of Division 9 of the Probate Code.

(h) Projects designed to primarily protect riparian habitat through acquisition, easements, restoration or other projects shall consider the plans and recommendations established by the California Riparian Habitat Conservation Program pursuant to Chapter 4.1 of Division 2 of the Fish and Game Code (commencing with Section 1385).

(i) The administering agency shall provide advance payment of 50% of grant awards for those projects that satisfy both of the following criteria:

(1) The project proponent is a disadvantaged community or eligible entity as defined in subdivision (a) of Section 86166, or the project benefits a disadvantaged community.

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

(j) Eligible grant costs shall include indirect costs as defined in federal Office of Management and Budget guidelines, as well as reasonable overhead costs.

(k) Agencies receiving funds designated for specific programs or grantees shall expedite the expenditure or transfer of those funds with the least amount of process necessary to comply with existing state laws and regulations, and the requirements of this division. It is the intent of this division that the expenditure or transfer of funds shall be efficient, cost-effective, and expeditious, and generally should occur no later than 90 days from demonstrated eligibility by the recipient for the funds requested.

86152. Agencies shall, to the extent practicable, quantify the amount of water generated for human and environmental use resulting from proposed expenditures they make pursuant to this division. Agencies shall, to the extent practicable, quantify the improvement in the quality of water generated for human and environmental use resulting from proposed expenditures they make pursuant to this division.

86153. To the extent consistent with the other provisions of this division, statewide agencies making grants pursuant to this division shall seek to allocate funds equitably to eligible projects throughout the state, including northern and southern California, coastal and inland regions, and Sierra and Cascade foothill and mountain regions.

86154. Applicants for grants pursuant to this division shall indicate whether the grant proposal is consistent with the local Integrated Regional Water Management Plan, if one exists. However, consistency with the Integrated Regional Water Management Plan shall not be required as a condition of any grant, and grant proposals shall not be given lower priority if they are not consistent with Integrated Regional Water Management Plans.

86155. (a) Notwithstanding any other provision of this division, a local public agency with a population of less than 100,000 and a median household income of less than one hundred percent (100%) of the state average household income shall be required to provide matching funds of no more than thirty-five percent (35%) for a grant for a project entirely within their jurisdiction. State agencies making grants to these local public agencies may provide funding in advance of construction of portions of the project, if the state agency determines that requiring the local public agency to wait for payment until the project is completed would make the project infeasible.

(b) Nothing in this section prohibits a state agency from making a grant to a disadvantaged community or economically distressed area that does not require cost sharing.

86156. Any repayment of loans made pursuant to this division, including interest payments, and interest earnings shall be deposited in the Fund and shall be available solely for the purposes of the chapter or section that authorized the loan.

86157. (a) Each state agency that receives an appropriation of funding made available by this division shall be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site.

(b) Each state agency that receives an appropriation of funding made available by this division shall do the following:

(1) Evaluate the outcomes of projects funded by this division.

(2) Include in the agency's reporting pursuant to Section 86003 the evaluation described in subdivision (a) of this section.

(3) Hold a grantee of funds accountable for completing projects funded by this division on time and within scope.

86158. (a) For projects carried out by state agencies pursuant to this division, up to ten percent (10%) of funds allocated for each program funded by this division may be expended for planning, monitoring and reporting necessary for the successful design, selection, and implementation of the projects and verification of benefits. An eligible entity receiving a grant for a project pursuant to this division may also receive sufficient funds for planning, monitoring and reporting necessary for the successful design, selection, and implementation of the projects. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" for a capital outlay project or grant project.

(b) Permit and plan check fees and reasonable administrative and indirect project fees and costs related to managing construction shall be deemed part of construction costs. Project costs allocated for project planning and design, and direct and indirect administrative costs shall be identified as separate line items in the project budget.

86159. Notwithstanding Section 16727 of the Government Code, funding provided pursuant to Chapters 6 and 8 may be used for grants and loans to nonprofit organizations to repay financing described in Section 22064 of the Financial Code related to projects that are consistent with the purposes of those chapters.

86160. Not more than a total of five percent (5%) of the funds allocated to any state agency under this division may be used to pay for its costs of administering programs and projects specified in this division.

