



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
AND 1960 BRYOR COURT, MERCED, CA 95340
APRIL 16, 2019, 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: 140 S. C Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 256 East Orange Avenue, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 645 N. Prospect Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. 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 City Employee Association, Public Safety Support Unit, Porterville City Firefighters Association, and Fire Officer Series.

5 - Government Code Section 54956.95 – Liability Claim: Claimant: Nataza Cha. Agency claimed against: City of Porterville.

6 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

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

Pledge of Allegiance Led by Council Member Milt Stowe

Invocation

PROCLAMATIONS

Denim Day - April 24, 2019

Iris Festival Day - April 27, 2019

AB 1234 REPORTS

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

1. Eastern Tule Groundwater Sustainability Agency - April 4, 2019
2. Tulare County Economic Development Corp. (TCEDC), Economic Summit - April 5, 2019
3. Tulare County Association of Governments (TCAG) - April 15, 2019
4. Special City Selection Committee Meeting - April 15, 2019
5. Tulare County Water Commission - April 8, 2019

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - April 4, 2019
 2. Library & Literacy Commission
 3. Arts Commission - March 26, 2019
 4. Animal Control Commission - April 8, 2019
 5. Youth Commission - April 8, 2019
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update
 2. Report of Zoning Administrator Determination

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **Authorization for Transit Bus Engine Repair**
Re: Considering approval of the transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$25,421.
2. **Replacement of City Laboratory Reverse Osmosis Unit**
Re: Considering approval to purchase a Barnstead Pacific TII 7L/hr.RO (Reverse Osmosis) unit from Thermo Fisher Scientific at a not to exceed cost of \$5,694.
3. **Authorization to Advertise for Bids - Plano Street Microsurfacing Project**
Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of a durable thin asphalt overlay along Plano Street from Henderson Avenue to Vandalia Avenue and The Barn Theatre parking lot.
4. **Authorization to Advertise for Bids - Reconstruction of Restrooms at the Airport's Airway Café and at the Library and Painting the Exterior of Fire Station #1**
Re: Considering approval of construction plans and specifications for restroom work at the Airport's Airway Cafe and the City Library, as well as the painting of the exterior of Fire Station #1, and augmentation of \$60,000 to the Airport's Airway Cafe budget.
5. **Award of Contract - Fire Prevention Weed Abatement**
Re: Considering approval of an agreement with Valley Cleaning and Restoration Inc. dba VCR as the primary weed abatement contractor for a 3-year term.
6. **Approval of the FY 2017/18 and 2018/19 Annual Transportation Agreement with the County of Tulare**
Re: Considering approval of the FY 2017/18 and FY 2018/19 Annual Transportation Agreement for the provision of coordinated public transportation services to county residents within the Porterville urbanized area.
7. **Approval of a Transit Military Discount Program between the Tulare County Association of Governments and the City of Porterville**
Re: Considering approval of an agreement to allow any veteran, active duty member of the Armed Forces, or dependents thereof, who furnish proper identification, the ability to ride public transportation in Tulare County at a reduced rate.
8. **Authorize the Modification of Transit Holiday Schedule**
Re: Considering approval of a modified Transit Holiday Schedule.

9. **Intent to Set a Public Hearing to Consider Annual Adjustment of Fees by Application of the Engineering News-Record (ENR) Cost Index**
Re: Considering approval to schedule a Public Hearing for June 4, 2019, for consideration to implement the City of Porterville's Impact Fee ENR Cost Index auto escalator.
10. **Approval of SB1 Project List for Fiscal Year 2019/2020**
Re: Considering approval of the FY 2019/2020 SB1 project list and a Resolution for the use of Road Maintenance and Rehabilitation Account funds.
11. **Assignment of Airport Lease - Lot 46A**
Re: Considering approval of the Assignment of the Airport Lease for Lot 46A between the City of Porterville and the Estate of Robert Baranek to Ms. Janelle Abiog.
12. **Approval for Community Civic Event - Porterville Breakfast Rotary - 18th Annual Cancer Center 5K Run/Walk - May 4, 2019 2019**
Re: Considering approval of a 5K run/walk event to take place on Saturday, May 4, 2019, from 8:00 a.m. to 11:00 a.m. at Granite Hills High School.
13. **Approval for Community Civic Event - Promoting Self Worth (PSW) - Porterville High School Alumni Association - Rally Wagon 5K Fun Run and Walk - May 19, 2019**
Re: Considering approval of an event to take place at the Porterville Sports Complex on Sunday, May 19, 2019, from 7:30 a.m. to 2:00 p.m.
14. **Request for Proclamation - Freedom Days in Porterville - June 14 through July 4, 2019**
Re: Consideration of a request to proclaim the period between June 14 and July 4, 2019, as "Freedom Days in Porterville."
15. **City Council Member Requested Agenda Item - Consider a Resolution of Support for the State's Safe and Affordable Drinking Water Fund Proposal**
Re: Considering approval of a request to consider a Resolution of Support for the State's Safe and Affordable Drinking Water Fund Proposal as a Scheduled Matter as its next regularly scheduled meeting.
16. **City Council Member Requested Agenda Item - Consider Resolution of Support for H.R. 6: American Dream and Promise Act of 2019**
Re: Considering approval of a request to consider a Resolution of Support for H.R. 6, "American Dream and Promise Act of 2019," as a Scheduled Matter at its next regularly scheduled meeting.
17. **Status and Review of Declaration of Local Emergency**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

- 18. Consideration of Draft Ordinances to Allow the Establishment and Operation of Commercial Adult-Use Cannabis Dispensaries**
Re: Consideration of draft Ordinances to allow the establishment and operation of commercial adult-use cannabis dispensaries.
- 19. Public Hearing to Consider Transitioning Into Phase III of the City's Water Conservation Plan**
Re: Consideration of the transition from Phase IV to Phase III of the City's Water Conservation Plan.
- 20. 2019-2020 Action Plan and Proposed Use of Community Development Block Grant Funds**
Re: Consideration of a Resolution approving the 2019-2020 Action Plan, and authorizing its submission to the U.S. Department of Housing and Urban Development.

SCHEDULED MATTERS

- 21. Consideration for Support of an Application for Funding to the Integrated Pool for Homeless Initiatives Locally to Establish a Navigation Center**
Re: Consideration of a draft Resolution in support of partnering with Turning Point of Central California and agencies throughout the region in opening a navigation center to assist individuals experiencing homelessness, and a draft Resolution authorizing the appropriation of up to \$50,000 from the General Fund "Catastrophic/Emergency" Reserve Fund to fulfill the match requirement and associated costs for the establishment and operation of the Navigation Center.
- 22. Delinquent Fee Payments From Athletic Leagues**
Re: Consideration of consequences for athletic leagues with outstanding balances for use of City facilities.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of May 7, 2019.

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 – APRIL 16, 2019

SUBJECT: 1. Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community. The City has transitioned from Phase III back to Phase IV of the City's Water Conservation Plan as of December 1, 2018. The Water Conservation Plan applies to all municipal water users within or outside city limits. As part of the Phase IV plan, the City has restricted outdoor watering to a one day per week watering schedule based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday, or Friday. Watering outdoor landscaping is prohibited during, and within 48 hours after measurable rainfall which is now defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by Ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of March 2019 shows that there were five (5) Notice of Violations and one (1) Administrative Citation issued for water wasting.

Water production for March 2019 shows an 8% decrease from the 5-year average. The production for the month of March 2019 was 153 million gallons, which when compared to the production for the month of March 2013 of 209 million gallons, equates to an 26.8% decrease. Residential consumption for March 2019 was 57.09 gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will be evaluating conservation totals in two (2) formats: 1. Calculate the cumulative conservation totals for production as compared to production in 2013; and 2. Calculate cumulative conservation totals in relation to GPCD, in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total of production for the City of Porterville's conservation efforts will reflect June 2015 through March 2019. Porterville's cumulative total production

conservation through March 2019 is 22.8%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through March 2019. Porterville's cumulative total GPCD conservation through March 2019 is 25.3%.

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

As approved by City Council during the Public Hearing on April 17, 2018, the City has transitioned back to Phase IV, effective December 1, 2018. This transition restricted outdoor watering to one day per week. If an address ends with an "odd" number, the watering day will be Saturday; if an address ends with an "even" number, the watering day will be Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday, or Friday. Watering outdoor landscaping is prohibited during and within 48 hours after measurable rainfall which is now defined as greater than 0.01 of an inch.

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

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Monthly Production Status March 2019
 2. Monthly Production Status GPCD March 2019
 3. Drought Response Phase IV Flyer

Appropriated/Funded:

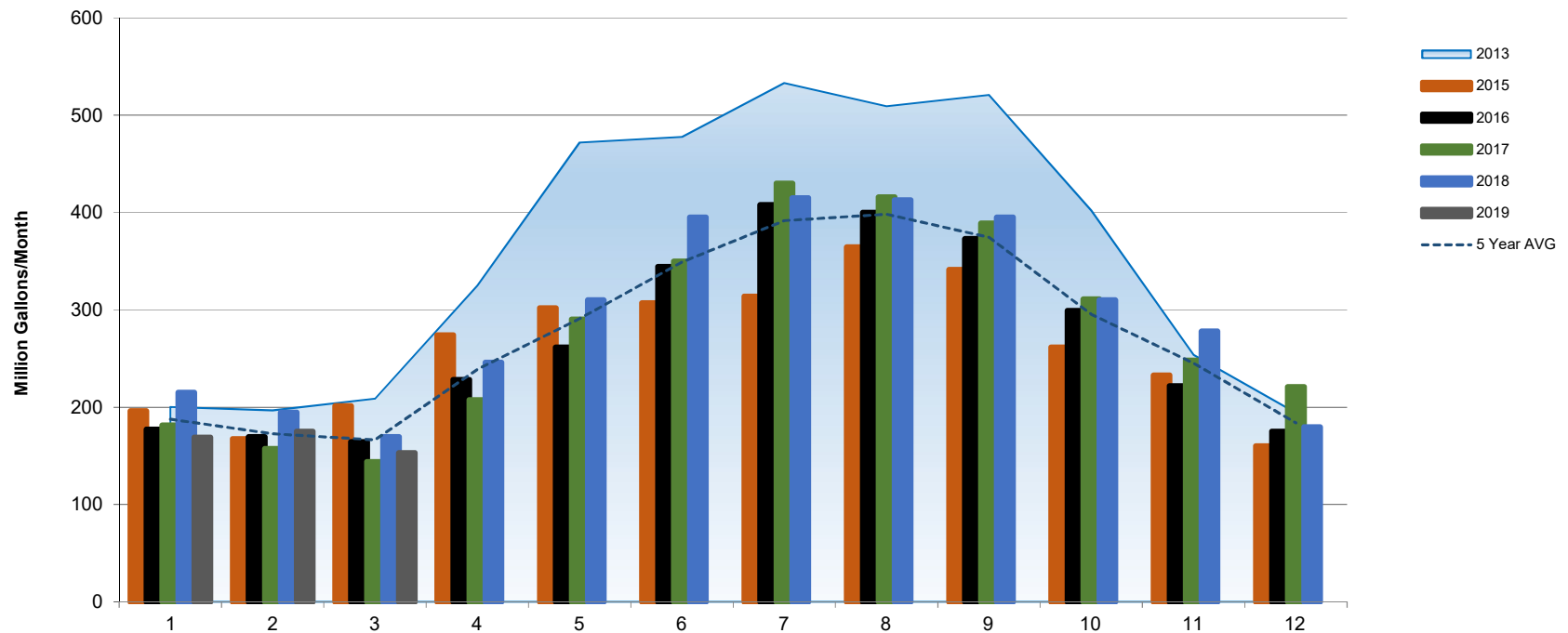
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

**Monthly Production Status & Cumulative Total June 2015 Through
March 2019 Production Comparison to 2013 & 5 Year Average**

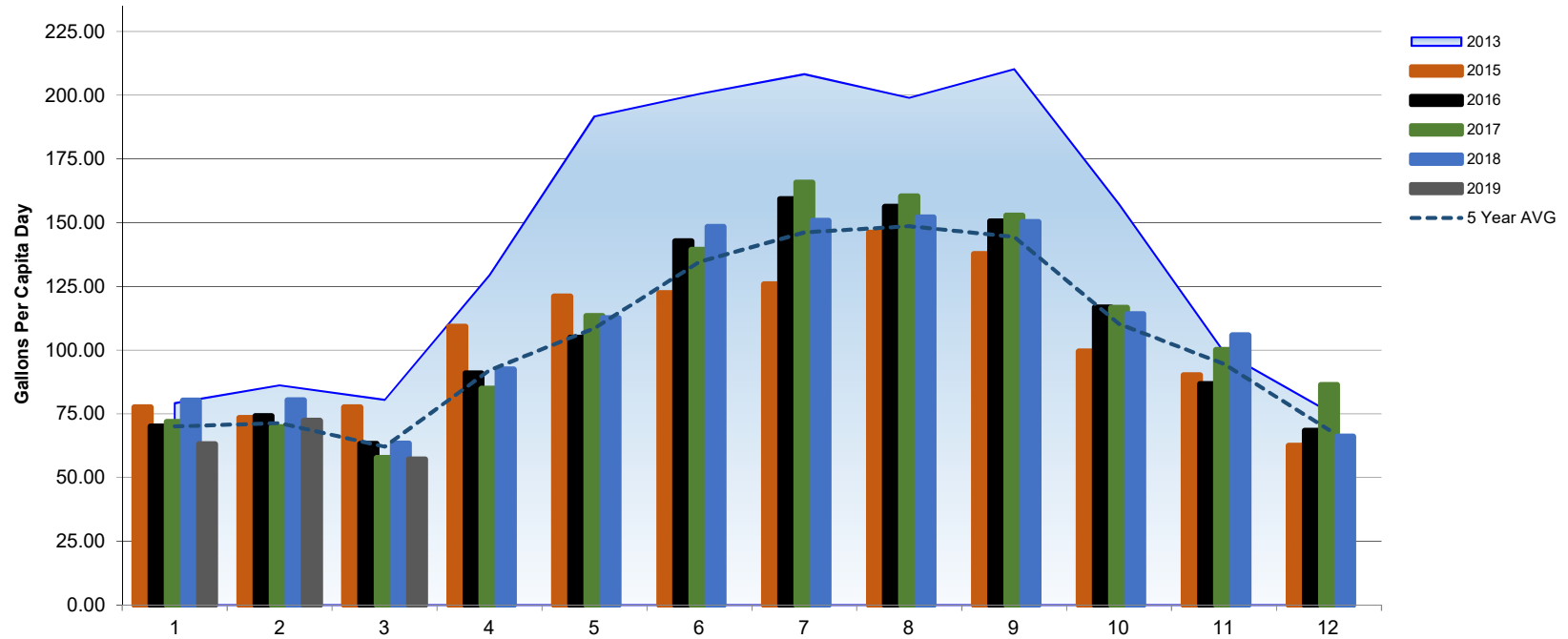


Production Cumulative Total 22.8%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	7%	-1%	-27%	-24%	-34%	-17%	-22%	-19%	-24%	-23%	10%	-7%
2019	-16%	-11%	-27%									

Percent Comparison to 2013 Production

**Monthly Production Status & Cumulative Total June 2015 Through
March 2019 Gallon Per Capita Day Comparison to 2013 & 5 Year Average**



GPCD

Cumulative Total 25.3%

2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
2018	1%	-7%	-21%	-29%	-41%	-26%	-28%	-24%	-29%	-27%	7%	-13%
2019	-20%	-16%	-29%									

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

**WATERING PROHIBITED
BETWEEN THE HOURS OF
5:00 – 10:00 AM
5:00 – 10:00 PM**

**NO WATERING
MONDAY THROUGH
FRIDAY.**



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: 2. Report of Zoning Administrator Determination

SOURCE: Community Development

COMMENT: The Porterville Development Ordinance's (PDO), Chapter 21 of the Porterville Municipal Code, purpose is to implement the City's General Plan and to provide a precise guide for the physical development of the City. The PDO is currently 521 pages. As it would be impossible to include every scenario of development, there are times when a situation is not described or a land use not defined. In those cases, Section 102.03 provides for Rules of Interpretation that state, "The Zoning Administrator shall make the interpretation for any definition not expressly identified in this section or provide clarification and determination of these rules." Staff has been able to locate these Zoning Administrator (ZA) interpretations dating back as far as 1984. They have taken place in the form of a ZA Determination, are typically documented in the format of a memorandum and cover a wide range of topics. These determinations are not taken lightly and staff will use past precedence, other governmental entity policies, as well as standard best planning practice.

While the PDO includes requirements for parking for residential and non-residential uses, and defines the parameters by which such parking shall be developed as well as the width of drive aisles in parking lots, and road widths, the code did not define minimum dimensions of a driveway to provide access to the required parking in a residential zone. On February 15, 2019, a ZA determination was made that the minimum lane width for residential driveway be no less than a minimum dimension of ten (10) feet. While this standard had been used for previous submittals, over the past six months, two individual applicants have argued for a driveway to access required parking that is behind the residential structure in the width of 6' and 7'9", and further argued that because the code was silent they should be permitted. As noted above, silence on a topic does not infer permission. Staff evaluated other local jurisdictions to see if they had a standard and none provided a minimum driveway aisle. Caltrans and the City's travel lane width minimum is 12 feet; however, Caltrans additionally has defined a standard for minimum horizontal clearance of ten feet. Due to this, and the size of average vehicles, the zoning administrator made the determination that driveway aisles shall not be less than a minimum of ten feet.

During staff's research of best planning practice, it was noted that many jurisdictions will annually report to their planning commission or city council its administrative determinations. Staff intends to bring a comprehensive report on all zoning administrator determinations on an annual basis.

RECOMMENDATION: For informational purposes only

ATTACHMENTS: 1. 2019-02-15 ZA determination - Minimum 10 ft required

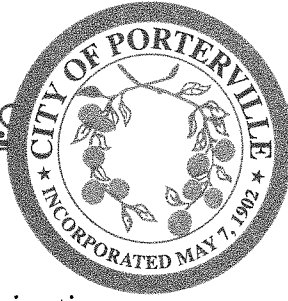
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



**Community Development
Department**

Zoning Administrator Determination
February 15, 2019

SUBJECT: Minimum lane width for residential driveways

The Porterville Development Ordinance, Chapter 21 of the Porterville Municipal Code, includes requirements for parking for residential and non-residential uses, and defines the parameters by which such parking shall be developed. This chapter did not define the minimum dimension of a driveway required to provide access to such required parking. Chapter 21 of the Municipal Code, Section 102.03 Rules of Interpretation, allows the Zoning Administrator to make interpretations for any definition not expressly identified in this section or provide clarification and determination of these rules.

The California Department of Transportation (Caltrans) specifies in its Design Manual that any lane shall be an absolute minimum clearance of ten feet wide. The City of Porterville, in Chapter 304 Parking of the Porterville Development Ordinance, defines a minimum parking aisle width as twelve feet. Based on the widely adopted use of ten feet as a not-less-than threshold for vehicular travel, and in light of Caltrans' approved standards, the determination is hereby established that no drive aisle may be less than a minimum dimension of ten feet to provide access to a required parking area.



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Authorization for Transit Bus Engine Repair

SOURCE: Public Works

COMMENT: Vehicle #8191, is an active transit bus and has experienced significant engine failure and requires an engine overhaul. This vehicle is powered by a Cummins compressed natural gas (CNG) engine and must be repaired or replaced by a certified CNG service center. The bus has approximately five (5) years of remaining active service life, and is necessary for the transition to electrification of the City's Transit fleet over the next year.

Staff is requesting authorization to utilize Cummins Pacific, which is the nearest CNG engine service center, to perform the required engine overhaul at an estimated cost not to exceed \$25,421, (inclusive of all parts, taxes, labor, including a 10% contingency). Funds are available in the Transit Maintenance Budget.

RECOMMENDATION: That the City Council:

1. Authorize the transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$25,421, (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. Bus #8191 Engine Repair Quote

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



BAR Corporation Number: CO847801 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

FRESNO CA BRANCH
2755 S. CHERRY AVENUE
FRESNO, CA 93706-
(559)274-4400

INVOICE NO
ESTIMATE
Payment is due 30 days from invoice date unless agreed upon in writing.

BILL TO

CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737

RAFAEL BAEZ - 559 782-7597

PAGE 1 OF 3

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
*****		19-DEC-2013	ISL G CM2180		EL DORADO
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		03-APR-2019	73581963		TRANSMARK
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
195878			0 / 0		8191

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
------------------	--------------	------------------	-------------	-------------	--------------	------------	--------

OSN/MSN/VIN 1N9MNALG2EC084085 YEAR 2013

COMPLAINT WHEN COMING UP TO A STOP THE BUS WILL IDLE AND DIE AFTER ABOUT A MIN.
STOP ENGINE LIGHT AND CHECK ENGINE LIGHT ON

DIAGNOSTIC CHARGE: 54.80

1	0	5472934	KIT,PMM PISTON UPGRADE	CECO	2,068.52	2,068.52
1	0	3930408	GASKET,OIL PAN	CECO	134.02	134.02
1	0	LF9009	PAC, LF	FLG	53.95	53.95
1	0	4983588	PUMP,LUBRICATING OIL	CECO	289.24	289.24
1	0	5348546RX	HEAD,CYLINDER	DRC	2,808.37	2,808.37
1	0	4933818D	HEAD,CYLINDER	CLEAN	437.50	437.50
-1	0	4933818D	HEAD,CYLINDER	DIRTY	437.50	- 437.50
1	0	5357731RX	KIT,TURBOCHARGER	DRC	2,900.19	2,900.19
1	0	3802678D	ORDERED ITEM 5355835RX DRC TURBO,HX35W	CLEAN	250.00	250.00
-1	0	3802678D	TURBO,HX35W	DIRTY	250.00	- 250.00
1	0	5478594	THERMOSTAT	CECO	76.76	76.76
1	0	5337769	THERMOSTAT	CECO	50.75	50.75
1	0	NG5900	PAC, NG	FLG	68.47	68.47
7	0	70520G	1 GA PREMIUM BLUE GEO	P2- VALVOLINE	15.95	111.65
7	0	CORF GAL	CAL OIL RECYCLE FEE GAL	P2-NSPART1	.29	2.03
12	0	ZXEDRU1	ANTIFREEZE RED	P2-OTHER	15.44	185.28
1	0	29546229	SEAL - FILL TUBE	P2-ALLISON	4.51	4.51
1	0	4376312RX	KIT,EXH RCN COOLER	DRC	1,068.78	1,068.78

Completion date : 02-Apr-2019 04:19PM. Estimate expires : 04-May-2019 03:13PM.

Billing Inquiries? Call (877)480-6970

THERE ARE ADDITIONAL CONTRACT TERMS ON THE REVERSE SIDE OF THIS DOCUMENT, INCLUDING LIMITATION ON WARRANTIES AND REMEDIES, WHICH ARE EXPRESSLY INCORPORATED HEREIN AND WHICH PURCHASER ACKNOWLEDGES HAVE BEEN READ AND FULLY UNDERSTOOD.

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



BAR Corporation Number: CO847801 EPA: CAL000430089

Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731FRESNO CA BRANCH
2755 S. CHERRY AVENUE
FRESNO, CA 93706-
(559)274-4400

INVOICE NO

ESTIMATE

Payment is due 30 days from invoice
date unless agreed upon in writing.**BILL TO**CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737

RAFAEL BAEZ - 559 782-7597

PAGE 2 OF 3

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DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
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CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
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REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
195878			0 / 0		8191

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		1N9MNALG2EC084085		YEAR 2013			
		ORDERED ITEM		4352346NX DRC			
1	0	5318560D		KIT, EGR COOLER	CLEAN	31.25	31.25
-1	0	5318560D		KIT, EGR COOLER	DIRTY	31.25	- 31.25
1	0	3164067		SEALANT	CECO	18.33	18.33
1	0	4352347		KIT, EXH RCN COOLER	CECO	553.80	553.80
1	0	3945917		SET, MAIN BEARING (STD)	CECO	213.53	213.53
4	0	3818824		NUT, REGULAR HEXAGON	CECO	2.83	11.32
4	0	5286984		STUD	CECO	7.69	30.76
1	0	3163087		LUBRICANT	CECO	27.60	27.60
1	0	5443707		GASKET, CONNECTION	CECO	6.37	6.37
		ORDERED ITEM		3992092 CECO			
1	0	4935694		SEAL, O RING	CECO	9.06	9.06
1	0	3867648		SEAL, O RING	CECO	5.50	5.50
1	0	4990721		SEAL, O RING	CECO	9.52	9.52
1	0	145582		SEAL, O RING	CECO	4.00	4.00
1	0	3933070		SEAL, O RING	CECO	13.53	13.53
1	0	3933071		SEAL, O RING	CECO	13.59	13.59
1	0	3929938		GASKET, PRESSURE MODULE	CECO	33.89	33.89
1	0	3933073		SEAL, O RING	CECO	13.49	13.49
1	0	3929159		SCREEN	CECO	23.45	23.45
1	0	3976948		SEAL, O RING	CECO	24.45	24.45
2	0	3933068		SEAL, O RING	CECO	8.12	16.24

Completion date : 02-Apr-2019 04:19PM. Estimate expires : 04-May-2019 03:13PM.

Billing Inquiries? Call (877)480-6970

THERE ARE ADDITIONAL CONTRACT TERMS ON THE REVERSE SIDE OF THIS
DOCUMENT, INCLUDING LIMITATION ON WARRANTIES AND REMEDIES, WHICH ARE
EXPRESSLY INCORPORATED HEREIN AND WHICH PURCHASER ACKNOWLEDGES HAVE
BEEN READ AND FULLY UNDERSTOOD.

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



BAR Corporation Number: CO847801 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

FRESNO CA BRANCH
2755 S. CHERRY AVENUE
FRESNO, CA 93706-
(559)274-4400

INVOICE NO
ESTIMATE
Payment is due 30 days from invoice date unless agreed upon in writing.

BILL TO

CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737

RAFAEL BAEZ - 559 782-7597

PAGE 3 OF 3

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
*****		19-DEC-2013	ISL G CM2180		EL DORADO
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		03-APR-2019	73581963		TRANSMARK
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
195878			0 / 0		8191

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		1N9MNALG2EC084085		YEAR 2013			
1	0	3933069		SEAL,O RING	CECO	8.12	8.12
2	0	3933072		SEAL,O RING	CECO	13.49	26.98
1	0	3976949		SEAL,O RING	CECO	12.32	12.32
1	0	4935693		SEAL,O RING	CECO	8.92	8.92

PARTS:	10,907.29
PARTS COVERAGE CREDIT:	0.00CR
TOTAL PARTS:	10,907.29
SURCHARGE TOTAL:	0.00
LABOR:	9,877.70
LABOR COVERAGE CREDIT:	0.00CR
TOTAL LABOR:	9,877.70
MISC.:	1,300.00
MISC. COVERAGE CREDIT:	0.00CR
TOTAL MISC.:	1,300.00
ELECTRONIC TOOLING FEE	50.00
HAZ WASTE DISPOSAL	100.00
SHOP SUPPLIES	150.00
MISCELLANEOUS	1,000.00
LOCAL	240.11
STATE	729.44

Completion date : 02-Apr-2019 04:19PM. Estimate expires : 04-May-2019 03:13PM.

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SUB TOTAL:	22,139.79
TOTAL TAX:	969.55
TOTAL AMOUNT: US \$	23,109.34

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Replacement of City Laboratory Reverse Osmosis Unit

SOURCE: Public Works

COMMENT: The City Laboratory uses a reverse osmosis (RO) unit in the pretreatment of water for many of the sophisticated tests performed on a daily basis. The current Barnstead RO unit has been in service for twenty-four (24) years and is now obsolete; replacement parts are no longer available. The City Laboratory needs to replace the existing RO unit to maintain testing procedures and process results. Price comparisons were conducted to replace the existing unit with a comparable make and model.

Reverse Osmosis replacement Unit Costs:

Vendor	Item	Cost
Thermo Fisher Scientific	Barnstead Pacific TII 7/hr. RO System	\$4,738
VWR International, LLC	Barnstead Pacific TII 7/hr. RO System	\$5,571
Cole-Palmer Scientific Experts	Barnstead Pacific TII 6/hr. RO System	\$7,137

The staff has reviewed source vendor availability and cost comparisons, receiving one response from Thermo Fisher Scientific and Website cost comparisons from alternative vendors. Thermo Fisher was identified as the lowest purchase price supplier; staff recommends that City Council approve the purchase of a Barnstead Pacific RO System from Thermo Scientific, at a not to exceed dollar amount of \$5,694 (inclusive of all parts, taxes, labor, and a 10% contingency). Funds are available through the Laboratory Operating Budget.

RECOMMENDATION: That the City Council authorize the purchase of the Barnstead Pacific TII 7L/hr.RO (Reverse Osmosis) unit from Thermo Fisher Scientific at a not to exceed cost of \$5,694, (inclusive of all parts, taxes, labor, and a 10% contingency).

ATTACHMENTS:

1. Barnstead RO 7L Thermo-Quote
2. VWR RO product pricing
3. Cole Palmer RO Unit Catalog pricing

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

ThermoFisher SCIENTIFIC

Building 2B - Suite 400
28 Schenck Parkway
Asheville, NC 28803

Phone: (866) 984-3766 Fax: (888) 618-2676
orderprocessing.led.asheville@thermofisher.com

Sales Quotation

Quote #: 637178

Rev #: 1

Issued date: 2/20/2019

Expiration date: 6/20/2019

Submit To:

Caroline Thomason
City of Porterville
291 N. Main St.
Porterville, CA 93257
Phone: (559) 782-7510
Fax: 559-783-9036
cthomason@ci.porterville.ca.us

Sales Representative Information:

Erica Kimble
Phone: 442-888-4667
Fax: 888-618-2676
Email: erica.kimble@thermofisher.com

Prepared By:

Bonnie Flowers
Phone: (740) 374-1848
Fax: (877) 723-6624
Email: bonnie.flowers@thermofisher.com

We Deliver to the Following Terms and Conditions

- **Our Payment Terms:** Net 30
- **Currency:** US Dollar
- **Terms of Delivery:** FOB Factory, Frt Prepay & Add
- **Taxes are extra where applicable.**

Acceptance and delivery of your order is subject to the terms and conditions on the face of and attached to this quote, which shall constitute the exclusive contract between us for your order.

Line	Description	Qty	Net Price	Total Price
1	50132123 Thermo Scientific Barnstead Pacific TII 7L/hr Systems include an RO membrane, a high purity water cartridge, and pressure regulator, 120-240V, 50/60Hz.	1	\$4,737.60	\$4,737.60
Grand Total				\$4,737.60

ThermoFisher SCIENTIFIC

Building 2B - Suite 400

28 Schenck Parkway

Asheville, NC 28803

Phone: (866) 984-3766 Fax: (888) 618-2676

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Expiration date: 6/20/2019

Optional Items

Line	Description	Qty	Net Price	Total Price
2	EWVAT00 EWVAT00 Extended Warranty - Water System Pricing shown is per year. Up to three years of Extended Warranty can be purchased for continued protection. Plan features include: • Priority technical phone support • Unlimited phone support • Priority on-site repair • Unlimited labor (repairs) • Unlimited repair parts • Unlimited travel (repairs) • E-mail support	1	\$901.55	\$901.55
	(or)			
3	WPVAT00 WPVAT00 Warranty Plus - Water System Plan features include: • Priority technical phone support • Unlimited phone support • Priority on-site repair • Unlimited labor (repairs) • Unlimited repair parts • Unlimited travel (repairs) • E-mail support • Annual on-site preventative maintenance visit * Replacement of consumables is included in PM.	1	\$2,103.30	\$2,103.30

Thank you for considering products manufactured by Thermo Fisher Scientific (Asheville) LLC. This quote is issued and intended for sales and shipments within the U.S. For equipment ultimately destined for outside of the U.S., please contact the International Department at inquiries.led.1care@thermofisher.com.

Orders can be emailed or faxed to Thermo Fisher Scientific at the address above.

Competitive finance options are available with fast and simple documentation. Please contact Thermo Fisher Financial Services at (800) 986-9731 Ext. 7 for more information.

Inside Delivery pricing is valid under the following assumption: the delivery contact is available at the time of delivery, delivery personnel have clear and unrestricted physical access to the inside delivery location and all necessary loading and lifting equipment including dock plates and freight elevators are available if required.

Available delivery services:



Building 2B - Suite 400
28 Schenck Parkway
Asheville, NC 28803

Phone: (866) 984-3766 Fax: (888) 618-2676

orderprocessing.led.asheville@thermofisher.com

Sales Quotation

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- **Bronze Delivery** – From manufacturing location to your receiving dock.
- **Inside/Gold Delivery** – equipment delivered to the final location, uncrating, removal of debris, assembly/stacking as required, and set in place.
- **Depot White Glove Delivery** – equipment received at Thermo Fisher Scientific depot, uncrated, tested and then delivery scheduled to customers location with assembly/stacking as required. Unit to be set in place and customer instructions provided.

THERMO FISHER SCIENTIFIC (ASHEVILLE) LLC – TERMS AND CONDITIONS OF SALE

UNLESS OTHERWISE EXPRESSLY AGREED IN WRITING, ALL SALES ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **GENERAL.** Thermo Fisher Scientific (Asheville) LLC ("Seller") hereby offers for sale to the buyer ("Buyer") the products listed on the face hereof (the "Products") on the express condition that Buyer agrees to accept and be bound by the terms and conditions set forth herein. Any provisions contained in any document issued by Buyer are expressly rejected and if the terms and conditions in this Agreement differ from the terms of Buyer's offer, this document shall be construed as a counter offer and shall not be effective as an acceptance of Buyer's document. Buyer's receipt of Products or Seller's commencement of the services provided hereunder will constitute Buyer's acceptance of this Agreement. This is the complete and exclusive statement of the contract between Seller and Buyer with respect to Buyer's purchase of the Products. No waiver, consent, modification, amendment or change of the terms contained herein shall be binding unless in writing and signed by Seller and Buyer. Seller's failure to object to terms contained in any subsequent communication from Buyer will not be a waiver or modification of the terms set forth herein. All orders are subject to acceptance in writing by an authorized representative of Seller.

2. **PRICE.** All prices published by Seller or quoted by Seller's representatives may be changed at any time without notice. All prices quoted by Seller or Seller's representatives are valid for thirty (30) days, unless otherwise stated in writing. All prices for the Products will be as specified by Seller or, if no price has been specified or quoted, will be Seller's price in effect at the time of shipment. All prices are subject to adjustment on account of specifications, quantities, raw materials, cost of production, shipment arrangements or other terms or conditions which are not part of Seller's original price quotation.

3. **TAXES AND OTHER CHARGES.** Prices for the Products exclude all sales, value added and other taxes and duties imposed with respect to the sale, delivery, or use of any Products covered hereby, all of which taxes and duties must be paid by Buyer. If Buyer claims any exemption, Buyer must provide a valid, signed certificate or letter of exemption for each respective jurisdiction.

4. **TERMS OF PAYMENT.** Seller may invoice Buyer upon shipment for the price and all other charges payable by Buyer in accordance with the terms on the face hereof. If no payment terms are stated on the face hereof, payment shall be net thirty (30) days from the date of invoice. If Buyer fails to pay any amounts when due, Buyer shall pay Seller interest thereon at a periodic rate of one and one-half percent (1.5%) per month (or, if lower, the highest rate permitted by law), together with all costs and expenses (including without limitation reasonable attorneys' fees and disbursements and court costs) incurred by Seller in collecting such overdue amounts or otherwise enforcing Seller's rights hereunder. Seller reserves the right to require from Buyer full or partial payment in advance, or other security that is satisfactory to Seller, at any time that Seller believes in good faith that Buyer's financial condition does not justify the terms of payment specified. All payments shall be made in U.S. Dollars.

5. **DELIVERY; CANCELLATION OR CHANGES BY BUYER.** The Products will be shipped to the destination specified by Buyer, FOB Seller's shipping point. Seller will have the right, at its election, to make partial shipments of the Products and to invoice each shipment separately. Seller reserves the right to stop delivery of Products in transit and to withhold shipments in whole or in part if Buyer fails to make any payment to Seller when due or otherwise fails to perform its obligations hereunder. All shipping dates are approximate only, and Seller will not be liable for any loss or damage resulting from any delay in delivery or failure to deliver which is due to any cause beyond Seller's reasonable control. In the event of a delay due to any cause beyond Seller's reasonable control, Seller reserves the right to terminate the order or to reschedule the shipment within a reasonable period of time; Buyer will not be entitled to refuse delivery or otherwise be relieved of any obligations as the result of such delay. Products as to which delivery is delayed due to any cause within Buyer's control may be placed in storage by Seller at Buyer's risk and expense and for Buyer's account. Orders in process may be canceled only with Seller's written consent and upon payment of Seller's cancellation charges. Orders in process may not be changed except with Seller's written consent and upon agreement by the parties as to an appropriate adjustment in the purchase price therefor. Credit will not be allowed for Products returned without the prior written consent of Seller.

6. **TITLE AND RISK OF LOSS.** Notwithstanding the trade terms indicated above and subject to Seller's right to stop delivery of Products in transit, title to & risk of loss to the Products will pass to Buyer upon delivery of possession of the Products by Seller to the carrier; provided, however, that title to any software incorporated within or forming a part of the Products shall at all times remain with Seller or the licensor(s) thereof, as the case may be.

7. **WARRANTY.** Seller warrants that the Products will operate or perform substantially in conformance with Seller's published specifications and be free from defects in material and workmanship, when subjected to normal, proper and intended usage by properly trained personnel, for the period of time set forth in the product documentation, published specifications or package inserts. If a period of time is not specified in Seller's product documentation, published specifications or package inserts, the warranty period shall be one (1) year from the date of shipment to Buyer for equipment and ninety (90) days for all other products (the "Warranty Period"). During the Warranty Period, Seller agrees, in its sole discretion, to repair or replace Products and/or provide additional parts or services as reasonably necessary to cause the Products to perform in substantial conformance with said published specifications; provided that Buyer shall (a) promptly notify Seller in writing upon the discovery of any defect, which notice shall include the product model and serial number (if applicable) and details of the warranty claim; and (b) after Seller's review, Seller will provide Buyer with service data and/or a Return Material Authorization ("RMA"), which may include biohazard decontamination procedures and other product-specific handling instructions, then, if applicable, Buyer may return the defective Products to Seller with all costs prepaid by Buyer. Seller further reserves the right, in its sole discretion, to extend any Warranty Period if at the time that the Warranty Period would otherwise expire, there are ongoing concerns regarding a Product's conformance to the warranty stated herein. Replacement parts may be new or refurbished, at the election of Seller. All replaced parts shall become the property of Seller. Shipment to Buyer of repaired or replacement Products shall be made in accordance with the Delivery provisions of the

Seller's Terms and Conditions of Sale. Consumables are expressly excluded from this warranty. If Seller elects to repair defective medical device instruments, Seller may, in its sole discretion, provide a replacement loaner instrument to Buyer as necessary for use while the instruments are being repaired.

Notwithstanding the foregoing, Products supplied by Seller that are obtained by Seller from an original manufacturer or third party supplier are not warranted by Seller, but Seller agrees to assign to Buyer any warranty rights in such Product that Seller may have from the original manufacturer or third party supplier, to the extent such assignment is allowed by such original manufacturer or third party supplier.