86161. (a) Water quality monitoring data shall be collected and reported to the State board in a manner that is compatible and consistent with surface water monitoring data systems or groundwater monitoring data systems administered by the State board, consistent with Part 4.9 of Division 6. Watershed monitoring data shall be collected and reported to the Department of Conservation in a manner that is compatible and consistent with the statewide watershed program administered by the Department of Conservation.

(b) State agencies making grants or loans pursuant to this division may include specific expenditures for compliance with local, state and federal permitting and other requirements.

(c) Up to one percent (1%) of funds allocated for each program funded by this division may be expended for research into methods to improve water supply, water related habitat, and water quality relevant to that program, in addition to any other amounts provided for in this division.

86162. (a) Prior to disbursing grants or loans pursuant to this division, each state agency that receives an appropriation from the funding made available by this division to administer a grant or loan program under this division shall 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 each grant or loan to be awarded. The guidelines shall not include a prohibition on the recovery of reasonable overhead or indirect costs by local public agencies, Indian tribes or nonprofit organizations. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this division, it may use those guidelines. Overhead or indirect costs incurred by a local public agency, Indian tribe or nonprofit organization are eligible for reimbursement and shall not weigh negatively in the evaluation of funding proposals pursuant to this division.

(b) Prior to disbursing grants or loans, the state agency shall conduct three regional public meetings to consider public comments prior to finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its website 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. Agencies without jurisdiction in one or more of these three regions may omit the meetings in the region or regions within which they do not have jurisdiction. Upon adoption, the state agency shall transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(c) At least 45 days prior to soliciting projects pursuant to this division, a state agency administering funds pursuant to this division shall post an electronic form of the guidelines for grant applicants on its website. Project solicitation and evaluation guidelines shall only include criteria based on the applicable requirements of this division.

(d) Nothing in this division restricts agencies from enforcing and complying with existing laws.

86163. Each project funded from this division shall comply with the following requirements:

(a) 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, as determined by the agency distributing the funds.

(b) 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. All state agencies receiving funds pursuant to this division shall seek to leverage the funds to the greatest extent possible, but agencies shall take into account the limited ability to cost share by small public agencies, and by agencies seeking to benefit disadvantaged communities and economically distressed areas.

(c) A funded project shall advance the purposes of the chapter from which the project received funding.

(d) In making decisions regarding water resources pursuant to this division, state and local agencies will use the best available science to inform those decisions.

(e) To the extent practicable, a project supported by funds made available by this division will include signage informing the public that the project received funds from the Water Supply and Water Quality Act of 2018.

(f) To the extent feasible, projects funded with proceeds from this division shall promote state planning priorities consistent with the provisions of Section 65041.1 of the Government Code and sustainable communities strategies consistent with the provisions of subparagraph (B) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code.

(g) To the extent feasible, watershed objectives for private lands included in this division should be achieved through use of conservation easements and voluntary landowner participation, including, but not limited to, the use of perpetual conservation easements pursuant to Division 10.2 (commencing with Section 10200) and Division 10.4 (commencing with Section 10330) of the Public Resources Code, voluntary habitat credit exchange mechanisms, and conservation actions on private lands.

86164. Funds provided by this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta water 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.

86165. (a) This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive.

(b) For the purposes of this division, an area that utilizes water that has been diverted and conveyed from the Sacramento River hydrologic region, for use outside the Sacramento River hydrologic region or the Delta, shall not be deemed to be immediately adjacent thereto or capable of being conveniently supplied with water therefrom by virtue or on account of the diversion and conveyance of that water through facilities that may be constructed for that purpose after January 1, 2018.

(c) Nothing in this division supersedes, limits, or otherwise modifies the applicability of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2, including petitions related to any new conveyance constructed or operated in accordance with Chapter 2 (commencing with Section 85320) of Part 4 of Division 35.

(d) Unless otherwise expressly provided, nothing in this division supersedes, reduces, or otherwise affects existing legal protections, both procedural and substantive, relating to the State board's regulation of diversion and use of water, including, but not limited to, water right priorities, the protection provided to municipal interests by Sections 106 and 106.5, and changes in water rights. Nothing in this division expands or otherwise alters the State board's existing authority to regulate the diversion and use of water or the courts' existing concurrent jurisdiction over California water rights.

(e) Nothing in this division shall be construed to affect the California Wild and Scenic Rivers Act (Chapter

1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code) or the federal Wild and Scenic Rivers Act (16 U.S.C. Section 1271 et seq.) and funds authorized pursuant to this division shall not be available for any project that could have an adverse effect on the values upon which a wild and scenic river or any other river is afforded protections pursuant to the California Wild and Scenic Rivers Act or the federal Wild and Scenic Rivers Act.