In no event shall Seller have any obligation to make repairs, replacements or corrections required, in whole or in part, as the result of (i) normal wear and tear, (ii) accident, disaster or event of force majeure, (iii) misuse, fault or negligence of or by Buyer, (iv) use of the Products in a manner for which they were not designed, (v) causes external to the Products such as, but not limited to, power failure or electrical power surges, (vi) improper storage and handling of the Products or (vii) use of the Products in combination with equipment or software not supplied by Seller. If Seller determines that Products for which Buyer has requested warranty services are not covered by the warranty hereunder, Buyer shall pay or reimburse Seller for all costs of investigating and responding to such request at Seller's then prevailing time and materials rates. If Seller provides repair services or replacement parts that are not covered by this warranty, Buyer shall pay Seller therefor at Seller's then prevailing time and materials rates. ANY INSTALLATION, MAINTENANCE, REPAIR, SERVICE, RELOCATION OR ALTERATION TO OR OF, OR OTHER TAMPERING WITH, THE PRODUCTS PERFORMED BY ANY PERSON OR ENTITY OTHER THAN SELLER WITHOUT SELLER'S PRIOR WRITTEN APPROVAL, OR ANY USE OF REPLACEMENT PARTS NOT SUPPLIED BY SELLER, SHALL IMMEDIATELY VOID AND CANCEL ALL WARRANTIES WITH RESPECT TO THE AFFECTED PRODUCTS.

THE OBLIGATIONS CREATED BY THIS WARRANTY TO REPAIR OR REPLACE A DEFECTIVE PRODUCT SHALL BE THE SOLE REMEDY OF BUYER IN THE EVENT OF A DEFECTIVE PRODUCT. EXCEPT AS PROVIDED HEREIN, SELLER DISCLAIMS ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THE PRODUCTS, INCLUDING WITHOUT LIMITATION ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. SELLER DOES NOT WARRANT THAT THE PRODUCTS ARE ERROR-FREE OR WILL ACCOMPLISH ANY PARTICULAR RESULT.

8. INDEMNIFICATION.

8.1 By Seller. Seller agrees to indemnify, defend and save Buyer, its officer, directors, and employees from and against any and all damages, liabilities, actions, causes of action, suits, claims, demands, losses, costs and expenses (including without limitation reasonable attorney's fees) ("Indemnified Items") for (i) injury to or death of persons or damage to property to the extent caused by the negligence or willful misconduct of Seller, its employees, agents or representatives or contractors in connection with the performance of services at Buyer's premises under this Agreement and (ii) claims that a Product infringes any valid United States patent, copyright or trade secret; provided, however, Seller shall have no liability under this Section to the extent any such Indemnified Items are caused by either (i) the negligence or willful misconduct of Buyer, its employees, agents or representatives or contractors, (ii) by any third party, (iii) use of a Product in combination with equipment or software not supplied by Seller where the Product would not itself be infringing, (iv) compliance with Buyer's designs, specifications or instructions, (v) use of the Product in an application or environment for which it was not designed or (vi) modifications of the Product by anyone other than Seller without Seller's prior written approval. Buyer shall provide Seller prompt written notice of any third party claim covered by Seller's indemnification obligations hereunder. Seller shall have the right to assume exclusive control of the defense of such claim or, at the option of the Seller, to settle the same. Buyer agrees to cooperate reasonably with Seller in connection with the performance by Seller of its obligations in this Section.

Notwithstanding the above, Seller's infringement related indemnification obligations shall be extinguished and relieved if Seller, at its discretion and at its own expense (a) procures for Buyer the right, at no additional expense to Buyer, to continue using the Product; (b) replaces or modifies the Product so that it becomes non-infringing, provided the modification or replacement does not adversely affect the specifications of the Product; or (c) in the event (a) and (b) are not practical, refund to Buyer the amortized amounts paid by Buyer with respect thereto, based on a five (5) year amortization schedule. THE FOREGOING INDEMNIFICATION PROVISION STATES SELLER'S ENTIRE LIABILITY TO BUYER FOR THE CLAIMS DESCRIBED HEREIN.

8.2 By Buyer. Buyer shall indemnify, defend with competent and experienced counsel and hold harmless Seller, its parent, subsidiaries, affiliates and divisions, and their respective officers, directors, shareholders and employees, from and against any and all damages, liabilities, actions, causes of action, suits, claims, demands, losses, costs and expenses (including without limitation reasonable attorneys' fees and disbursements and court costs) to the extent arising from or in connection with (i) the negligence or willful misconduct of Buyer, its agents, employees, representatives or contractors; (ii) use of a Product in combination with equipment or software not supplied by Seller where the Product itself would not be infringing; (iii) Seller's compliance with designs, specifications or instructions supplied to Seller by Buyer; (iv) use of a Product in an application or environment for which it was not designed; or (v) modifications of a Product by anyone other than Seller without Seller's prior written approval.

9. SOFTWARE. With respect to any software products incorporated in or forming a part of the Products hereunder, Seller and Buyer intend and agree that such software products are being licensed and not sold, and that the words "purchase", "sell" or similar or derivative words are understood and agreed to mean "license", and that the word "Buyer" or similar or derivative words are understood and agreed to mean "licensee". Notwithstanding anything to the contrary contained herein, Seller or its licensor, as the case may be, retains all rights and interest in software products provided hereunder. Seller hereby grants to Buyer a royalty-free, non-exclusive, nontransferable license, without power to sublicense, to use software provided hereunder solely for Buyer's own internal business purposes on the hardware products provided hereunder and to use the related documentation solely for Buyer's

own internal business purposes. This license terminates when Buyer's lawful possession of the hardware products provided hereunder ceases, unless earlier terminated as provided herein. Buyer agrees to hold in confidence and not to sell, transfer, license, loan or otherwise make available in any form to third parties the software products and related documentation provided hereunder. Buyer may not disassemble, decompile or reverse engineer, copy, modify, enhance or otherwise change or supplement the software products provided hereunder without Seller's prior written consent. Seller will be entitled to terminate this license if Buyer fails to comply with any term or condition herein. Buyer agrees, upon termination of this license, immediately to return to Seller all software products and related documentation provided hereunder and all copies and portions thereof. Certain of the software products provided by Seller may be owned by one or more third parties and licensed to Seller. Thus, Seller and Buyer agree that such third parties retain ownership of and title to such software products. The warranty and indemnification provisions set forth herein shall not apply to software products owned by third parties and provided hereunder.

10. LIMITATION OF LIABILITY. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, THE LIABILITY OF SELLER UNDER THESE TERMS AND CONDITIONS (WHETHER BY REASON OF BREACH OF CONTRACT, TORT, INDEMNIFICATION, OR OTHERWISE, BUT EXCLUDING LIABILITY OF SELLER FOR BREACH OF WARRANTY (THE SOLE REMEDY FOR WHICH SHALL BE AS PROVIDED UNDER SECTION 7 ABOVE)) SHALL NOT EXCEED AN AMOUNT EQUAL TO THE LESSER OF (A) THE TOTAL PURCHASE PRICE THEREFORE PAID BY BUYER TO SELLER WITH RESPECT TO THE PRODUCT(S) GIVING RISE TO SUCH LIABILITY OR (B) ONE MILLION DOLLARS (\$1,000,000). NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, IN NO EVENT SHALL SELLER BE LIABLE FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES (INCLUDING WITHOUT LIMITATION DAMAGES FOR LOSS OF USE OF FACILITIES OR EQUIPMENT, LOSS OF REVENUE, LOSS OF DATA, LOSS OF PROFITS OR LOSS OF GOODWILL), REGARDLESS OF WHETHER SELLER (a) HAS BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGES OR (b) IS NEGLIGENT.

11. EXPORT RESTRICTIONS Buyer acknowledges that each Product and any related software and technology, including technical information supplied by Seller or contained in documents (collectively "Items"), is subject to export controls of the U.S. government. The export controls may include, but are not limited to, those of the Export Administration Regulations of the U.S. Department of Commerce (the "EAR"), which may restrict or require licenses for the export of Items from the United States and their re-export from other countries. Buyer shall comply with the EAR and all other applicable laws, regulations, laws, treaties, and agreements relating to the export, re-export, and import of any Item. Buyer shall not, without first obtaining the required license to do so from the appropriate U.S. government agency; (i) export or re-export any Item, or (ii) export, re-export, distribute or supply any Item to any restricted or embargoed country or to a person or entity whose privilege to participate in exports has been denied or restricted by the U.S. government. Buyer shall, if requested by Seller, provide information on the end user and end use of any Item exported by the Buyer or to be exported by the Buyer. Buyer shall cooperate fully with Seller in any official or unofficial audit or inspection related to applicable export or import control laws or regulations, and shall indemnify and hold Seller harmless from, or in connection with, any violation of this Section by Buyer or its employees, consultants, or agents.

12. MEDICARE/MEDICAID REPORTING REQUIREMENTS: If Buyer is a recipient of Medicare/Medicaid funds, Buyer acknowledges that it has been informed of and agrees to fully and accurately account for, and report on its applicable cost report, the total value of any discount, rebate or other compensation paid hereunder in a way that complies with all applicable federal, state and local laws and regulations which establish "Safe Harbor" for discounts. Buyer shall make written request to Seller in the event Buyer requires additional information from Seller in order to meet its reporting requirements. Buyer acknowledges that agreement to such reporting requirement was a condition precedent to Seller's agreement to provide Products and that Seller would not have entered into this Agreement had Buyer not agreed to comply with such obligations.

13. MISCELLANEOUS. (a) Buyer may not delegate any duties nor assign any rights or claims hereunder without Seller's prior written consent, and any such attempted delegation or assignment shall be void. (b) The rights and obligations of the parties hereunder shall be governed by and construed in accordance with the laws of the State of Seller's manufacturing location, without reference to its choice of law provisions. Each party hereby irrevocably consents to the exclusive jurisdiction of the state and federal courts located in the county and state of Seller's manufacturing location, in any action arising out of or relating to this Agreement. (c) Both parties waive any right they may have under applicable law or otherwise to a right to a trial by jury. Any action arising under this Agreement must be brought within one (1) year from the date that the cause of action arose. (d) The application to this Agreement of the U.N. Convention on Contracts for the International Sale of Goods is hereby expressly excluded. (e) In the event that any one or more provisions contained herein shall be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall remain in full force and effect, unless the revision materially changes the bargain. (f) Seller's failure to enforce, or Seller's waiver of a breach of, any provision contained herein shall not constitute a waiver of any other breach or of such provision. (g) Unless otherwise expressly stated on the Product or in the documentation accompanying the Product, the Product is intended for research only and is not to be used for any other purpose, including without limitation, unauthorized commercial uses, *in vitro* diagnostic uses, *ex vivo* or *in vivo* therapeutic uses, or any type of consumption by or application to humans or animals. (h) Buyer agrees that all pricing, discounts and technical information that Seller provides to Buyer are the confidential and proprietary information of Seller. Buyer agrees to (1) keep such information confidential and not disclose such information to any third party, and (2) use such information solely for Buyer's internal purposes and in connection with the Products supplied hereunder. Nothing herein shall restrict the use of information available to the general public. (i) Any notice or communication required or permitted hereunder shall be in writing and shall be deemed received when personally delivered or three (3) business days after being sent by certified mail, postage prepaid, to a party at the address specified herein or at such other address as either party may from time to time designate to the other. (j) Seller may, in its sole discretion, provide (1) applicable Product training to Buyer or its employees, or (2) samples of Products to Buyer for distribution to patients of Buyer. Buyer agrees that any such samples shall be distributed to patients for patient use or, if not so distributed, returned to Seller. Buyer shall not use such samples to provide care to patient and shall not bill patients or third party payers for the provision of such samples.

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Printed from VWR Website

User: Caroline Thomason

Date: 04-10-2019 Time: 11:03

Barnstead Pacific RO Water Purification Systems, Thermo Scientific

Supplier: [Thermo Scientific](#)

The Barnstead Pacific RO water purification systems provides up to 240L/day of Type 3 (Reverse Osmosis) water from tap water

The Pacific RO systems offer highly versatile mounting options. The units can be mounted on the wall, on the bench or under the bench. The 30L and 60L reservoirs may also be mounted on the wall, on the bench, or under the bench.

The Pacific RO systems are ideal for producing type 3 (RO) for the rinsing of glassware, supplying lab equipment such as autoclaves, chambers, or water baths, or the preparation and diluting of buffers, reagents and media.

All Pacific RO systems include: quick disconnects to make changing consumables easy, and all core consumables and tubing. Pacific RO systems are offered in five output volumes, 3L/hr, 7L/hr, 12L/hr, 20L/hr and 40L/hr. External reservoirs are required and are offered in three different sizes, 30L, 60L or 100L.

Certifications: CSA, CE.

Ordering information: Units come standard with universal power supply (90-240V, 50.60Hz) and all necessary tubing to connect to water inlet supply. All Pacific RO systems require the purchase of an external reservoir. Feed water must be tap water.

[Expand All](#) / [Collapse All](#)[Add to Cart](#)

Description	Volume	Supplier No.	VWR Catalog Number	Unit	Availability	Your Price	Quantity
Pacific RO 12LPH System 	12 L/hr output	50132387	89230-440	Each	Ordered Upon Request	\$6,559.11	0
Pacific RO 20LPH System 	20 L/hr output	50132388	89230-442	Each	Ordered Upon Request	\$8,007.58	0
Pacific RO 3LPH System 	3 L/hr output	50132385	89230-436	Each	Ordered Upon Request	\$4,713.92	0
Pacific RO 40LPH System 	40 L/hr output	50132389	89230-444	Each	Ordered Upon Request	\$9,281.12	0
Pacific RO 7LPH System 	7 L/hr output	50132386	89230-438	Each	Ordered Upon Request	\$5,570.55	0

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Avantor is a leading global provider of integrated, tailored solutions for the life sciences and advanced technology industries. Strengthened by the recent acquisition of VWR, the Company is a trusted partner to customers and suppliers from

discovery to delivery. Collectively, we set science
in motion to create a better world.

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Back



Thermo Scientific Barnstead Smart2Pure Water Purification System

THERMO SCIENTIFIC BARNSTEAD

Both Type I and Type II
water in a complete
space-saving design

\$5,102.00 -
\$10,295.00 USD / EACH

- Display can be tilted for optimal reading
- Variable-flow control for dispensing of Type I water
- Quick-change cartridge design simplifies self maintenance, even in mid-operations

Barnstead Smart2Pure

12 PRODUCT OPTIONS

item	Max Production (L/hour)	With Ultrafilter	With UV Lamp	Availability	Pricing
 SK-99259-02 Mfr # 50129872	3	No	Yes	Call 1-888-358-4705 for Availability	\$5,325.00 USD / EACH

item	Max Production (L/hour)	With Ultrafilter	With UV Lamp	Availability	Pricing
 SK-99259-04 Mfr # 50129688	3	Yes	Yes	Call 1-888-358-4705 for Availability	\$6,096.00 USD / EACH
 SK-99259-12 Mfr # 50129885	6	No	Yes	Call 1-888-358-4705 for Availability	\$8,163.00 USD / EACH
 SK-99259-14 Mfr # 50129887	6	Yes	Yes	Call 1-888-358-4705 for Availability	\$8,486.00 USD / EACH
 SK-99259-22 Mfr # 50129890	12	No	Yes	Call 1-888-358-4705 for Availability	\$9,852.00 USD / EACH
 SK-99259-24 Mfr # 50129845	12	Yes	Yes	Call 1-888-358-4705 for Availability	\$10,295.00 USD / EACH
 SK-99259-62 Mfr # 50129872PR	3	No	Yes	Call 1-888-358-4705 for Availability	\$5,102.00 USD / EACH

item	Max Production (L/hour)	With Ultrafilter	With UV Lamp	Availability	Pricing
 SK-99259-64 Mfr # 50129688PR	3	Yes	Yes	Call 1-888-358-4705 for Availability	\$5,600.00 USD / EACH
 SK-99259-72 Mfr # 50129885PR	6	No	Yes	Call 1-888-358-4705 for Availability	\$7,137.00 USD / EACH
 SK-99259-74 Mfr # 50129887PR	6	Yes	Yes	Call 1-888-358-4705 for Availability	\$7,605.00 USD / EACH
 SK-99259-82 Mfr # 50129845PR	12	No	Yes	Call 1-888-358-4705 for Availability	\$9,327.00 USD / EACH
 SK-99259-84 Mfr # 50129890PR	12	Yes	Yes	Call 1-888-358-4705 for Availability	\$8,952.00 USD / EACH

Cole-Parmer | 625 East Bunker Ct Vernon Hills , IL 60061 United States

Telephone: 1-800-323-4340 , 1-847-549-7600 | Fax: 1-847-247-2929 | Email: sales@coleparmer.com

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CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Authorization to Advertise for Bids - Plano Street Microsurfacing Project

SOURCE: Public Works

COMMENT: The Plans and Project Manual have been prepared for the Plano Street Microsurfacing and Water Replacement Project. The project is part of the City's Measure R Street Maintenance Program, which consists of a durable thin asphalt overlay on several streets within the city. An important and expensive project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. As part of this project only the crack sealing will take place since a previous project replaced most of the distressed asphalt. New pavement markings will be placed once the street receives the thin asphalt overlay. The limits of the project along Plano Street are from Henderson Avenue to Vandalia Avenue. The Barn Theatre parking lot will also be included in the project to receive a thin micro overlay.

Staff continues to actively update our Pavement Management System, which will allow for a systematic approach to maintaining local arterial and collector streets. Plano Street is a major arterial and is on the Street Maintenance Program list to be completed.

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

The Engineer's Estimate of Probable Cost for the base bid is \$611,050. An additional \$61,105 is necessary for construction contingency (10%) and \$61,105.00 is required for construction management, surveying, quality control and inspection services, equating to a total construction cost of \$733,260.

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

Funding for the project is contained in the 2018/2019 FY budget with Local Measure R Funds for the Plano Street microsurfacing and \$20,000 of General Fund carryover for the Barn Theatre parking lot portion of the project.

RECOMMENDATION: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$713,260 from the Local Measure R Funds and \$20,000 from General Fund carryover to fully fund this project.

ATTACHMENTS:

1. Locator Map
2. Engineer's Estimate

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

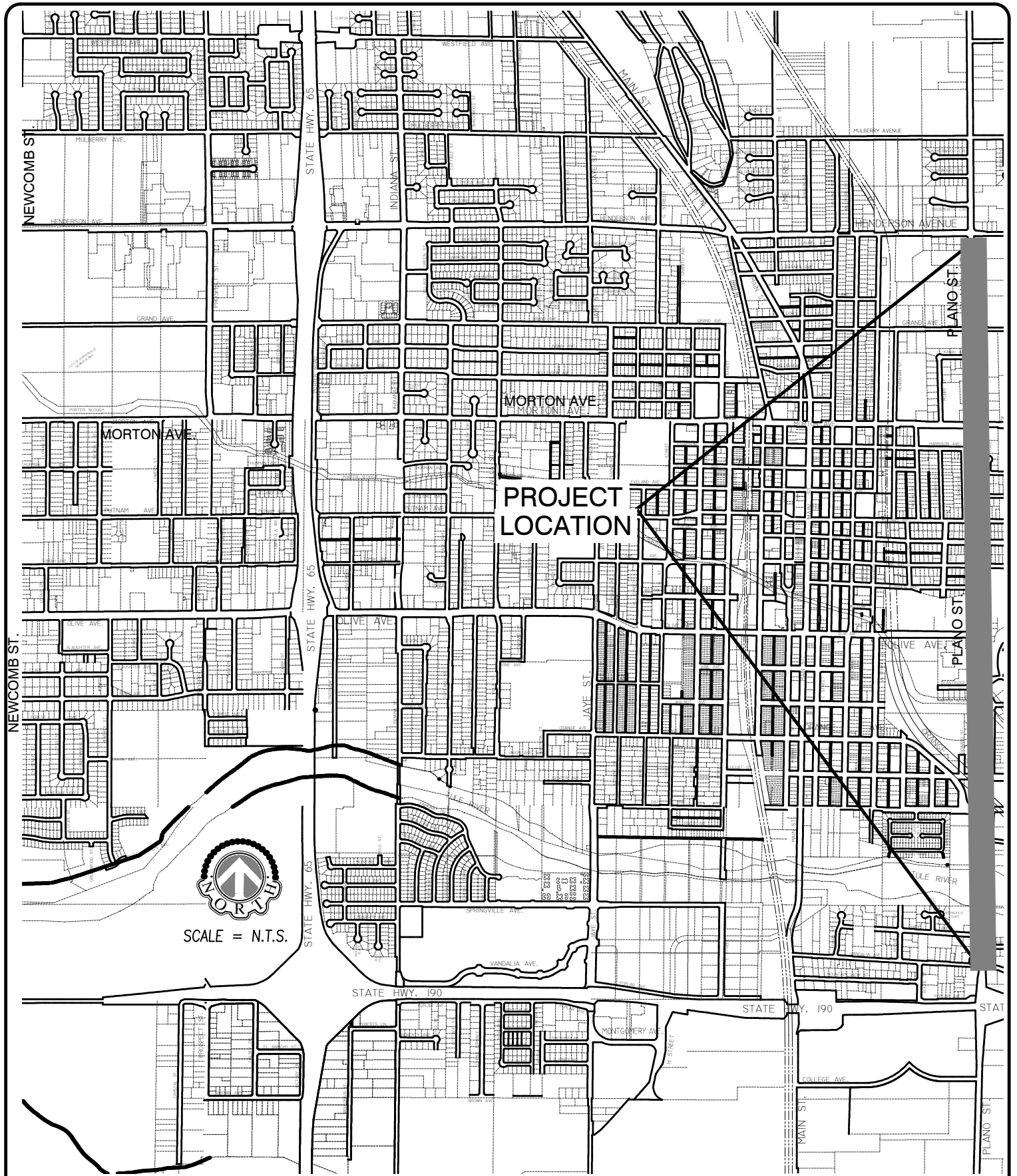


EXHIBIT "B"

CITY OF PORTERVILLE

ENGINEERING DIVISION

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

**PLANO STREET MICRO
SURFACING PROJECT
HENDERSON TO
VANDALIA**

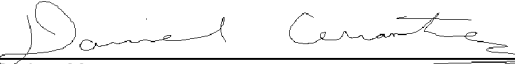
OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

Plano Micro Surfacing Overlay Project
Vandalia to Henderson Ave

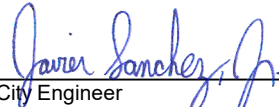
City of Porterville

Base Bid - Micro Surfacing Street

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization and Demobilization	LS	1	\$ 50,000.00	\$ 50,000.00
2	Traffic Control	LS	1	\$ 30,000.00	\$ 30,000.00
3	Crack Filling per the Guidelines Set Forth in the Project Specifications	LS	1	\$ 60,000.00	\$ 60,000.00
4	Type II- III Micro-Surfacing, including site preparations per the guidelines set forth in the project specifications	SY	71100	\$ 5.00	\$ 355,500.00
5	Removal and Replacement of Striping & Pavement Markings, inclusive of temporary pavement delineation	LS	1	\$ 60,000.00	\$ 60,000.00
Sub Total					\$ 555,500.00
10% Contingency					\$ 55,550.00
Total for Street Project					\$ 611,050.00
10% Estimating Contingency					\$ 61,105.00
10% Quality Control/Inspection					\$ 61,105.00
Total for Construction					\$ 733,260.00


 Project Manager _____ Date _____


 Public Works Director _____ Date _____


 City Engineer _____ Date _____



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Authorization to Advertise for Bids - Reconstruction of Restrooms at the Airport's Airway Café and at the Library and Painting the Exterior of Fire Station #1

SOURCE: Public Works

COMMENT: City staff has completed the preparation of construction plans and specifications (i.e. Project Manual) for the restroom work at the Airport's Airway Café and the City Library, as well as the painting of the exterior of Fire Station #1. The proposed project will begin after the asbestos and hazardous materials remediation is complete in these areas.

The proposed project includes construction elements for both the Airway Café and the City Library that will create ADA compliant restroom spaces. The work for the Library includes the remodel of the upstairs restrooms and the creation of a downstairs family restroom. The Airway Café restroom remodel is substantial as meeting specifications for ADA compliance will affect other floor space within the café. The proposed project also includes the painting of the exterior of Fire Station #1.

The Engineer's estimate of probable cost for the total project is \$150,000. An additional \$15,000 is necessary for construction contingencies (10%). It is anticipated that an additional \$15,000 is required for construction management, quality control, and inspection services (10%) for a total estimated project cost of \$180,000. The total estimate of probable cost for the individual areas of the project are as follows:

Location:	Bid:	Management:	Contingency:	Total:
Airway Cafe	\$50,000	\$5,000	\$5,000	\$60,000
Library	\$70,000	\$7,000	\$7,000	\$84,000
Fire Station 1	<u>\$30,000</u>	<u>\$3,000</u>	<u>\$3,000</u>	<u>\$36,000</u>
Totals	\$150,000	\$15,000	\$15,000	\$180,000

Funding for this project includes land release proceeds and the Airport Operating Fund for the Airport-Airway Café, General Fund Carryover for the Library, and Equipment Replacement Funds for Fire Station #1.

RECOMMENDATION: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and

3. Authorize the Finance Director to augment the Airport's Airway Cafe budget in the amount of \$60,000 utilizing the proceeds from the Airport land release and the Airport Operating Fund.

ATTACHMENTS:

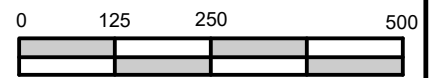
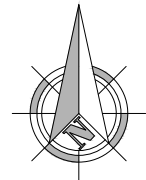
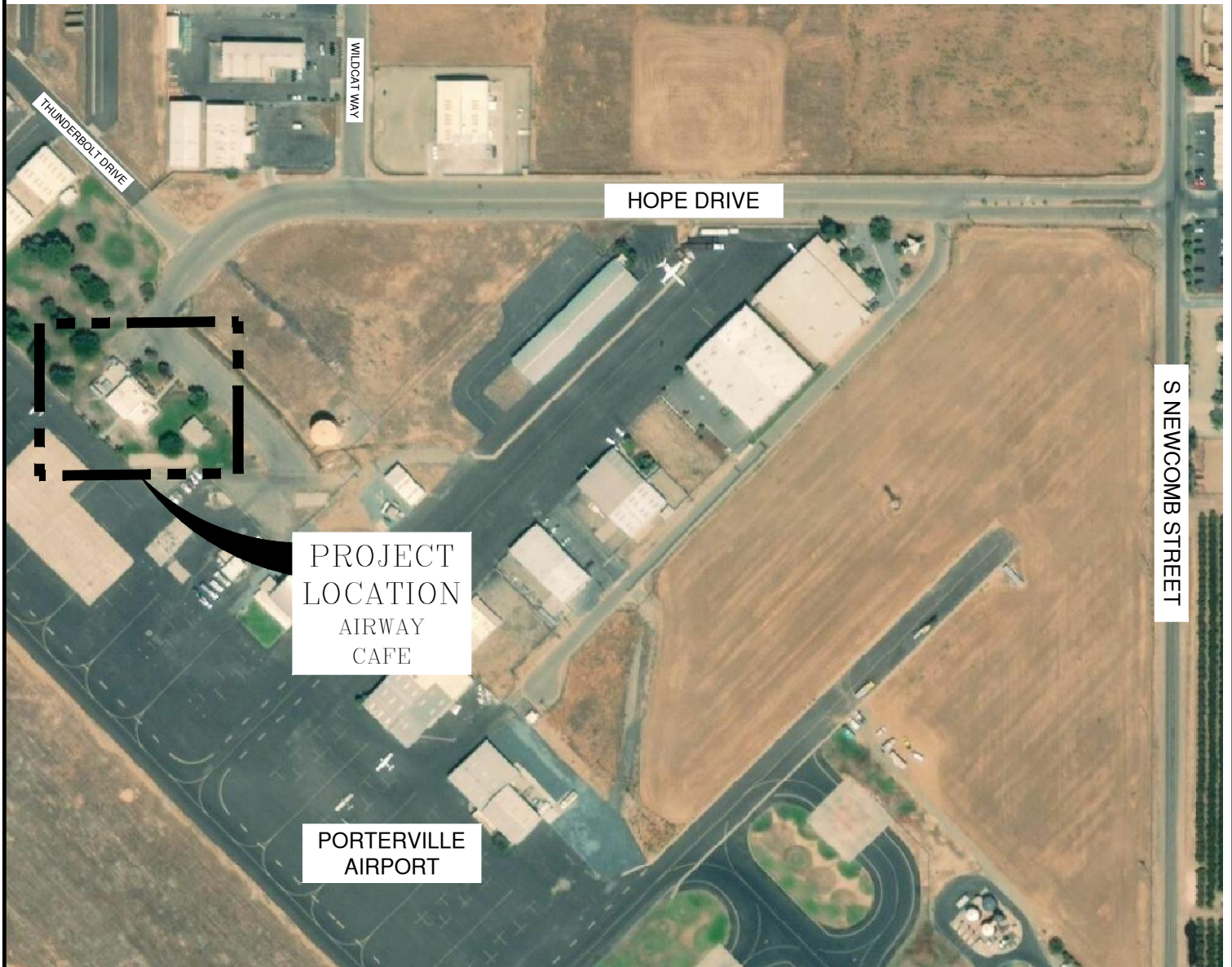
1. Airway Cafe Locator Map
2. Library Locator Map
3. Fire Station 1 Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Final Approver: John Lollis, City Manager



SCALE: 1"=250'

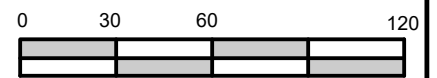
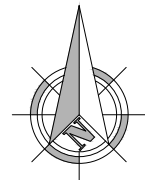
CITY OF PORTERVILLE
ENGINEERING DIVISION

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

AIRWAY CAFE LOCATOR MAP
1893 NEWCOMB STREET #12
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 250'
DATE	1/10/2019

SHEET
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OF
1



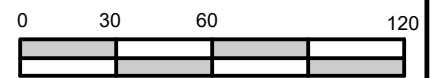
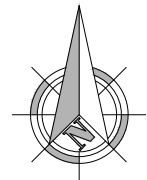
SCALE: 1"=60'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA 93257
(559) 782-7462

PORTERVILLE PUBLIC LIBRARY
LOCATOR MAP
41 W THURMAN AVENUE
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 60'
DATE	1/10/2019

SHEET
1
OF
1



SCALE: 1"=60'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA 93257
(559) 782-7462

FIRE STATION 1 LOCATOR MAP
40 W CLEVELAND AVENUE
PORTERVILLE, CA 93257

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 60'
DATE	1/10/2019

SHEET
1
OF
1



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Award of Contract - Fire Prevention Weed Abatement

SOURCE: Fire

COMMENT: At the February 19, 2019 Council Meeting, staff requested authorization to advertise for bids for weed abatement and board-up services. Bidding opened on March 1, 2019 and closed on March 21, 2019, with no bids received. Due to the urgency of the pending weed abatement deadline staff reached out to companies known to provide this service to other jurisdictions. To date only one (1) bidder has responded with a returned proposal. The only bid, submitted by Valley Cleaning and Restoration Inc. dba VCR, included the following rates:

Item	Description of Services per negotiated agreement	Unit Price(Includes all labor, materials, equipment, transportation and taxes)
A	Tractor operations (minimum charge 1 hour)	\$275.00/per hour
B	Handwork (minimum charge 2 hours)	\$65.00/per hour
C	Dump Fees	To be reimbursed
Item	Description of Services per negotiated agreement	Unit Price(Includes all labor, materials, equipment, transportation and taxes)
D	Charge to secure window opening	\$200.00/per window
E	Charge to secure man door opening	\$200.00/per man door
F	Charge to secure garage door opening	\$325.00 /per garage door
G	Draining Pool/Spa/Pond	\$185.00/per hour
H	Secure open fence/area (with temporary chain link fence panel, to remain on site)	\$365.00/per temporary panel
I	After hours callout charge	\$350.00

The sole bidder has been evaluated by the Fire Department's Prevention Division and is capable of performing the scope of the work required and operates all necessary equipment. The detailed bid results are included as attachments.

RECOMMENDATION: That the City Council authorize the Fire Chief to negotiate an agreement with Valley Cleaning and Restoration Inc. dba VCR as the primary contractor for a 3-year term.

ATTACHMENTS: 1. VCR Weed Abatement Bid

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE PROJECT MANUAL

FIRE PREVENTION WEED ABATEMENT SERVICES & VACANT PROPERTY BOARD UP



Bid No.:18/19-AC1885

February, 2019

CITY OF PORTERVILLE
STATE OF CALIFORNIA
NOTICE INVITING SEALED BIDS
BID NO. 18/19-AC1885

SEALED PROPOSALS will be received by the Purchasing Agent in the City Hall, 291 N. Main Street, Porterville, CA, until 2:30 p.m. on March 21, 2019, at which time said bids will be opened and read aloud for furnishing labor, materials and transportation necessary for:

FIRE PREVENTION
WEED ABATEMENT SERVICES & VACANT PROPERTY BOARD UP

Instructions to Bidders, plans, project manual, and proposal forms may be inspected at City Hall, 291 N. Main Street, Porterville, California. Proposal forms may be inspected and electronically downloaded with no cost at the Public Purchase website, www.publicpurchase.com. No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. **No bid shall be received from a non-official Bidder who has not registered as a plan holder and accessed the proposal documents from the Public Purchase website.**

The City retains the right to reject any or all bids, to waive any informality or irregularity and to sit and act as sole judge of the merits and qualifications of each service offered, and to award in any manner which is more favorable to the City.

No bid will be accepted from a Contractor who is not duly licensed in accordance with the provisions of Chapter 9, Division III, of the Business and Professions Code, and has either a current A General Engineering Contractor's license, C-12 Earthwork and Paving Contractors license, C-21 Building/Moving/Demolition Contractors license, or C-27 Landscaping Contractor license.

Any contract entered into pursuant to this notice will incorporate only the applicable provisions of the State Labor Code. Compliance with the prevailing rates of wages and apprenticeship employment standards established by the State Director of Industrial Relations will be required. Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project, available at City of Porterville address and available from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov/DLSR/PWD>. Future effective general prevailing wage rates, which have been predetermined and are on file with the California Department of Industrial Relations, are referenced but not printed in the general prevailing wage rates.

As per SB854, passed by California State Senate on June 20, 2014, contractors and subcontractors will now be required to register with the California Department of Industrial Relations (DIR) per Section 1725.5 of the Labor Code.

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

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

Affirmative action to ensure against discrimination in employment practices on the basis of race, color, national origin, ancestry, disability, gender, age, sexual orientation, or religion will also be required. No qualified disabled person shall, on the basis of disability, be excluded from participating in, be denied the benefits of, or otherwise be subject to discrimination.

Upon receiving the "NOTICE OF AWARD," the successful bidder has TEN (10) DAYS to submit the signed contract together with all required insurance and licenses to the Project Manager, and meet with the City in a PRE-WORK MEETING to discuss any problems or questions pertaining to this project. It is the Contractor's responsibility to contact the City's Project Manager immediately, to arrange for the PRE-WORK MEETING during the TEN (10) DAY PERIOD.

Dated at Porterville, California, this 27th day of February, 2019.
/s/Maria Bemis, Purchasing Agent, City of Porterville, California
Publication Dates: March 1, 2019 and March 7, 2019

INSTRUCTIONS TO BIDDERS
BID NO. 18/19-AC1885
WEED ABATEMENT SERVICES

- A. All information requested of the contractor shall be entered in the appropriate space(s) on the form. Failure to do so may disqualify your offer.
- B. All information shall be typewritten or entered in ink. Mistakes may be crossed out and corrections inserted before submission of your bid. Corrections shall be initialed in ink by the person signing the bid.
- C. Corrections and/or modifications received after the closing date will not be accepted.
- D. Bids will not be accepted unless signed in ink (not typed) in the appropriate space (s) by an authorized officer or employee of the bidder.
- E. Bids must be submitted by the closing date, or prior to the time specified, to be considered. Telephone or facsimile bids will not be accepted.
- F. It is the sole responsibility of the bidder to see that their bid is submitted in the proper time. Postal delivery to Porterville may take one week or longer. Any bids received after the closing date shall be returned, unopened, to the bidder.

BID DUE DATE: March 21, 2019

- G. Submit bid only in a sealed envelope with the bid number and closing date on the outside of the envelope.
- H. Prices submitted by contractor are considered accurate and cannot be withdrawn after the bid is closed.
- I. Upon submission of bid documents, all such documents shall become the property of the City of Porterville.
- J. Provide any other information not specifically requested which may be considered by the Purchasing Agent. However, the Purchasing Agent is not obligated to consider any information not specifically requested in this Request for Proposal.
- K. The City shall not be responsible for any error or omission in the bid proposal.
- L. The words "Bidder," "Vendor," "Supplier," and "Contractor," are used interchangeably throughout this proposal, and are used in place of the person, firm, or corporation submitting a bid on these specifications, or any part thereof.

GENERAL CONDITIONS
BID NO. 16/17-AC1858
WEED ABATEMENT SERVICES

The City of Porterville is requesting sealed bids for fire prevention weed abatement services at various locations in the City. Proposals are to be submitted on the form provided and returned to the Purchasing Agent, 291 N. Main Street, Porterville, CA 93257, on or before 2:30 p.m., on March 21, 2019.

INFORMATION

This request for proposal is being issued by the City of Porterville Purchasing Division. Unless otherwise directed, all communications regarding this request for proposal should be directed to the Public Purchase website, www.publicpurchase.com.

Any revisions to the request for proposal will be issued and distributed as addenda. Except as provided herein, bidders are specifically directed not to contact any other City personnel for meetings, conferences, or technical discussions related to this request for proposal. Failure to adhere to this policy may be grounds for rejection of bids.

LICENSING

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

EVALUATION AND AWARD

The City of Porterville reserves the right to reject any or all bids, or to waive any irregularities or informalities in any bid or the bidding process. The City retains the right to make an incidental order for similar services from another contractor when circumstances warrant. The City further retains the right to combine various bid items; to purchase separate items from any bid when price and terms quoted are more favorable to the City; and to make a final selection and award for any reason deemed to be in the best interests of the City of Porterville. The Purchasing Agent shall, in all instances, be the final judge in evaluation and award of contract.

Award of contract, if it be awarded, will be to the lowest responsible bidder whose bid best complies with all the requirements described. All bids will be evaluated for overall cost by using the Sample Parcel List provided as Attachment A. The award, if made, will be made within sixty (60) days after the opening of bids. Bids must be held good a minimum of sixty (60) days from bid closing date. Bidder agrees and so stipulates in submitting this bid, as though stated therein, and in any subsequent award of contract that:

- A. Contractor is an independent contractor, not an employee, agent, or officer of the City.

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

COMPLIANCE AND EXCEPTIONS

Failure on the part of the bidder to comply with all requirements and conditions of the Invitation for Bid and this specification may subject the bid to rejection. No exceptions to or deviations from this specification will be considered unless each exception or deviation is specifically stated by the bidder as an exception with a detailed statement completely defining the exception(s). If no exceptions or deviations are shown, the bidder will be required to furnish services exactly as specified herein. The burden of compliance with this specification will be the responsibility of the bidder. Any bid exceptions or additional conditions requested after the bid closing, which are not detailed within the bid response, will automatically be denied.