(f) Nothing in this division supersedes, limits, or otherwise modifies the Sacramento-San Joaquin Delta Reform Act of 2009 (Division 35 (commencing with Section 85000)) or any other applicable law, including, but not limited to, Division 22.3 (commencing with Section 32300) of the Public Resources Code.

(g) Notwithstanding any other provision of law, any agency or nonprofit organization acquiring land pursuant to this division may make use of the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000) of the Public Resources Code). Funds appropriate pursuant to this division that are not designated for competitive grant programs may also be used for the purposes of reimbursing the General Fund pursuant to the Natural Heritage Preservation Tax Credit Act of 2000.

(h) 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.

86166. (a) Applicants eligible to receive grants, loans and contracts pursuant to this division are public agencies, state universities (including university-managed national laboratories), resource conservation districts, nonprofit organizations, public utilities, mutual water companies, public water systems as defined in subdivision (h) of Section 116275 of the Health and Safety Code, urban water suppliers as defined in Section 10617 of the Water Code, federally recognized Indian tribes, federal agencies owning or managing land in California, and state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List. State agencies granting funds pursuant to this division shall give priority to eligible applicants with experience in planning, designing, and developing the types of projects receiving funding from the agencies, or which have access to consulting help in these areas.

(b)(1) To be eligible for funding under this division, a project proposed by a public utility that is regulated by the Public Utilities Commission, or a mutual water company, shall have a clear and definite public purpose and the project shall benefit the customers of the watersystem and not the investors.

(2) To be eligible for funding under this division, an urban water supplier shall have adopted and submitted an urban water management plan in accordance with the Urban Water Management Planning Act, Part 2.6 (commencing with Section 10610) of Division 6.

(3) To be eligible for funding under this division, an agricultural water supplier shall have adopted and submitted an agricultural water management plan in accordance with the Agricultural Water Management Planning Act, Part 2.8 (commencing with Section 10800) of Division 6.

(4) In accordance with Section 10608.56, an agricultural water supplier or an urban water supplier is ineligible for grant funding under this division unless it complies with the requirements of Part 2.55 (commencing with Section 10608) of Division 6.

(5) Notwithstanding any other provision of this division, agencies receiving funds pursuant to this division may reduce or eliminate cost sharing requirements when making grants of one million dollars (\$1,000,000) or less to nonprofit organizations with budgets less than one million dollars (\$1,000,000) if

the agency determines that such grants would be the most effective way to achieve the purposes of this division.

86167. Where feasible, projects funded pursuant to this division may use the services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code. Public agencies receiving funding under this division shall give additional priority to projects that involve the services of the California Conservation Corps or a certified community conservation corps, or other nonprofit entities that provide job training and education opportunities for veterans, foster care recipients, farmworkers or local youth in conservation or restoration projects.

86168. Each state agency that receives an appropriation of funding made available by this division shall be responsible for establishing and reporting on the state's bond accountability website each of the following: metrics of success, metrics for benefitting disadvantaged communities and economically distressed areas, progress in meeting those metrics, status of projects funded under this division, and all uses of the funding the state agency receives under this division. The Secretary of the Natural Resources Agency shall annually report to the Legislature expenditures made pursuant to this division, and the benefits derived from those expenditures.

86169. The proceeds of bonds issued and sold pursuant to this division (excluding the proceeds of any refunding bonds issued in accordance with Section 86192) shall be deposited in the Water Supply Reliability and Drought Protection Fund of 2018, which is hereby created in the State Treasury.

86169.1 Notwithstanding Section 13340 of the Government Code, moneys in the Water Supply Reliability and Drought Protection Fund of 2018 are continuously appropriated without regard to fiscal year for the purposes of this division in the manner set forth in this division. Funds authorized by, and made available pursuant to this division shall be available and expended only as provided in this division, and shall not be subject to appropriation or transfer by the Legislature or the Governor for any other purpose.

86170. 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 or implementation of programs or projects authorized or funded under this division.

86171. (a) Funds provided by this division shall not be used to support or pay for the costs of environmental mitigation, except for the costs of environmental mitigation for projects funded pursuant to this division.