INSURANCE

Successful bidder shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with, the performance of the work hereunder by the provider, its agents, representatives, or employees. Such insurance shall include General Liability, Automotive Liability and Employer's Liability with combined single limits of not less than One Million (\$1,000,000) Dollars and Worker's Compensation with statutory limits. The comprehensive general liability policies are to contain or be endorsed to name the City of Porterville, its officers, officials, employees and agents as additional insured's respecting liability arising out of the activities performed in connection with this contract. The coverage shall be primary and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Original endorsements, signed by a person authorized to bind coverage on its behalf, shall be furnished to the City by the successful bidder.

Labor and material proposals submitted on this form shall be subject to the provisions of Section 1700, California Labor Code, as specified by Section 3700, California Labor Code, which requires Worker's Compensation Insurance to be provided by the contractor. Said Worker's Compensation policy shall be endorsed to include a waiver of subrogation against the City, its officers, officials, employees and agents.

CONTRACTOR REQUIREMENTS

The Contractor shall be continuously and regularly engaged in the business of providing fire prevention weed abatement services called for in this bid. Weed abatement for the City of Porterville will be "priority work" for the successful contractor. Where possible, "request for plow down" will be grouped in sufficient quantities for the practical move-on of the contractor's equipment. May 1 through June 30 is the peak workload period. **Contractor must have sufficient equipment and employees to complete the bulk of the work by July 1.** Should the prime contractor not be able to complete weed abatement assignments within ten (10) working days after assignment, lots will be assigned to the second lowest bidder, third lowest bidder, etc., in that order, as the Fire Chief deems necessary to prevent fire hazard.

In 2016 the City assigned eighty-six (86) parcels for weed abatement. Parcels ranged in size from less than one (1) acre, to just over ten (10) acres. The majority of parcels were less than one (1) acre and up to two (2) acres.

SAFETY

All labor performed, and materials and equipment used in performance of this contract shall be in full compliance with safety orders, regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act, and Cal-OSHA. While performing work, contractor shall have immediate access to the following equipment necessary to extinguish grass fires caused by contractor's weed abatement work: One (1), 2A-

10BC fire extinguisher for equipment; one (1), 2- ½ gallon pressurized water extinguished (or equivalent); and one (1), shovel. All equipment **shall** be inspected and approved by the Fire Department prior to use. At no time during the course of the contract may any equipment be substituted or deleted without the prior approval of the Fire Department. The safety equipment may include a cellular phone or mobile radio. Final decision as to required safety equipment rests solely with the City of Porterville Fire Marshal or his designated representative.

COMMUNICATION

Contractor must maintain a communication device such as a cellular phone, so that contractor can be contacted from 8:00 a.m. through 5:00 p.m., Monday through Friday. Contractor is responsible for the costs associated with the communication device.

MATERIALS

Contractor shall furnish and use, at his own expense, all materials, labor, tools, equipment and transportation necessary to provide contractual Fire Prevention Weed Abatement.

HAZARDOUS WASTE

Contractor shall notify the Code Enforcement Officer immediately if any hazardous materials are found on site.

DUST ABATEMENT

Contractor may be required to furnish labor, equipment, and the means to carry out effective measures wherever and as often as necessary to prevent his operation from producing dust in amounts damaging to property, cultivated vegetation, or domestic animals or causing a nuisance to persons living or occupying buildings in the vicinity. The contractor shall be responsible for any damage resulting from any dust originating from his operations.

NOISE LEVELS

Contractor shall comply with the City of Porterville Municipal Code, Section 18-90.4, Exterior Noise Standards. The City of Porterville Municipal Code can be found at <http://www.ci.porterville.ca.us/>.

HAULING RESTRICTIONS

The contractor shall comply with all restrictions when hauling material. Load restrictions on roads are identical to the State of California Department of Motor Vehicles load restrictions.

TERMINATION OF CONTRACT

The City reserves the right to terminate this agreement with thirty (30) days advance written notice.

TERM OF CONTRACT

The contract is for a three (3) year period commencing on award of the bid.

LAWS TO BE OBSERVED.

The Contractor shall give all notices and comply with all prevailing Federal, State and Local laws, ordinances and all such orders and decrees as exist, or may be enacted by bodies or tribunals having any jurisdiction or authority over the work, and shall indemnify and save harmless the City against any claim or liability arising from, or based on, the violation of any such law, ordinance, regulation, order or decree, whether by him/herself or his/her employees and Subcontractors.

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

PAYROLL RECORDS

Certified payroll records shall be kept in the office of the Contractor for five years after completion of the work. Upon request by the City, the required certified payroll records shall be submitted to the City by the tenth day of each month. Progress payments shall be withheld pending receipt of any outstanding reports or if the records are not properly certified.

PREVAILING WAGE RATES

Pursuant to Subsection 1773 of the Labor Code of the State of California, the City has obtained from the Director of the Department of Industrial Relations, the general prevailing rate of per diem wages and the general prevailing rate required to execute the contract. Prevailing wage rates can be obtained at <http://www.dir.ca.gov/DLSR/PWD>. The said prevailing rate of per diem wages will be made available to any interested party upon request, and a copy thereof shall be posted at each job site.

Any contract entered into pursuant to this notice will also incorporate the provisions of the U.S. Department of Labor Code and the Davis-Bacon Act; federal determinations are located at <http://www.gpo.gov/davisbacon/>, and related Acts in compliance with the prevailing rates of wages and apprenticeship employment standards established by the U.S. Department of Labor. In the event these wages differ for any one particular activity, the higher of the two wages shall

prevail.

STATUTORY PENALTY FOR FAILURE TO PAY MINIMUM WAGES

In accordance with Subsection 1775 of the California Labor Code, The contractor and any subcontractor under the contractor shall, as a penalty to the state or political subdivision on whose behalf the contract is made or awarded, forfeit not more than two hundred dollars (\$200) for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates as determined by the director for the work or craft in which the worker is employed for any public work done under the contract by the contractor or, except as provided in subdivision (b), by any subcontractor under the contractor.

CERTIFIED PAYROLL

In compliance with Subsection 1776 of the State Labor Code and Subsections 16400, 16401, 16402 and 16403 of the State Administration Code, each Contractor and Subcontractor shall keep an accurate certified payroll record. Said payroll records shall be made available to the City upon request at no charge. Progress payments will be withheld pending receipt thereof.

ADDITIONAL ITEMS

The City reserves the right to negotiate with the successful contractor to add additional items to the contract as deemed necessary. All such additions shall be by written amendment signed by both parties.

REFERENCES

Bidder shall furnish a list of a minimum of three (3) references for which he/she has provided similar services.

SPECIFICATIONS
BID NO. 18/19-AC1885
WEED ABATEMENT SERVICES

In this invitation to bid the City of Porterville is requesting proposals for the performance of weed abatement services. Terms of the required work are as follows:

FIRE PREVENTION WEED ABATEMENT

The fire prevention weed abatement period normally begins on or about April 1st with City owned parcels to be completed by April 30th. Privately owned parcels will be assigned throughout the remainder of the contract period a target completion date of ten days from the date of issue for each work order. The Porterville Fire Department shall prepare a work order for each parcel of land to be abated and shall determine what work shall be done on each lot including disking, mowing or shredding, and the amount of handwork or solid waste removal required. No job shall be started without a work order. Once a work order has been issued to the Contractor, work shall be completed within ten (10) working days. If the Contractor fails to meet time requirements set forth by this contract the Contractor may be excluded from the next work order issued which could be assigned to the next lowest bidder. The Contractor shall be responsible for taking "before" and "after" photographs of each job site for the purpose of file documentation and to substantiate billing of the weed abatement costs to the property owners. Photographs shall clearly depict the site before weed abatement is performed and after completion of weed abatement. Photographs shall clearly depict the volume of debris and or trash being removed from the site. Contractor must submit such photographs of each job with the completed work order. All receipts for dump fees must be submitted with photographs and the completed work order for reimbursement. In no instance will a work order be approved for payment without the required photographs, documentation and a final inspection of the job site by the Fire Department.

All weeds must be destroyed on the designated property by means of a disking and/or mowing/shredding operation and may include the use of hand tools, small mowers, weed eaters and manual removal. The primary method of removal will be disking unless otherwise specified by the Fire Department. All clippings and other residue generated by weed, rubbish and litter abatement shall be removed from the premises and properly disposed of. Curbs, gutters and sidewalks shall be left free from clippings, dirt and debris. All equipment shall be operated at such speed as to minimize dust. The entire operation shall be conducted in such a manner that inconvenience to adjacent residents shall be kept to a minimum.

General Requirements

1. Disking. The property shall be disked to sufficient depth and sufficient passes, with cross disking done, to place all grass, weeds or growth lying on the premises beneath the soil surface. No combustible material shall be left exposed. Disking shall be within twelve inches (12") of fences, curb lines, sidewalk structures, trees or other improvement. Balance of weeds are to be removed by either mowing/shredding or handwork as directed and

assigned by the Fire Department. When, in the opinion of the Fire Department, disking is impractical or would prove unsatisfactory, weeds shall be mowed or shredded.

2. Mowing/Shredding. Weeds shall be cut to within two inches (2") of the finished soil surface. All trimmings must be removed from the property.
3. Handwork. Weeds may be required to be cut and removed by hand whenever impractical to do so by disking and/or mowing/shredding. The determination as to the necessity of handwork shall be at the discretion of the Porterville Fire Department.
4. Curb Lines, Sidewalks, Gutters and Fence Lines. Occasionally, it will be necessary to clear sidewalks and gutters of dirt and debris, and fence lines and curb lines of weeds without disking. This work may be assigned by the Fire Department as either mowing/shredding, or handwork.
5. Tumbleweeds. The disking of tumbleweeds will be permitted. The burning of tumbleweeds may be allowed if pre-approved by the Fire Department. Burning must be done on a permissive burn day and a valid burn permit must be obtained by the contractor from the San Joaquin Valley Air Pollution Control District (SJVAPCD) (1-800-665-2876). In the event that the SJVAPCD issues a burn permit, the tumbleweeds must be stacked and the piles inspected by the Fire Department prior to burning. Additionally, Contractor must notify the Fire Department dispatch center at 559-782-7400 prior to ignition.
6. Rubbish and Litter Removal. All rubbish and litter shall be removed and hauled away by the contractor. All debris shall be properly disposed of.
7. Residential Property. Occasionally it is necessary to abate weeds on property containing vacant houses or other structures. This will normally be accomplished by a mowing/shredding operation and handwork. Payment for such work will be determined using the payment schedule and/or handwork as set forth in this bid proposal, with Fire Marshal approval if not accessible to tractors. The Porterville Fire Department may ask the contractor to quote this work on a case-by-case basis.
8. Ditch Banks. Ditch banks and areas which cannot be abated by any other practical means must be brought to the Fire Marshal's attention to determine "alternate means" for abatement.
9. Firebreaks. Large parcels of property consisting of five (5) acres or more may be abated by firebreaks at the discretion of the Fire Department. A firebreak will consist of a thirty foot (30') wide border disked around the property as well as thirty-foot (30') wide cross breaks, as directed by the Fire Marshal. If the property borders a roadway, that firebreak shall be fifty feet (50') from the roads edge.
10. Inspection. The Porterville Fire Department shall inspect each job, prior to and after

completion of work. After the initial inspection, a work order shall be provided to the contractor defining the required work to be completed. After completion the contractor shall request a final inspection by the Fire Department.

11. Method of Payment. The contractor may meet with the Porterville Fire Department representative at the job site during the final inspection. The site shall be inspected to ensure that the work has been completed and is acceptable to the Fire Department representative. The Contractor shall submit the signed work order, required DIR forms and photos of the job site, both before and after the work was completed, along with any landfill receipts for solid waste disposal to the Fire Department. Invoices with all required documentation shall be submitted no later than 20 days from completion of work. Payment in full will be made in not less than ten (10) nor more than thirty (30) working days, after receipt of invoice. All acreage, square footage and units of haul for debris removal indicated on the work order will be final for payment purposes.

12. Definitions:

Terms	Definitions
City Property	Property that is owned by the City of Porterville or it's political subdivisions, includes property that is owned directly by the city or political subdivision and property that is owned indirectly through a nonprofit corporation or another entity that is owned or controlled by the city or political subdivision.
Commercial Property	Real estate approved and designed for retail or wholesale trade, hotel, restaurant, offices, clinics, warehouses, light manufacturing, and other such uses but not for residential purposes.
Contiguous Parcels	Contiguous Assessor Parcels under same ownership shall be considered as one (1) parcel. Parcels located next to each other that can be accessed by disking and plowing equipment without having to re-locate the equipment.
Curb Lines	The boundary between a roadway and a sidewalk area.
Disking	Turning or plowing of the soil through the use of a tractor and implement so as to cut into and break up the soil and turn the soil over to an approximate depth of 10 inches and bury vegetation residue leaving a semi smooth surface.
Ditch Banks	The rising ground bordering a waterway.
Fence Lines	A fence built along a boundary or property line.
Firebreaks	An area of land that has had plants and trees removed to stop the spread of a fire. A firebreak will normally consist of a thirty foot (30') wide border disked around the property's perimeter as well as thirty foot (30') wide cross breaks, as directed by the Fire Marshal.
Gutters	A channel at the side of a street for carrying off rainwater.

Handwork	Work done by hand or with hand tools, including powered hand tools, including; Shovels, Rakes, Pruners, Loppers, Hoes, Weed whip, Hatchets, Axes, Machete, McLeod, Hand Saws, Chain Saws, Weed Eaters, and Blowers.
Implements	Three (3) point disk, drag disk, flail mower, rotary mower, bucket, grapple.
Mower	Motorized push mower, motorized self-propelled mower, motorized riding lawnmower.
Mowing	To cut grass with a mower within two inches (2") of finished soil surface. All trimmings must be removed from the property.
Parcel	A piece of property identified with a unique Assessor's Parcel Number assigned by Tulare County. Roads, paths, or public ways, may cross a parcel.
Private Property	Any land owned by individuals or corporations other than the government.
Residential Property	A building that is used or suitable for use as a dwelling, or is in the process of being constructed or adapted for use as a dwelling; land that forms part of a garden or grounds of a building suitable for use as a dwelling.
Right of way	A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.
Rubbish	Waste material, discarded household items, construction debris; general refuse or litter.
San Joaquin Valley Air Pollution Control District	(SJVAPCD) Local air pollution control district with jurisdictional authority to develop plans and implement control measures in the District area.
Shredding	To cut or tear into small pieces, especially small strips to within two inches (2") of the finished soil surface. All trimmings must be removed from the property.
Sidewalks	Paved path for pedestrians at the side of a road.
Stump Grinder	Motorized tool designed to grind and/or pulverize tree stumps to a level below grade.
Tractor	Two- wheel drive, four-wheel drive, Skid steer, backhoe, dozer.
Tumbleweeds	A plant of dry regions that breaks off near the ground in late summer and is tumbled about by the wind, thereby dispersing its seeds.
Weeds	All undesired plants of rank or profuse growth growing upon streets, alleys, sidewalks or private property in the city and including, but not limited to, any of the following: weeds which bear or may bear seeds of a wing or downy nature; weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent property; weeds which are otherwise noxious or dangerous; poison oak and poison ivy when the conditions of growth are such as to constitute a menace to public health.

BIDDER'S AGREEMENT AND PROPOSAL
BID NO. 18/19-AC1885
WEED ABATEMENT SERVICES

The undersigned bidder, having carefully examined the requirements and provisions for providing fire prevention weed abatement services hereby agrees to perform said work for the City of Porterville, strictly in accordance with the terms and specifications heretofore described.

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

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

I/We propose to supply labor, supervision, supplies and equipment, as necessary, to provide complete weed abatement services at the locations listed herein, according to the General Conditions and Instructions to, Specific RFP Conditions, General Provisions, Specific Services Requirements and Subsequent addenda of the RFP for the price quoted below.

All measurements will be confirmed by the Fire Department prior to contractor starting work on any parcel. Unit measurements shall be round up to the nearest quarter unit.

CHARGE FOR DISKING (per hour): The charge for disking shall apply for each parcel in which there is a contractor charge for disking as authorized by the Fire Department. Contiguous Assessor Parcels under same ownership shall be considered as one (1) parcel for determining acreage assigned and rate to be charged. Disking shall be charged by the hour. Disking that includes a fraction of an hour shall be charged to the next closest .25 hour. There shall be in all cases a minimum of 1 hour charge for any single assignment requiring the use of the tractor taking less than one hour to complete.

CHARGE FOR MOWING/SHREDDING (per hour): The charge for mowing/shredding shall apply for each parcel in which there is a contractor charge for mowing/shredding as authorized by the Fire Department. Contiguous Assessor Parcels under same ownership shall be considered as one (1) parcel for determining acreage assigned and rate to be charged. Mowing/shredding shall be charged by the hour. Mowing/shredding that includes a fraction of an hour shall be charged to the next closest .25 hour. There shall be in all cases a minimum of 1 hour charge for any single assignment requiring the use of the tractor taking less than one hour to complete.

CHARGE FOR HANDWORK (per hour): The charge shall apply for each parcel in which there is a contractor charge for handwork authorized by the Fire Department. Handwork includes the use of push mowers and small riding lawn mowers. The combined contractor charges on contiguous Assessor Parcels under same ownership shall be considered as one (1) parcel for

determining the area assigned. Handwork shall be charged by the hour. Handwork that includes a fraction of an hour shall be charged to the next closest .25 hour. There shall be in all cases a minimum of a 2 hour charge for any single assignment requiring handwork taking less than two hours to complete.

DUMP FEES: The dump fees associated with the removal of waste of any description shall be reimbursed directly upon submission of a dump receipt from a Tulare County Dump site. All receipts submitted shall include the parcel and/or address/location of the site where the waste was removed.

The charge for rubbish and litter removal shall include equipment, labor, transportation of rubbish and litter to a proper disposal site, and any and all dump fees. It is the sole responsibility of the Contractor to pay dump fees associated with the disposal of items assigned to a work order.

Item	Description of Services per negotiated agreement	Unit Price (Includes all labor, materials, equipment, transportation and taxes)
A	Tractor operations (minimum charge 1 hour)	\$275.00 /per hour
B	Handwork (minimum charge 2 hours)	\$65.00 /per hour
C	Dump Fees	To be reimbursed

CHARGE FOR BOARD UP: The charge shall apply for each parcel in which there is a contractor charge for board up of a vacant or unsecured structure authorized by the Fire Department. Board up shall be charged by the number of windows, doors, garage doors, or similar openings. When temporary fence panels are installed, they will remain on the property until the hazard has been abated. Standard rates shall apply for all issued work orders. Emergency callouts for services rendered from 6 p.m. to 6 a.m. and on all City recognized Holidays shall be eligible for an "after hours" charge.

Item	Description of Services per negotiated agreement	Unit Price (Includes all labor, materials, equipment, transportation and taxes)
D	Charge to secure window opening	\$200.00 /per window
E	Charge to secure man door opening	\$200.00 /per man door
F	Charge to secure garage door opening	\$325.00 /per garage door
G	Draining Pool/Spa/Pond	\$185.00 /per hour
H	Secure open fence/area (with temporary chain link fence panel, to remain on site)	\$365.00 /per temporary panel
I	After hours callout charge	\$350.00

EQUIPMENT (All bidders must complete): List the size and type of equipment to be used. State make, model, year, size, weight and capabilities of each piece of equipment.

Tractors: Kubota Mx5200 4-Wheel Drive, 2019, 54.7 Hp
3,734 lbs

Discs: Strathmore 7 1/2' Off set Wheel Disc, 2019

Mowers: Husqvarna YTH24V48 24Hp with 48" riding deck, 2019

Husqvarna LC221RH 160cc self propelled Gas mowers, 2019 (2 each)
Troy Bilt TB675EC Gas weed eater (2 each)

Hauling Equipment: Big Tex Hydraulic Dump Trailer 14 Cubic
Yards, 2015

Loading Equipment: Kubota LA1065 loader with 4 in 1 bucket, 2019
lift Capacity of 2,864 lbs

REFERENCES: Bidder must provide at least three (3) references for contracts of comparable size. Include name, address and telephone number:

Kings Canyon Unified School District, 675 W. Manning Ave., Reedley, CA 93654 559-305-7024 ^{Dr. John Quinto}
Alta Vista School District, 2293 E. Caltree Ave, Porterville, CA 93257 ^{Dr. Robert Hudson}
City of Visalia, 315 E. Acequia, Visalia, CA 93291 ^{Tracy Shaw 559-713-4187}

INSURANCE: Bidder must provide name of insurance carriers:

Liability Colony Specialty Insurance Expiration Date 10/31/19

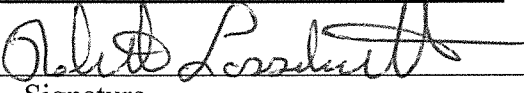
Property Damage Colony Specialty Insurance Expiration Date 10/31/19

Worker's Compensation State Compensation Insurance Fund Expiration Date 10/31/19

Proof of insurance, naming the City of Porterville as an additional insured will be required prior to commencement of work.

SIGNATURE OF AUTHORIZED OFFICER OR EMPLOYEE OF THE BIDDER

Valley Cleaning & Restoration Inc
Name of Firm


Signature

641 South Plano Street
Address

Robert Lassota CEO
Name in Print and Title

Porterville CA 93257
City State Zip Code

559-781-4800
Area Code Telephone Number



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Approval of the FY 2017/18 and 2018/19 Annual Transportation Agreement with the County of Tulare

SOURCE: Public Works

COMMENT: Since 1983, the City of Porterville has maintained an annual transportation agreement with the County of Tulare to provide coordinated public transportation services to county residents within the Porterville urbanized area. The previous agreement expired June 30, 2017.

On March 15, 2018, staff submitted the attached letter to the County, outlining the fiscal year 2017-18 cost to provide the coordinated public transportation services to county residents. Staff, utilizing previously approved methodology calculation, determined the total cost, which includes fixed route and demand response services and the County's portion of capital costs, to be \$486,125.

On March 25, 2018, the County responded, with the attached letter, countering the City's offer with a proposed alternative increase of payment based on CPI of 2.1% over the previous FY agreement. The County's counter offer, for fiscal year 2017-18, was \$413,166. Furthermore, the County proposed to develop an alternative agreement methodology that is more consistent on a yearly basis.

On June 5, 2018, staff sought Council's direction in regards to the County's offer. The Council rejected the County's offer and directed staff for a full cost recovery.

Under Council's direction, staff spent significant time analyzing the methodology historically used to calculate the County's cost for the City to provide the services. City and County staff determined that the best methodology, to ensure a full cost recovery, for the annual transportation agreement is to utilize the Federal Transit Administration's (FTA) cost allocation plan authorized by 2 CFR 200.27. Utilizing the FTA's cost allocation plan, only "allowable costs" will be used to calculate the cost of activities and will treat similar costs consistently among federal and non-federal awards/activities. In determining allowable costs, staff removed all generated revenues from passengers and advertising, revenues from federal operating and capital assistance grants, and revenues from Measure R to determine eligible operating and capital cost.

Utilizing the new methodology, staff submitted the attached letter to the County on February 22, 2019, calculating the total cost to provide coordinated services

to county residents for both fiscal year 2017-18 and 2018-19. The total cost of services for fiscal year 2017-18 is \$342,253 and \$398,441 for fiscal year 2018-19.

On March 27, 2019, the County accepted the City's letter and agreed to compensate the City \$740,694 for services provided in fiscal year 2017-18 and 2018-19. Compensation shall be limited to a set dollar amount of \$740,694 and for a period from July 1, 2017 through June 30, 2019, as follows:

FY 2017/18 County LTF/STA \$342,253

FY 2018/19 County LTF/STA \$398,441

The County further authorizes the City to claim said \$740,694 as full payment for services under this agreement.

RECOMMENDATION: That the City Council authorize the Mayor and City Clerk to execute the FY 2017/18 and FY 2018/19 Annual Transportation Agreement between the County of Tulare and the City of Porterville.

ATTACHMENTS:

1. Draft Agreement
2. March 15, 2018 City Letter to County - Old Methodology
3. March 25, 2018 County Letter to City - Alternative Offer
4. February 22, 2019 City Letter to County - Fiscal Year 2017-18
5. February 22, 2019 City Letter to County - Fiscal Year 2018-19

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

1 **AGREEMENT**

2 THIS AGREEMENT, is entered into as of this ____ day of _____, 2019, by
3 and between the COUNTY OF TULARE, hereinafter referred to as the "County", and the CITY
4 OF PORTERVILLE, hereinafter referred to as the "City".

5 **W I T N E S S E T H:**

6 WHEREAS, the County and the City desire to coordinate their respective public
7 transportation systems in the Porterville urbanized area; and

8 WHEREAS, there are and will continue to be citizens of the County who can reasonably be
9 served by the City's transit system and there are and will continue to be citizens of the City who
10 can reasonably be served by the County's transit system; and

11 WHEREAS, the County and the City recognize the goals of providing a transportation
12 system to the general public at a reasonable fare and that providing coordinated public
13 transportation service within the Porterville urbanized area; and

14 WHEREAS, the County and the City did not come to agreement in the 2017/2018 Fiscal
15 Year but now agree to the amounts the County will pay to City for providing transportation
16 services for the unincorporated areas; and

17 WHEREAS, the County and the City desire to provide for the Joint Exercise of Powers for
18 the purpose of providing and maintaining public transportation systems in the Porterville
19 urbanized area;

20 NOW, THEREFORE, County and City mutually agree as follows:

21 1. **Scope of Work.** The County and City shall each control, manage, and operate a
22 separate transit system. The City and County shall furnish each other thirty (30) days prior
23 written notice of any and all service level and fare level changes.

24 (a) **County.** The County shall provide transit service to those residents of the
25 City desiring to use the regularly scheduled service of the County transit system. The
26 County shall establish bus stop location(s) within the City which will interface with
27 the City bus stop locations and facilitate system transfers. The County stop(s) shall
28 be established at locations acceptable to the City. Approval on behalf of the City
29 shall be given by the City Transit Coordinator.

30 (b) **City.** The City shall establish a series of bus stop locations within the
31 County. The City stops shall be established at locations acceptable to the County.
32 Approval on behalf of the County shall be given by the Director of Transportation.
33 The City shall provide transit service to County residents desiring transit service
34 within the urbanized service area as set forth in Exhibit "A" which is attached hereto
35 and made a part hereof by this reference.

1 2. **Management-County.** The County shall manage the County transit system in an
2 appropriate manner, insuring cost effective operation, including marketing the system in a
3 professional manner and collecting fares from riders on the County transit system.

4 3. **Management-City.** The City shall manage the City transit system in an
5 appropriate manner, insuring cost effective operation, including marketing the system in a
6 professional manner and collecting fares from riders on the City transit system.

7 4. **Compensation.** The County shall compensate the City for service to County
8 residents living in the herein agreed upon service area. Compensation shall be limited to a
9 set dollar amount of \$740,694. Compensation for the period July 1, 2017 through June 30,
10 2019, will be as follows:

11		
12	17-18 County LTF/STA	\$342,253
13		
14	18-19 County LTF/STA	\$398,441
15		
16	Total Payment	\$740,694

17 5. **Authorization of Payment.** FTA Section 5307 Funds will be claimed by the City on
18 the County's behalf. The County by this Agreement authorizes the Tulare County
19 Association of Governments to transfer \$342,253 from the County's 2017/18
20 Apportionment and \$398,441 from the County's 2018/19 Apportionment of State Transit
21 Assistance Funds, and/or Local Transportation Funds to the City of Porterville's
22 Apportionment. The County further authorizes the City to claim said \$740,694 as full
23 payment for services under this Agreement. In case of termination of this Agreement prior
24 to June 30, 2019, the County agrees to compensate the City for a proportional amount of
25 the sum of \$740,694 based upon the number of days the services were provided by the City
26 during a 730 day period.

27 6. **FTA Funds.** Per the 2010 Census, the Porterville urbanized area has a population of
28 72,329; 54,247 (75.0%) of which are City residents, and 18,082 (25.0%) of which are
29 County residents. The Porterville Urbanized Area is eligible to receive Federal Transit
30 Administration (FTA) Funds from Section 5307. The City of Porterville will be the
31 claimant of these funds. The amount included under Section 4 "compensation" reflects a
32 credit of Section 5307 Funds to the County from the City.

33 7. **Renegotiation.** In the event a contract between the Federal Transit
34 Administration and the City of Porterville is not executed by June 30, 2019 for the Section
35 5307 Funds specified in paragraphs 4, 5 and 6, this contract may be renegotiated to reflect
36 this condition.

1 8. **Drivers.** The parties shall require that all transit drivers meet all licensing
2 requirements of the State of California.

3 9. **Indemnification-City.** City shall hold harmless, defend and indemnify County,
4 its agents, officers and employees from and against any liability, claims, actions, costs,
5 damages or losses of any kind, including death or injury to any person and/or damage to
6 property, arising out of the activities of City or its agents, officers and employees under this
7 Agreement. This indemnification specifically includes any claims that may be made
8 against County by any taxing authority asserting that an employer-employee relationship
9 exists by reason of this Agreement. This indemnification obligation shall continue beyond
10 the term of this Agreement as to any acts or omissions occurring under this Agreement or
11 any extension of this Agreement.

12 10. **Indemnification-County.** County shall hold harmless, defend and indemnify
13 City, its agents, officers and employees from and against any liability, claims, actions,
14 costs, damages or losses of any kind, including death or injury to any person and/or damage
15 to property, arising out of the activities of County or its agents, officers and employees
16 under this Agreement, and any claims made against County alleging civil rights violations
17 by City under Government Code section 12920 et seq. (California Fair Employment and
18 Housing Act). This indemnification obligation shall continue beyond the term of this
19 Agreement as to any acts or omissions occurring under this Agreement or any extension of
20 this Agreement.

21 11. **Insurance-Liability.** The City and the County shall each provide comprehensive
22 general public liability and comprehensive automotive liability insurance with single limit
23 coverage of not less than \$5,000,000 or equivalent self-insurance covering their activities
24 under this Agreement. Prior to commencing operations, each party shall file with the Clerk
25 of the other party certificates of insurance evidencing the coverage required herein and
26 naming the other party, its officers, agents and employees as additional insured's. Such
27 certificates shall state that the named additional insured's are not responsible for the
28 payment of any premium or assessment and shall provide that in the event of a cancellation
29 or material change of policy, the insurer shall give the named additional insured's no less
30 than thirty (30) days advance written notice of such cancellation or change. Upon request,
31 each party shall provide the other with a complete copy of the insurance policy or policies
32 or evidence and terms of self-insurance as required herein.

33 The parties agree, during the term of the Agreement, to maintain at their own expense
34 (or require of their independent contractors) all necessary insurance for their respective
35 officers, employees, and agents, including but not limited to workers' compensation,
36 disability and unemployment insurance in accordance with state statutory requirements and

1 to provide certificates of such insurance or other evidence of compliance to the other party
2 upon request. The insurance, and evidence thereof, required by this Agreement may be
3 provided either directly by the parties or, if a party contracts with an independent
4 contractor/operator to provide the services required by this Agreement, by the operator of
5 that party's system as deemed appropriate by such party.

6 **12. Term of Agreement.** This Agreement shall become effective July 1, 2017 and
7 shall continue in full force and effect until June 30, 2019 unless terminated earlier, as
8 herein provided.

9 **13. Termination.** The right to terminate this Agreement under this provision may be
10 exercised without prejudice to any other right or remedy to which the terminating party
11 may be entitled at law or under this Agreement.

12 (a) Without Cause. Either party shall have the right to terminate this
13 Agreement without cause by giving the other party SIXTY (60) days prior written
14 notice of its intention to terminate pursuant to this provision, specifying the date of
15 termination.

16 (b) With Cause. This Agreement may be terminated by either party should the
17 other party:

- 18 (i) be adjudged a bankrupt, or
- 19 (ii) become insolvent or have a receiver appointed, or
- 20 (iii) make a general assignment for the benefit of creditors, or
- 21 (iv) suffer any judgment which remains unsatisfied for 30 days, and
22 which would substantively impair the ability of the judgment debtor to perform
23 under this Agreement, or
- 24 (v) materially breach this Agreement.

25 For any of the occurrences except item (v), termination may be effected upon
26 written notice by the terminating party specifying the date of the termination. Upon a
27 material breach, the Agreement may be terminated following the failure of the
28 defaulting party to remedy the breach to the satisfaction of the non-defaulting party
29 within FIFTEEN (15) days of written notice specifying the breach. If the breach is
30 not remedied within that FIFTEEN (15) day period, the non-defaulting party may
31 terminate the Agreement on further written notice specifying the date of termination.

32 If the nature of the breach is such that it cannot be cured within a FIFTEEN (15)
33 day period, the defaulting party may, submit a written proposal within that period
34 which sets forth a specific means to resolve the default. If the non-defaulting party
35 consents to that proposal in writing, which consent shall not be unreasonably
36 withheld, the defaulting party shall immediately embark on its plan to cure. If the

1 default is not cured within the time agreed, the non-defaulting party may terminate
2 upon written notice specifying the date of termination.

3 (c) Effects of Termination. Termination of this Agreement shall not terminate
4 any obligations to indemnify, to maintain and make available any records pertaining
5 to the Agreement, to cooperate with any audit, to be subject to offset, or to make any
6 reports of pre-termination contract activities.

7 14. **Notices**. Any notices to be given shall be written and served either by personal
8 delivery or by first class mail, postage prepaid and addressed as follows:

9 County: Director of Transportation
10 Resource Management Agency
11 5961 S. Mooney Blvd.
12 Visalia, CA 93277
13

14 City: Transit Coordinator
15 City of Porterville
16 291 N. Main Street
17 Porterville, CA 93257

18 15. **Integration**. This Agreement constitutes the sole and only Agreement between
19 the parties hereto as to the services to be provided hereunder. Any prior agreements,
20 promises, negotiations or representations as to such services not expressly referred to
21 herein are of no force and effect.

22 16. **Modification**. The City and County shall furnish each other thirty (30) days prior
23 written notice of any and all recommended service level and fare level changes. The City
24 shall request and receive approval from the County Director of Transportation prior to any
25 changes in service levels or fare levels in unincorporated areas of the service area. Except
26 for said changes, this Agreement shall be modified or amended only with the prior written
27 consent of both parties.

28 17. **Assignment**. Neither party shall assign or transfer any of the rights or privileges
29 or any parts thereof of this Agreement without the other party's prior written consent.

30 18. **Records**. Each party agrees to maintain all books, records, documents, and other
31 evidence pertaining to this Agreement, any disputes surrounding the subject matter of this
32 Agreement, and any other related circumstances in accordance with generally accepted
33 accounting principles and practices. Each party shall allow the other party's agents or
34 representative's access to such records for inspection, audit, and copying during normal
35 business hours. Each party shall provide further facilities for such access and inspection.

36 19. **Surveys**. Either the City or the County may conduct periodic ridership surveys.
37 Said surveys shall not interfere with the operation of the system.

1 **20. Legal Operation.** City and County each shall carry out its obligations under this
2 Agreement in full compliance with all applicable federal, state and local laws, ordinances,
3 rules and regulations.

4 **21. Construction.** This Agreement reflects the contributions of both parties and
5 accordingly the provisions of Civil Code section 1654 shall not apply to address and
6 interpret any uncertainty.

7 **22. Governing Law.** This Agreement shall be interpreted and governed under the
8 laws of the State of California without reference to California conflicts of law principles.
9 Any litigation arising out of this Agreement shall be brought in Tulare County California.
10 City waives the removal provisions of California Code of Civil Procedure Section 394.

11 **23. Conflict with Laws or Regulations/Severability.** This Agreement is subject to
12 all applicable laws and regulations. If any provision of this Agreement is found by any
13 court or other legal authority, or is agreed by the parties, to be in conflict with any code or
14 regulation governing its subject, the conflicting provision shall be considered null and void.
15 The remainder of the Agreement shall continue in full force and effect.

16 **24. Headings.** Section headings are provided for organizational purposes only and do
17 not in any manner affect the scope, meaning or intent of the provisions under the headings.

18 **25. No Third Party Beneficiaries.** Unless specifically set forth, the parties to this
19 Agreement do not intend to provide any other party with any benefit or enforceable legal or
20 equitable right or remedy.

21 **26. Waivers.** The failure of either party to insist on strict compliance with any
22 provision of this Agreement shall not be considered a waiver of any right to do so, whether
23 for that breach or any subsequent breach. The acceptance by either party of either
24 performance or payment shall not be considered to be a waiver of any preceding breach of
25 the Agreement by the other party.

26 **27. Exhibits and Recitals.** The Recitals and the Exhibits to this Agreement are fully
27 incorporated into and are integral parts of this Agreement.

28 **28. Further Assurances.** Each party agrees to execute any additional documents and
29 to perform any further acts which may be reasonably required to effect the purposes of this
30 Agreement.

31 **29. Assurances of Non-Discrimination.** City and County expressly agrees that it
32 will not discriminate in employment or the provision of services on the basis of any
33 characteristic or condition upon which discrimination is prohibited by state or federal law
34 or regulation.
35

1 IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the
2 date first above written.

3
4 COUNTY OF TULARE

5
6
7 By _____
8 Chairman, Board of Supervisors
9 "COUNTY"

10 ATTEST: Jason Britt,
11 County Administrative Officer/
12 Clerk of the Board of Supervisors.

13
14
15 By _____
16 Deputy

17 CITY OF PORTERVILLE

18
19
20 By _____
21 Mayor "CITY"

22 ATTEST: Clerk of City of Porterville

23
24
25 By _____
26 Deputy

27
28
29
30 Approved as to Form,
31 County Counsel

32
33 By _____
34 Deputy

Approved as to Form,
City Attorney

By _____
City Attorney

March 15, 2018

Albert Barragan, Transit Coordinator
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

RE: Formula for Fiscal Year 2017/18 Transit Agreement
 Between the City of Porterville and County of Tulare

Dear Mr Barragan:

The following is a description of the cost formula components for the proposed FY 2017/18 transit agreement between our agencies.

COLT/COUNTY SERVICE COST

Compensation to the City for service to County residents is based on a percentage of the operating and capital costs of the transit system.

OPERATING EXPENSES

Operating Expenses is defined as all costs in the operating expense categories of the Administration, Demand-Response and Fixed Route components. In accordance with this definition, the total operating costs for the City of Porterville Transit System for FY 2015/16 is \$3,280,723.

The compensation formula requires that transit system operating costs be allocated between the two service modes, Demand-Response and Fixed Route. The City's transit budget is prepared in three segments: Administration, Demand-Response and Fixed Route. The only segment based on the proportion of service hours to be operated in each mode is the Administration segment, which segment has been apportioned to Demand-Response and Fixed Route based on the following percentages. The balance of the expense allocation in each service mode represents actual budget figures for that service mode (service hours based on actual revenue hours for FY 2015/16).