(b) Funds provided by this division shall be used for environmental enhancements or other public benefits.

(c) Notwithstanding paragraphs (a) and (b) of this section, the costs of mitigation of the environmental impacts directly related and limited to expenditures under this division may be paid for by funds provided by this division.

(d) Funds available pursuant to this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

86172. Every entity implementing this division shall give highest priority to funding projects that combine relatively high cost-effectiveness, durability, and enhanced environmental quality.

86174. Acquisitions pursuant to Chapter 6 of this division shall be from willing sellers only.

86177. The requirement that a project be cost-effective does not require a full benefit/cost analysis.

86178. Agencies implementing this division shall give special consideration to projects that employ new or innovative technology or practices, including decision support tools that support the integration of multiple strategies and jurisdictions, including, but not limited to, water supply, wildfire reduction, habitat improvement, invasive weed control, flood control, land use, and sanitation.

86179. Any contract (including a contract to provide a grant) between a public agency, Indian tribe or nonprofit organization and the Department of Fish and Wildlife or the Wildlife Conservation Board for work funded pursuant to this division, or pursuant to Division 26.7 shall be considered a contract subject to the requirements of Section 1501.5 of the Fish and Game Code, and therefor shall not be considered a public work or a public improvement, and is not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

86179.1. Priority shall be given to the expenditure of funds on activities that affect the Delta and the species that rely on it that are generally consistent with the report "A Delta Renewed: A Guide to Science-Based Ecological Restoration in the Sacramento-San Joaquin Delta" prepared in 2016 by the San Francisco Estuary Institute-Aquatic Science Center.

86179.2. In the awarding of grants to be made by any agency pursuant to this act or Division 26.7 after the effective date of this act, overhead or indirect costs incurred by a local public agency, Indian tribe or nonprofit organization are eligible for reimbursement and shall not weigh negatively in the evaluation of funding proposals. Eligible grant costs shall include indirect costs as defined in federal Office of Management and Budget guidelines, as well as reasonable overhead costs. For nonprofit organizations, grants shall provide for reimbursement of indirect costs by applying the organization's federally negotiated indirect cost rate, if one exists. If a negotiated rate does not exist, the organization may elect to use the default indirect cost rate of 10 percent (10%) of its modified total direct costs as defined by the Office of Management and Budget.

86179.3. No grants made pursuant to this division shall result in an unmitigated increase in a community's exposure to flood hazards or in a net reduction in flood conveyance capacity of any publicly owned flood protection facility.

86179.4. In awarding grants for land acquisition, the Wildlife Conservation Board shall give preference to organizations that voluntarily pay property taxes.

CHAPTER 13. Fiscal Provisions.

86180. (a) Bonds in the total amount of eight billion eight hundred seventy-seven million dollars (\$8,877,000,000), or so much thereof as is necessary, not including the amount of any refunding bonds issued in accordance with Section 86192 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, 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 principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall from time to time sell the bonds authorized by the committee pursuant to Section 86182. Bonds shall be sold upon the terms and conditions specified in one or more resolutions to be adopted by the committee pursuant to Section 16731 of the Government Code.

86181. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law, and all of the provisions of that law, as that law may be amended, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division, except subdivisions (a) and (b) of Section 16727 of the Government Code.

86182. (a) Solely for the purpose of authorizing the issuance and sale pursuant to the State General Obligation Bond Law of the bonds authorized by this division, the Water Supply Reliability and Drought Protection Finance Committee is hereby created. For purposes of this division, the Water Supply Reliability and Drought Protection Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

(b) The finance committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other provision of 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 chairperson of the finance committee.

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

86183. The finance 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.

86184. 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.

86185. 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.

86186. 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 86189, appropriated without regard to fiscal years.

86187. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code for the purpose of carrying out this division less any amount withdrawn pursuant to Section 86189. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold (excluding any refunding bond authorized pursuant to Section 86192) for the purpose of carrying out this division. 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.

86188. 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.

86189. 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 (excluding any refunding bond authorized pursuant to Section 86192) for the purpose of carrying out this division less any amount borrowed pursuant to Section 86187. Any amounts withdrawn shall be deposited in the Fund. 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.

86190. 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 premium may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

86191. Pursuant to the State General Obligation Bond Law, the cost of bond issuance shall be paid 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 shared proportionately by each program funded through this division by the applicable bond sale.

86192. 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 refunding bonds 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 such refunded bonds.