SERVICE MODE	DEMAND RESPONSE	FIXED ROUTE	Total
2015/16 Revenue Hours	2,306	33,088	35,394
Revenue Hour %	7%	93%	100%

FAREBOX REVENUE

The compensation formula includes a credit to the County for fares collected from County residents. It is therefore necessary to allocate farebox revenues between the two service modes. The City of Porterville 2015/16 total farebox revenue was \$608,406. This amount is based on the actual FY 2015/16 transit fare box revenues collected. Of this amount, \$31,112 (5%) was collected on the Demand-Response service, and \$577,294 (95%) was collected from Fixed Route system passengers. This allocation is based on the proportion of fees collected on each service mode during FY 2015/16.

COMPENSATION FOR DEMAND-RESPONSE

Based on actual ridership data reported by Sierra Management during FY 2015/16, County residents consumed 10% of the total Demand-Response passenger trips. (Demand-Response trips totaled 9,726; County trips totaled 983). This percentage will be used for this year's calculations.

Based on FY 2015/16 passenger mile information, County residents travel on average 1.57 times as far as the average Porterville resident. It was proposed that this figure be rounded to a distance factor of 1.6, which has been used in the compensation formula for future years. The purpose of this factor is to adjust for the greater number of vehicle miles traveled to provide a trip to a County resident.

With the above data, the proposed FY 2017/18 compensation for Demand-Response is calculated as follows:

Demand-Response Calculation:				
(Operating cost)(County Trip %)(County Travel %)		$(542,873) * 10\% * 1.6$	=	86,860
Total Payment				86,860
Farebox Credit (Dem Response Rev) (County Trip %)		$(31,112) * 10\%$	=	3,111
				83,748
FTA sec. 5307 Credit (25%)		$(83,748) * 25\%$	=	20,937
COUNTY LTF				62,811

FIXED ROUTE COMPENSATION FORMULA

The current agreement between the City and the County is based on a projection of service supplied to and consumed by County residents who utilize the eight routes serving the unincorporated areas. For FY 2015/16, the same basis is proposed as in previous agreements, which is 30% of said operating cost being attributed to the County.

Based on the above, the proposed Fixed Route compensation formula is as follows:

Fixed Route Calculation:				
(Operating Cost) (30%)		(2,737,850)*30%	=	821,355
Total Payment				821,355
Farebox Credit (Fixed Route Rev) (30%)		(577,294)*30%	=	173,188
				648,167
FTA sec. 5307 Credit (25%)		(648,167)*25%	=	162,042
COUNTY LTF				486,125

CAPITAL COST

Capital cost is defined as all depreciation expense attributed to all active City of Porterville Fixed Route and Demand-Response capital expenses using the straight line of depreciation. To calculate depreciation expense attributed to County residents, it is proposed that we use the 10% factor from the Demand-Response operating expense calculation, and the 30% factor from the Fixed Route operating expense calculation. These factors can be applied to the total projected depreciation expense for the Demand-Response and Fixed Route capital as follows:

Capital Cost Allocation				
		FY15/16 Depreciation	Operating Factor	County Depreciation
Demand Response		41,274	10%	4,127
Fixed Route		156,165	30%	46,850
Sub-Total				50,977
TOTAL			20%	10,195

Based on the above, \$50,977 is the proposed County share of depreciation expense. Eighty percent (80%) of capital expense is funded with FTA funds; therefore, only twenty percent (20%) needs to be funded through County LTF funds, being the sum of \$10,195.

TOTAL COST

Total charge to County LTF is \$559,132; \$62,811 for Demand Response Services, \$486,125 for Fixed Route Services, and \$10,195 for Capital Costs. Attached is the back-up documentation for each of the Demand-Response and Fixed Route formulas.

The following year's claim, FY 18/19, will be adjusted based on actual numbers that are reported at the end of FY 16/17.

If you should have any questions, or would like to meet to discuss the proposed compensation formula, please call me at 782-7448.

Very truly yours,


Richard I. Tree
Transit

Manager

**CITY OF PORTERVILLE
LTF WORKSHEET
SUMMARY
FY 2015/16**

	DEMAND RESPONSE	FIXED ROUTE	Total
<u>2015/16 Revenue Hours</u>	2,306	33,088	35,394
Revenue Hour %	7%	93%	
<u>2015/16 Operating Cost</u>	542,873	2,737,850	3,280,723
<u>2015/16 Capital/Depreciation</u>	41,274	156,165	197,439
<u>2015/16 Farebox Revenue</u>	31,112	577,294	608,406
Farebox Revenue %	5%	95%	-
<u>2015/16 County Trips/Passengers</u>			
Total Trips/Passengers	9,726		9,726
County Trips/Passengers	983		983
County %	10%		

Demand-Response Calculation:

(Operating cost)(County Trip %)(County Travel %)	$(542,873) * 10\% * 1.6$	=	86,860
Total Payment			86,860
Farebox Credit (Dem Response Rev) (County Trip %)	$(31,112) * 10\%$	=	3,111
			83,748
FTA sec. 5307 Credit (25%)	$(83,748) * 25\%$	=	20,937
COUNTY LTF			62,811

Fixed Route Calculation:

(Operating Cost) (30%)	$(2,737,850) * 30\%$	=	821,355
Total Payment			821,355
Farebox Credit (Fixed Route Rev) (30%)	$(577,294) * 30\%$	=	173,188
			648,167
FTA sec. 5307 Credit (25%)	$(648,167) * 25\%$	=	162,042
COUNTY LTF			486,125

Capital Cost Allocation

	FY14/15 Depreciation	Operating Factor	County Depreciation
Demand Response	41,274	10%	4,127
Fixed Route	156,165	30%	46,850
Sub-Total			50,977
TOTAL		20%	10,195

LTF TOTALS

DEMAND RESPONSE	62,811
------------------------	--------

FIXED ROUTE	486,125
DEPRECIATION	10,195
TOTAL COUNTY LTF	559,132



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Michael Washam	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

May 25, 2018

Mike Reed
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mr. Reed:

For several years the County of Tulare and the City of Porterville have executed an annual agreement for the transfer of Transit funds from the County to the City in exchange for estimated services provided by the City to County residents. This letter is in response to the proposal from the City of Porterville, seeking a transfer of STA/LTF funds from the County of Tulare of approximately \$559,132 for fiscal year 2017-18. The proposed amount represents a 38% (\$154,464) increase in the total amount requested from the prior year. After discussions with City of Porterville staff to inquire about the cause of the increased request, it was determined that although the total operating costs of the City of Porterville Transit system has increased, the overall service provided to County residents has not changed significantly. An example of this would be the Demand response service provided to County residents. Although the cost of service increased nearly 40%, ridership by County residents was down almost 50% (Route service users are not tracked individually).

Further, past agreement between the County and City of Porterville have included a "Modification" provision which requires the City to request and receive permission prior to any changes in service level from the County's Director of Transportation. The City has not followed this protocol during the past year and therefore the County was unprepared for such a significant increase in expenses.

We have not experienced increases such as those proposed by the City of Porterville with any of the other Cities we have transit agreements with. For that reason, we cannot agree to the increased request. We propose an alternative increase of transfer payment based on CPI (identical to our agreement with the City of Visalia) of 2.1% (\$8,498) over the 2016-17 agreement amount for a total transfer amount of \$413,166 in fiscal year 2017-18. Furthermore, moving forward we wish to develop an alternative transfer agreement methodology that is more consistent on a yearly basis.

Sincerely,

A handwritten signature in blue ink, appearing to be "RS", followed by a horizontal line.

Reed Schenke, P.E.
Director

2/22/2019

Albert Barragan, Transit Coordinator
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

RE: Formula for Fiscal Year 2017/18 Transit Agreement
 Between the City of Porterville and County of Tulare

Dear Mr Barragan:

The following is a description of the cost formula components for the proposed FY 2017/18 transit agreement between our agencies.

COLT/COUNTY SERVICE COST

Compensation to the City for service to County residents is based on a percentage of the operating and capital costs of the transit system.

OPERATING EXPENSES

Operating Expenses is defined as all costs in the operating expense categories of the Administration, Demand-Response and Fixed Route components. In accordance with this definition, the total operating costs for the City of Porterville Transit System for FY 2015/16 is \$3,280,723.

The compensation formula requires that the transit system operating costs be allocated between the two service modes, Demand-Response and Fixed Route. The City's transit budget is prepared in three segments: Administration, Demand-Response and Fixed Route. The Administration segment has been apportioned to Demand-Response and Fixed Route based on the percentages, 70% Fixed Route and 30% Demand-Response, which we report to the National Transit Database.

REVENUES

It is necessary to allocate farebox revenues between the two service modes. The City of Porterville 2015/16 total farebox revenue was \$498,430. This amount is based on the actual FY 2015/16 transit fare box revenues collected. Of this amount, \$31,112 (6%) was collected on the Demand-Response service, and \$467,318 (94%) was collected from Fixed Route system passengers. This is based on the actual fees collected on each service mode during FY 2015/16.

FEDERAL REVENUES

It is essential to also back-out Federal revenues from operational costs. The total of Federal revenues for operations in FY 2015/16 was, \$1,504,280. Within this amount is Federal grant 5307, a 50/50 split between federal and local match, Fixed Route of \$1,230,039 and Demand-Response of \$237,519. The remainder comes from the federal grant, New Freedom for the Demand-Response expansion of \$36,721 at a 100% federal share.

COMPENSATION FOR DEMAND-RESPONSE

Based on actual ridership data reported by Sierra Management during FY 2015/16, County residents consumed 10% of the total Demand-Response passenger trips. (Demand-Response trips totaled 9,726; County trips totaled 983). This percentage will be used for this year's calculations.

Based on FY 2012/13 passenger mile information, County residents travel on average 1.57 times as far as the average Porterville resident. It was proposed that this figure be rounded to a distance factor of 1.6, which has been used in the compensation formula for future years. The purpose of this factor is to adjust for the greater number of vehicle miles traveled to provide a trip to a County resident.

With the above data, the proposed FY 2017/18 compensation for Demand-Response is calculated as follows:

Demand-Response Calculation:				
Operating Cost				\$ 542,873
Less Farebox Revenues				\$ (31,112)
Less Federal Revenues				\$ (274,241)
Eligible Operating Costs				\$ 237,520
(Operating cost)(County Trip %)(County Travel %)			(237,520)*10%*1.6	\$ 38,003
COUNTY LTF				\$ 38,003

FIXED ROUTE COMPENSATION FORMULA

The current agreement between the City and the County is based on a projection of service supplied to and consumed by County residents who utilize the eight routes serving the unincorporated areas. For FY 2015/16, the same basis is proposed as in previous agreements, which is 30% of said operating cost being attributed to the County.

Based on the above, the proposed Fixed Route compensation formula is as follows:

Fixed Route Calculation:				
Operating Cost				\$ 2,737,851
Less Farebox Revenues				\$ (467,318)
Less Federal Revenues				\$ (1,230,039)
Less Measure R				\$ (196,250)
Eligible Operating Costs				\$ 844,243
(Operating Cost) (30%)			(844,243)*30%	\$ 253,273
COUNTY LTF				\$ 253,273

CAPITAL COST

Capital cost is defined as all depreciation expense attributed to all active City of Porterville Fixed Route and Demand-Response capital expenses using the straight line of depreciation with any grant funded expenses removed. To calculate depreciation expense attributed to County residents, it is proposed that we use the 10% factor from the Demand-Response operating expense calculation, and the 30% factor from the Fixed Route operating expense calculation.

These factors can be applied to the total projected depreciation expense for the Demand-Response and Fixed Route capital as follows:

Capital Cost Allocation				
	FY 15/16 Depreciation		Operating Factor	County Depreciation
Demand Response	\$ 41,274		10%	\$ 4,127
Fixed Route	\$ 156,165		30%	\$ 46,850
TOTAL				\$ 50,977

TOTAL COST

Total charge to County LTF is \$342,253; \$38,003 for Demand Response Services, \$253,273 for Fixed Route Services, and \$50,977 for Capital Costs. Attached is the back-up documentation for each of the Demand-Response and Fixed Route formulas.

The following year's claim, FY 18/19, will be adjusted based on actual numbers that are reported at the end of FY 16/17.

If you should have any questions, or would like to meet to discuss the proposed compensation formula, please call me at 782-7448.

Very truly yours,
Richard I. Tree

Richard I. Tree
Transit

Manager

CITY OF PORTERVILLE				
LTF WORKSHEET				
SUMMARY				
FY 2015/16				
	DEMAND RESPONSE	FIXED ROUTE		Total
2015/16 Operating Cost	\$ 542,873	\$ 2,737,851		\$ 3,280,723
2015/16 Capital/Depreciation	\$ 41,274	\$ 156,165		\$ 197,439
2015/16 Revenue				
Farebox Revenue	\$ 31,112	\$ 467,318		\$ 498,430
Federal Revenue	\$ 274,241	\$ 1,230,039		\$ 1,504,280
2015/16 County Trips/Passengers				
Total Trips/Passengers	9,726			9,726
County Trips/Passengers	983			983
County %	10%			
Demand-Response Calculation:				
Operating Cost				\$ 542,873
Less Farebox Revenues				\$ (31,112)
Less Federal Revenues				\$ (274,241)
Eligible Operating Costs				\$ 237,520
(Operating cost)(County Trip %)(County Travel %)		(237,520)*10%*1.6		\$ 38,003
COUNTY LTF				\$ 38,003
Fixed Route Calculation:				
Operating Cost				\$ 2,737,851
Less Farebox Revenues				\$ (467,318)
Less Federal Revenues				\$ (1,230,039)
Less Measure R				\$ (196,250)
Eligible Operating Costs				\$ 844,243
(Operating Cost) (30%)		(844,243)*30%		\$ 253,273
COUNTY LTF				\$ 253,273
Capital Cost Allocation				
	FY 15/16 Depreciation	Operating Factor		County Depreciation
Demand Response	\$ 41,274	10%		\$ 4,127
Fixed Route	\$ 156,165	30%		\$ 46,850
TOTAL				\$ 50,977
LTF TOTALS				
DEMAND RESPONSE				\$ 38,003
FIXED ROUTE				\$ 253,273
DEPRECIATION				\$ 50,977
TOTAL COUNTY LTF				\$ 342,253

2/22/2019

Albert Barragan, Transit Coordinator
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

RE: Formula for Fiscal Year 2018/19 Transit Agreement
 Between the City of Porterville and County of Tulare

Dear Mr Barragan:

The following is a description of the cost formula components for the proposed FY 2018/19 transit agreement between our agencies.

COLT/COUNTY SERVICE COST

Compensation to the City for service to County residents is based on a percentage of the operating and capital costs of the transit system.

OPERATING EXPENSES

Operating Expenses is defined as all costs in the operating expense categories of the Administration, Demand-Response and Fixed Route components. In accordance with this definition, the total operating costs for the City of Porterville Transit System for FY 2016/17 is \$3,407,024.

The compensation formula requires that the transit system operating costs be allocated between the two service modes, Demand-Response and Fixed Route. The City's transit budget is prepared in three segments: Administration, Demand-Response and Fixed Route. The Administration segment has been apportioned to Demand-Response and Fixed Route based on the percentages, 70% Fixed Route and 30% Demand-Response, which we report to the National Transit Database.

REVENUES

It is necessary to allocate farebox revenues between the two service modes. The City of Porterville 2016/17 total farebox revenue was \$514,434. This amount is based on the actual FY 2016/17 transit fare box revenues collected. Of this amount, \$20,818 (4%) was collected on the Demand-Response service, and \$493,616 (96%) was collected from Fixed Route system passengers. This is based on the actual fees collected on each service mode during FY 2016/17.

FEDERAL REVENUES

It is essential to also back-out Federal revenues from operational costs. The total of Federal revenues for operations in FY 2016/17 was, \$1,516,918. Within this amount is Federal grant 5307, a 50/50 split between federal and local match, Fixed Route of \$1,221,300 and Demand-Response of \$256,913. The remainder comes from the federal grant, New Freedom for the Demand-Response expansion of \$38,705 at a 100% federal share.

COMPENSATION FOR DEMAND-RESPONSE

Based on actual ridership data reported by Sierra Management during FY 2016/17, County residents consumed 15% of the total Demand-Response passenger trips. (Demand-Response trips totaled 9,494; County trips totaled 1465). This percentage will be used for this year's calculations.

Based on FY 2012/13 passenger mile information, County residents travel on average 1.57 times as far as the average Porterville resident. It was proposed that this figure be rounded to a distance factor of 1.6, which has been used in the compensation formula for future years. The purpose of this factor is to adjust for the greater number of vehicle miles traveled to provide a trip to a County resident.

With the above data, the proposed FY 2018/19 compensation for Demand-Response is calculated as follows:

Demand-Response Calculation:			
Operating Cost			\$ 573,349
Less Farebox Revenues			\$ (20,818)
Less Federal Revenues			\$ (295,618)
Eligible Operating Costs			\$ 256,913
(Operating cost)(County Trip %)(County Travel %)		(256,913)*15%*1.6	\$ 61,659
COUNTY LTF			\$ 61,659

FIXED ROUTE COMPENSATION FORMULA

The current agreement between the City and the County is based on a projection of service supplied to and consumed by County residents who utilize the eight routes serving the unincorporated areas. For FY 2016/17, the same basis is proposed as in previous agreements, which is 30% of said operating cost being attributed to the County.

Based on the above, the proposed Fixed Route compensation formula is as follows:

Fixed Route Calculation:			
Operating Cost			\$ 2,833,675
Less Farebox Revenues			\$ (493,616)
Less Federal Revenues			\$ (1,221,300)
Less Measure R			\$ (170,000)
Eligible Operating Costs			\$ 948,759
(Operating Cost) (30%)		(948,759)*30%	\$ 284,628
COUNTY LTF			\$ 284,628

CAPITAL COST

Capital cost is defined as all depreciation expense attributed to all active City of Porterville Fixed Route and Demand-Response capital expenses using the straight line of depreciation with any grant funded expenses removed. To calculate depreciation expense attributed to County residents, it is proposed that we use the 15% factor from the Demand-Response operating expense calculation, and the 30% factor from the Fixed Route operating expense calculation.

These factors can be applied to the total projected depreciation expense for the Demand-Response and Fixed Route capital as follows:

Capital Cost Allocation			
	FY16/17 Depreciation	Operating Factor	County Depreciation
Demand Response	\$ 45,922	15%	\$ 6,888.33
Fixed Route	\$ 150,888	30%	\$ 45,266
Sub-Total			\$ 52,155

TOTAL COST

Total charge to County LTF is \$398,441; \$61,659 for Demand Response Services, \$284,628 for Fixed Route Services, and \$52,155 for Capital Costs. Attached is the back-up documentation for each of the Demand-Response and Fixed Route formulas.

The following year's claim, FY 19/20, will be adjusted based on actual numbers that are reported at the end of FY 17/18.

If you should have any questions, or would like to meet to discuss the proposed compensation formula, please call me at 782-7448.