86193. 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.

SECTION 2. Section 1 of this act shall take effect immediately upon approval by the voters of the Water Supply and Water Quality Act of 2018, as set forth in that section at the November 6, 2018, statewide general election. In order to fund a water supply reliability and drought protection program at the earliest possible date, it is necessary that this act take effect immediately.

SECTION 3. Conflicting Provisions.

(a) The provisions and intent of the Water Supply and Water Quality Act of 2018 shall be given precedence over any state law, statute, regulation or policy that conflicts with this section, and the policy and intent of this act shall prevail over any such contrary law, statute, regulation or policy.

(b) If this division is approved by the voters, but superseded by any other conflicting ballot division approved by more voters at the same election, and the conflicting ballot division is later held invalid, it is the intent of the voters that this act shall be given the full force of law.

(c) If any rival or conflicting initiative regulating any matter addressed by this act receives the higher affirmative vote, then all non-conflicting parts of this act shall become operative.

SECTION 4. If any provision of this act or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

SECTION 5.

Section 2799.7 is added to the Fish and Game Code to read:

2799.7. Subdivision (f) of Section 2787 does not apply to Section 2795. Notwithstanding other provisions of this article and Section 13340 of the Government Code, as of July 2, 2020 funds transferred pursuant to Section 2795 shall be continuously appropriated to the Wildlife Conservation Board for purposes of Chapter 8 (commencing with Section 86120) of Division 38 of the Water Code.

SECTION 6.

Part 12 is added to Division 6 of the Water Code to read:

Section 11860. (a) Notwithstanding any other provision of law (including Section 13340 of the Government Code and Sections 39710 through 39723 of the Health and Safety Code), the fees paid, the cost of compliance instruments acquired, and the increased cost of power purchased by the Department of Water Resources, hereafter "Department," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the Department from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code, and the fees paid, the cost of compliance instruments acquired and the increased cost of power purchased by the Metropolitan Water District of Southern California (Statutes 1969, chapter 209, as amended), hereafter "District," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the District from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code.

(b) The funds appropriated to the Department pursuant to this section shall be expended within the State Water Resources Development System, and on consumer water conservation programs within the jurisdiction of the State Water Resources Development System.

(c) The funds appropriated to the District pursuant to this section shall be expended within the water storage, treatment, conveyance, and distribution system of the District and on consumer water conservation programs within the jurisdiction of the District.

(d) Of the consumer water conservation programs authorized by subdivisions (b) and (c), highest priority shall be given to those benefitting disadvantaged communities (as defined subdivision (a) of Section 79505.5, as it may be amended) and economically distressed areas (as defined in subdivision (k) of Section 79702, as it may be amended).

(e) All expenditures pursuant to this section shall meet the requirements of Chapter 4.1 of Part 2 of Division 26 of the Health and Safety Code. The Department and District will provide an annual report to the Air Resources Board on the prior-year's project implementation along with a plan for current year implementation.

(f) No funds provided by this part shall be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of new Delta water conveyance facilities. No funds provided by this section shall be expended to pay the costs of construction of new surface water storage facilities or to expand the capacity of the California Aqueduct or the Colorado River Aqueduct. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

(g) All reasonable and feasible measures shall be taken to reduce, avoid, or mitigate significant negative environmental impacts from projects undertaken pursuant to this section.

Section 11861. (a) Notwithstanding any other provision of law (including Section 13340 of the Government Code and Sections 39710 through 39723 of the Health and Safety Code), the fees paid, the cost of compliance instruments acquired, and the increased cost of power purchased by the Contra Costa Water District, hereafter "District," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the District from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code, and the fees paid, the cost of compliance instruments acquired and the increased cost of power purchased by the San Luis and Delta Mendota Water Authority hereafter "San Luis Authority," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the San Luis Authority from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code.

(b) (1) The funds appropriated to the Contra Costa Water District pursuant to this section shall be expended within the boundaries of the District, and on consumer water conservation programs within the District.

(2) The funds appropriated to the San Luis Authority pursuant to this section shall be expended within the water storage, treatment, conveyance, and distribution system of the San Luis Authority and on water conservation, water quality improvement, water treatment, water supply and similar water programs within the jurisdiction of the Authority.

(c) Of the funds appropriated pursuant to subdivision (b), highest priority shall be given to those projects

benefitting disadvantaged communities (as defined subdivision (a) of Section 79505.5, as it may be amended) and economically distressed areas (as defined in subdivision (k) of Section 79702, as it may be amended).

(d) All expenditures pursuant to this section shall meet the requirements of Chapter 4.1 of Part 2 of Division 26 of the Health and Safety Code. The District and San Luis Authority will provide an annual report to the Air Resources Board on the prior-year's project implementation along with a plan for current year implementation.

(e) All reasonable and feasible measures shall be taken to reduce, avoid, or mitigate significant negative environmental impacts from projects undertaken pursuant to this section.

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
IN OPPOSITION TO PROPOSITION 6
(VOTER APPROVAL FOR INCREASES IN GAS AND CAR TAX)

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

WHEREAS, California has more than 1,600 bridges and overpasses that are structurally deficient and unsafe and 89% of counties have roads that are in "poor" or "at-risk" condition; and

WHEREAS, according to the National Highway Traffic Safety Association, there were more than 3,600 fatalities on California roads in 2016, with poor road conditions as a major factor in vehicle collisions and accidents; and

WHEREAS, Proposition 6 would eliminate more than \$52 billion over the next 10 years in existing transportation funding, including the \$15 billion in direct apportionments, and \$11 billion in available competitive grant funding, to cities and counties statewide; and

WHEREAS, Proposition 6 would stop funding for more than 6,500 transportation improvement projects currently underway or planned in every California community; and

WHEREAS, Proposition 6 would jeopardize public safety by eliminating thousands of projects to fix unsafe bridges and overpasses, repair crumbling and unsafe roads, and enhance pedestrian safety; and

WHEREAS, Proposition 6 would raid more than \$1 million annually dedicated to the City of Porterville, and halt critical investments in future transportation improvement projects in our community; and

WHEREAS, voters overwhelmingly passed Proposition 69 in June 2018, thereby ensuring transportation funds can only be used for transportation purposes and the State and local governments are accountable to taxpayers; and

WHEREAS, Proposition 6 would eliminate transportation revenues that are accountable to taxpayers, can't be diverted or borrowed, and that voters overwhelmingly dedicated to fixing our roads; and

NOW, THEREFORE, it is hereby DECLARED and ORDERED, that the City Council of the City of Porterville does hereby oppose Proposition 6 on the November 2018 ballot, and can be listed as a member of the No on Prop 6 coalition, a diverse coalition of local governments, public safety organizations, business, labor, environmental leaders, transportation advocates and other organizations throughout the state.

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 4th day of September, 2018.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

BELL, McANDREWS & HILTACHK, LLP

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RECEIVED

OCT 13 2017

October 13, 2017

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Amendment of Proposed Initiative No. 17-0033 "Voter Approval for Increases in Gas and Car Tax"

Dear Initiative Coordinator:

With this letter I submit an amendment to the above-referenced proposed statewide initiative measure in accordance with Elections Code section 9002. I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure using the amended language as provided by law.

Enclosed with this letter please find the text of the proposed measure as amended.

Thank you for your attention to processing my request.

Respectfully Submitted,



Thomas W. Hiltachk

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. STATEMENT OF FINDINGS AND PURPOSES

- (a) California's taxes on gasoline and car ownership are among the highest in the nation.
- (b) These taxes have been raised without the consent of the people.
- (c) Therefore, the people hereby amend the Constitution to require voter approval of the recent increase in the gas and car tax enacted by Chapter 5 of the Statutes of 2017 and any future increases in the gas and car tax.

SECTION 2. VOTER APPROVAL FOR INCREASES IN GAS AND CAR TAX

Section 3.5 of Article XIII A of the California Constitution is added to read:

Sec. 3.5(a) Notwithstanding any other provision of law, the Legislature shall not impose, increase or extend any tax, as defined in section 3, on the sale, storage, use or consumption of motor vehicle gasoline or diesel fuel, or on the privilege of a resident of California to operate on the public highways a vehicle, or trailer coach, unless and until that proposed tax is submitted to the electorate and approved by a majority vote.

(b) This section does not apply to taxes on motor vehicle gasoline or diesel fuel, or on the privilege of operating a vehicle or trailer coach at the rates that were in effect on January 1, 2017. Any increase in the rate of such taxes imposed after January 1, 2017 shall cease to be imposed unless and until approved by the electorate as required by this section.