Very truly yours,

Richard I. Tree

Richard I. Tree
Transit

Manager

CITY OF PORTERVILLE

LTF WORKSHEET

SUMMARY

FY 2016/17

	DEMAND RESPONSE	FIXED ROUTE	Total
2016/17 Operating Cost	\$ 573,349	\$ 2,833,675	\$ 3,407,024
2016/17 Capital/Depreciation	\$ 45,922	\$ 150,888	\$ 196,810
2016/17 Revenue			
Farebox Revenue	\$ 20,818	\$ 493,616	\$ 514,434
Federal Revenue	\$ 295,618	\$ 1,221,300	\$ 1,516,918
2016/17 County Trips/Passengers			
Total Trips/Passengers	9,494		9,494
County Trips/Passengers	1,465		1,465
County %	15%		
Demand-Response Calculation:			
Operating Cost			\$ 573,349
Less Farebox Revenues			\$ (20,818)
Less Federal Revenues			\$ (295,618)
Eligible Operating Costs			\$ 256,913
(Operating cost)(County Trip %)(County Travel %)		(256,913)*15%*1.6	\$ 61,659
COUNTY LTF			\$ 61,659
Fixed Route Calculation:			
Operating Cost			\$ 2,833,675
Less Farebox Revenues			\$ (493,616)
Less Federal Revenues			\$ (1,221,300)
Less Measure R			\$ (170,000)
Eligible Operating Costs			\$ 948,759
(Operating Cost) (30%)		(948,759)*30%	\$ 284,628
COUNTY LTF			\$ 284,628
Capital Cost Allocation			
	FY16/17 Depreciation	Operating Factor	County Depreciation
Demand Response	\$ 45,922	15%	\$ 6,888.33
Fixed Route	\$ 150,888	30%	\$ 45,266.28
Sub-Total			\$ 52,155
LTF TOTALS			
DEMAND RESPONSE			\$ 61,659
FIXED ROUTE			\$ 284,628
DEPRECIATION			\$ 52,155
TOTAL COUNTY LTF			\$ 398,441



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Approval of a Transit Military Discount Program between the Tulare County Association of Governments and the City of Porterville

SOURCE: Public Works

COMMENT: The Tulare County Association of Governments (TCAG) and the six (6) transit providers in Tulare County wish to recognize the national service of Tulare County's veterans, active duty personnel, and their dependents. The City of Porterville and these agencies are committed to making transit more affordable to these veterans, active duty personnel, and their dependents through the creation of a Military Discount Program.

Having functioned as a pilot program for the past three (3) years, the proposed formalized Program would allow any veteran, active duty member of the Armed Forces, or dependents thereof, who furnish proper identification, the ability to ride public transportation in Tulare County at a reduced rate. The reduced rate for the purpose of Porterville Transit is the same reduced rate for seniors, disabled, and medicare card holders.

On a quarterly basis, the City will provide TCAG the data collected from the ridership and revenue of the Military Discount Program. TCAG agrees to reimburse the City for the expense of this program at a rate which is equal to the number of discounted single-ride tickets sold to military riders multiplied by the dollar value of the discount. Funding will be provided by Measure R to offset the fare discount.

The term of the Program shall be effective upon its adoption by both parties and continue until terminated or succeeded.

RECOMMENDATION: That the City Council authorize the Mayor to execute the Agreement between the Tulare County Association of Governments and the City of Porterville for the Military Discount Program.

ATTACHMENTS: 1. Draft Agreement

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

AGREEMENT
FOR THE TRANSIT MILITARY DISCOUNT PROGRAM
BETWEEN THE TULARE COUNTY ASSOCIATION OF
GOVERNMENTS (TCAG)
AND THE CITY OF PORTERVILLE

This Agreement is made and entered into this ____ Day of _____, 2019, by and between the Tulare County Association of Governments, hereinafter referred to as “TCAG”, and the City of Porterville, hereinafter referred to as “AGENCY”.

RECITALS

WHEREAS, TCAG and AGENCY wish to recognize the national service of Tulare County’s veterans, active duty military personnel and their dependents; and

WHEREAS, TCAG and AGENCY are committed to making transit more affordable to the above-referenced groups through the creation of a Military Discount Program; and

WHEREAS, the military discount will be set to the equivalent amount of the senior/disabled/Medicare card holder rate; and

WHEREAS, funding will be provided by Measure R to offset the fare discount; and

WHEREAS, TCAG and AGENCY desire to formalize such an arrangement by entering into a binding agreement to provide for a military discount on transit fares throughout AGENCY’s system, the cost of which is to be reimbursed annually by TCAG; and

WHEREAS, TCAG has a similar agreement with the County of Tulare, City of Dinuba, City of Tulare, City of Visalia, and the City of Woodlake; and

NOW, THEREFORE, the parties agree as follows:

1. **TERM.** The agreement shall be effective upon its adoption by both parties and continue until terminated or succeeded. The terms of this agreement may be terminated upon 60 day advance written notice by either party. Upon terminating the terms of this agreement AGENCY is also terminating participation in the military discount program and the funding offset.
2. **INDEPENDENT CONTRACTOR.** While engaged in carrying out and complying with the terms and conditions of this Agreement, TCAG is an independent contractor, and not an officer, agent, or employee of AGENCY.

AGREEMENT

For the Transit Military Discount Program

3. **PAYMENT.** AGENCY will manage distribution of tickets to eligible riders at a discounted rate. The discounted fare for veterans, active duty military personnel and their dependents shall be set by AGENCY but must be equal to the reduced fare offered to seniors, the disabled and Medicare card holders. AGENCY will collect the data associated with ridership and sales and provide the same to TCAG quarterly in a tracking method approved by TCAG. Data is due fifteen days after the end of each quarter. TCAG agrees to reimburse AGENCY for the expense of this program at a rate which is equal to the number of discounted single-ride tickets sold to military riders multiplied by the dollar value of the discount. Should AGENCY elect to offer monthly or multi-ride passes at a discounted rate, the number of passes of each type sold under this program and the dollar value of the discount on each pass shall also be reported to TCAG. Ridership for single rides and pass-holder boardings shall be reported separately. TCAG will reimburse AGENCY according to program terms after the completion of each fiscal year.
4. **SERVICES.** For purposes of this agreement, 'military ridership' shall mean any boarding of an AGENCY bus by a veteran, active duty member of the Armed Forces or dependents thereof who furnish a veterans ID, military ID or driver's license denoting veteran regardless of whether they purchase a one-way ticket or utilize a multi-use pass. 'Sales of discounted tickets' shall mean the number of tickets or passes sold at a military discount, independent of the number of rides associated with the same. In the event discounted passes are offered, pass sales shall be tallied separately from sales of single-ride tickets when reporting to TCAG.

Upon receipt of the above-described data for the preceding fiscal year, TCAG shall calculate the amount of the reimbursement to be paid to AGENCY by multiplying the number of tickets and passes sold by AGENCY under the military discount program by the dollar value of the discount. Payments will be disbursed once per year.

5. **DEFAULT.** If default is made by either party in any of the covenants or conditions of this Agreement, TCAG or AGENCY may terminate Agreement upon giving 60 days advance written notice.
6. **AMENDMENTS.** This Agreement cannot be changed or supplemented orally and may be modified or superseded only by written instrument executed by both parties.
7. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. This Agreement is entered into and is to be performed in Tulare County, California.
8. **BINDING EFFECT.** This Agreement is for the benefit of and shall be binding on all parties and their respective successors, heirs, and assigns.
9. **ATTORNEYS' FEES AND COSTS.** Each party shall bear its own attorneys' fees and costs for all such fees and costs incurred prior to the date of execution of this Agreement.
10. **BREACH OF AGREEMENT.** If either party breaches this Agreement, the prevailing party shall be entitled to all damages reasonably flowing from the breach. Each party

AGREEMENT

For the Transit Military Discount Program

shall bear its own attorneys' fees and costs for all such fees and costs related to the breach of this Agreement.

11. **INDEMNIFICATION.** AGENCY shall hold harmless, defend and indemnify TCAG, its agents, officers and employees for claims that arise out of, pertain to, or relate to the AGENCY. Indemnification shall include, but not be limited to the ridership data and calculations presented to or provided by TCAG. To the extent that TCAG treats AGENCY as an independent contractor this indemnification specifically includes any claims that may be made against TCAG by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against TCAG alleging civil rights violations by AGENCY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on TCAG for AGENCY'S failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any negligent acts or omissions occurring under this Agreement or any extension of this Agreement.
12. **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy of an original, with all signatures appended together, shall be deemed a fully executed Agreement.
13. **SEVERABILITY.** If any provision of this Agreement is held to be void, voidable, or unenforceable, the remaining portions of the Agreement shall remain in full force and effect.
14. **INTERPRETATION.** The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either party.
15. **COMPLIANCE WITH LAW.** TCAG agrees to perform the services contemplated by this Agreement in a professional and a competent manner and in compliance with all state or federal laws or regulations governing the services to be rendered pursuant to this Agreement.
16. **BOARD APPROVAL.** The parties recognize that the effectiveness of this Agreement is contingent upon approval by the AGENCY and TCAG.
17. **OTHER DOCUMENTS/ACTS.** The parties agree to work together diligently and to execute related documents and perform related acts necessary for the successful performance of this Agreement.
18. **ENTIRE AGREEMENT.** This Agreement and its attachments, if any, constitute the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained in this Agreement. All prior

AGREEMENT

For the Transit Military Discount Program

understandings, terms or conditions are deemed merged into this Agreement and its attachments.

19. **NOTICES TO PARTIES.** All notices to be given to the parties to this Agreement shall be in writing and served by depositing same in the United States Mail, postage prepaid, registered or certified mail.

Notices to TCAG should be addressed to:
Ted Smalley, Executive Director
Tulare County Association of Governments
210 N. Church Street, Suite B
Visalia, CA 93291

Notices to CITY of PORTERVILLE should be addressed to:
John Lollis, City Manager
291 North Main Street
Porterville, CA 93257
(559) 782-7466

TCAG or AGENCY may change its address of record for receipt of official notice by giving the other written notice of such change and any necessary mailing instructions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate the day and year first herein above written.

TULARE COUNTY ASSOCIATION OF GOVERNMENTS:

TCAG Chair

Date

CITY OF PORTERVILLE:

Name

Date

Title



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Authorize the Modification of Transit Holiday Schedule

SOURCE: Public Works

COMMENT: Under the direction of the Tulare County Association of Governments (TCAG), the six (6) transit providers in Tulare County have been working together to improve coordinated public transportation within Tulare County. The agencies have been meeting, on a monthly basis, discussing various areas that they can work together to make public transportation more accessible and convenient for all riders.

One area that has been identified as an area that can be improved immediately is the unification of transit holiday schedules. Currently, Porterville operates on most holidays (no service on New Years Day, Independence Day, Thanksgiving, and Christmas), while others do not. This is true for nearly all holidays and the transit providers, which has caused confusion and problems among transit riders who have to use services between two or more providers to complete their trip.

An example would be a Porterville resident working in Visalia. This passenger would need to take Porterville Transit, transfer to County Area Transit, and then transfer again to Visalia Transit to make it to his/her final destination. This can only happen if these providers operate on coordinated schedules.

To alleviate problems and to ensure coordinated holiday schedules between the transit providers, the transit providers have proposed the following Transit Holiday Schedule:

New Years Day - No Service
Martin Luther King Day - Normal Service
Presidents Day - *Sunday Service Schedule
Easter Sunday - No Service
Memorial Day - No Service
July 4th - No Service
Labor Day - No Service
Veterans Day - *Sunday Service Schedule
Thanksgiving Day - No Service
Day after Thanksgiving - *Sunday Service Schedule
Christmas Eve - *Sunday Service Schedule
Christmas Day - No Service
New Years Eve - *Sunday Service Schedule

*Sunday Service Schedule is 8:00 a.m. to 6:00 p.m.

The above transit holiday schedule shall be effective, once approved, and continue until succeeded.

RECOMMENDATION: That the City Council approve the modified Transit Holiday Schedule and continue the proposed schedule until succeeded.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Intent to Set a Public Hearing to Consider Annual Adjustment of Fees by Application of the Engineering News-Record (ENR) Cost Index

SOURCE: Public Works

COMMENT: In accordance with prior City Council authorization, staff calculates and adjusts all of the attached fees annually. The policy as of 2003 is to provide the Council notice of all the attached adjustments annually (whether they are subject to the Mitigation Fee Act or not) 60-days before the new fees become effective.

City staff endeavors to honor its commitment to the Home Builders Association (HBA) by providing 60-days notice prior to the effective date of the annually adjusted fees. The Home Builders Association of Tulare/Kings Counties, Inc., has requested that they be notified of the annual adjustment of the attached fees, which are adjusted annually by application of the Engineering News-Record (ENR) Cost Index. Notification was sent to HBA, developers and Porter Vista Public Utilities on or before April 15, 2019. Most of the fees in Exhibit "H" Connection Fees were in effect before January 1, 1989, (the effective date of the Mitigation Fee Act) and have only been increased by the Engineering News-Record 20 City Construction Cost Index. The fees subject to the Act, that were adopted or increased after its effective date, were adopted or increased in accordance with those regulations. Again this year, City staff is giving notice for the fees covered by the Mitigation Fee Act. The applicable fees are attached to City Council's packet as Exhibit "A" and Exhibit "H".

The fee adjustment (2.46%) are shown in the attached Exhibit "A" Park Impact Fees and Exhibit "H" Connection Fees and will go into effect on July 1, 2019.

RECOMMENDATION: That City Council set a Public Hearing for June 4, 2019, pursuant to Government Code Section 66026, for consideration to implement the City of Porterville's Impact Fee ENR Cost Index auto escalator.

ATTACHMENTS:

1. Exhibit A - Park Impact Fees
2. Exhibit H - Connection Fees

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

EXHIBIT 'A'

PARK IMPACT FEES ◇

	Effective Date <u>07/01/18</u>	Effective Date <u>07/01/18*</u>
1. Single Family (RS-1 & RS-2) Δ	\$829	\$849
2. Multiple Family Per Unit Δ	\$643	\$659
3. Mobile Homes Δ	\$465	\$476

To be increased annually by the Engineering News Record Construction Cost Index.

*MO #TBD – Based on ENR Index = 11227.88

MO #13-061918 - Based on ENR Index = 10958.79

MO #12-060617 – Based on ENR Index = 10277.64

MO #16-060716 - Based on ENR Index = 10242.09

MO #13-060215 Approved increase of all suspended years (17% total as compounded)

FY 2014/2015 No report sent to City Council

MO #16-040213 Fee increase suspended for one year

MO #09-041712 Fee increase suspended for one year

MO #13-041911 Approved suspending impact fees for 2011/2012

MO #20-040610 Fee increase suspended for one year

Δ Resolution #2-99 (Establishing ENR Annual Adjustment)

◇ Fees Covered by the Mitigation Fee Act

Revised – 2018-05-04

EXHIBIT 'H'
CONNECTION FEES

		EFFECTIVE DATE	
	<u>TRUNK LINE SEWER FEES</u>	7/1/18	7/1/19*
1.	Hillside Development - per acre (Δ 142-02) ◇ _	\$1,234	\$1,264
2.	Single Family (RS-1 & RS-2) - per acre (Δ 94-90)	\$2,314	\$2,371
3.	Duplex (RM-1) - per acre (Δ 94-90)	\$5,374	\$5,506
4.	Multiple Family (RM-2 & RM-3) - per acre (Δ 94-90)	\$12,537	\$12,845
5.	Institutional - per acre**(Δ 94-90)	\$871	\$892
6.	Commercial & Professional Office - per acre**(Δ 94-90)	\$3,267	\$3,347
7.	Industrial - per acre**(Δ 94-90)	\$13,948	\$14,290

		EFFECTIVE DATE	
	<u>TREATMENT PLANT FEES</u>	7/01/18	7/01/19*
1.	Single Family and Multiple Family - per unit (Δ 67-03)	\$3,792	\$3,885
2.	Commercial and Industrial - per sewer connection (Δ 67-03)	\$13.55 (per gpd) (\$3,792)	\$13.88 (per gpd) (\$3,885)

		EFFECTIVE DATE	
	<u>SEWER CONNECTION CHARGES</u>	7/01/18	7/01/19*
1.	Six Inch or Smaller - per foot	\$12.50	\$12.81
2.	Eight Inch - per foot	\$16.40	\$16.80

		EFFECTIVE DATE	
	<u>WATER TRUNK FEES</u>	7/01/18	7/01/19*
1.	Hillside Development - per acre (Δ 142-02) ◇ _	\$1,816	\$1,861
2.	Single Family (RS-1 & RS-2) - per acre (Δ 93-90)	\$3,786	\$3,879
3.	Duplex (RM-1) - per acre (Δ 93-90)	\$9,478	\$9,711
4.	Multiple Family (RM-2 & RM-3) - per acre (Δ 93-90)	\$22,128	\$22,671
5.	Institutional**(Δ 93-90)	\$2,471	\$2,532
6.	Commercial and Professional Office - per acre**(Δ 93-90)	\$2,846	\$2,916
7.	Commercial Crop Cultivation – per acre**(Ord. 1813) D	\$711	\$728
7.	Industrial - per acre**(Δ 93-90)	\$21,855	\$22,392

		EFFECTIVE DATE	
	<u>WATER CONNECTION FEE</u>	7/01/18	7/01/19*
1.	Connection Charges - per foot	\$10.68	\$10.94

		EFFECTIVE DATE	
	<u>STREET LIGHT FEES</u>	7/01/18	7/01/19*
1.	Multiple Family - per foot	\$3.24	\$3.32
2.	Commercial/Industrial - per foot	\$4.09	\$4.19

<u>STORM DRAINAGE FEES</u>		EFFECTIVE DATE	
		7/01/18	7/01/19*
1.	Single Family (RS-1 & RS-2) - per acre (inc. Hillside Dev.) (Δ 95-90)	\$6,237	\$6,390
2.	Duplex (RM-1) - per acre (Δ 95-90)	\$8,319	\$8,523
3.	Multiple Family (RM-2 & RM-3) - per acre (Δ 95-90)	\$12,482	\$12,788
4.	Commercial, Industrial & Institutional - per acre (Δ 95-90)	\$16,635	\$17,043

<u>FIRE HYDRANT FEES</u>		EFFECTIVE DATE	
		7/01/18	7/01/19*
1.	Multiple Family - per foot	\$4.24	\$4.34
2.	Commercial/Industrial - per foot	\$6.27	\$6.42

<u>TRANSPORTATION IMPACT FEES</u> ◇ _		EFFECTIVE DATE	
		7/01/18	7/01/19*
1.	Single Family (RS-1 & RS-2) per unit (Δ 50-98)	\$1,334	\$1,367
2.	Multiple Family (per unit) (Δ 50-98)	\$902	\$924
3.	General Office/ Institutional (per 1,000 sq ft of gross floor) (Δ 50-98)	\$3,433	\$3,518
4.	Commercial (per 1,000 square feet of gross floor area) (Δ 50-98)	\$6,531	\$6,691
5.	Light Industrial (per 1,000 square feet of gross floor area) (Δ 50-98)	\$974	\$997

<u>FRONTAGE IMPROVEMENT VALUATION THRESHOLD</u>		EFFECTIVE DATE	
		7/01/18	7/01/19*
1.	Frontage Improvements are required when the Building Permit valuation is over ◆ (Beginning 2/19/04 - over a two-year period)	\$23,714	\$24,296

*MO # TBD – Based on ENR Index = 11227.88

MO #13-061918 - Based on ENR Index = 10958.79

MO #12-060617 - Based on ENR Index = 10277.64

MO #16-060716 - Based on ENR Index = 10242.09

MO #13-060215 Approved increase of all suspended years (17% total as compounded)

FY 2014/2015 No report sent to City Council

MO #16-040213 Fee increase suspended for one year

MO #09-041712 Fee increase suspended for one year

MO #13-041911 Fee increase suspended for one year

MO #20-040610 Fee increase suspended for one year

Δ Resolution Establishing ENR Annual Adjustment

◆ Ordinance No. 1644 dated 2-19-04 (includes Annual Adjustment by ENR)

◇ Fees Covered by the Mitigation Fee Act

**Institutional, Commercial and Industrial water and sewer trunk line fees will be collected based upon the amount stated above, but shall be adjusted after monitoring of actual usage to the following fees:

Water - \$192.08 per 100 GPD of actual average demand (adjusted annually by the ENR Construction Cost Index).

Sewer - \$163.26 per 100 GPD of actual daily flow (adjusted annually by the ENR Construction Cost Index).



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Approval of SB1 Project List for Fiscal Year 2019/2020

SOURCE: Public Works

COMMENT: In April of 2017, the Legislature passed and the Governor signed Senate Bill 1 (SB1), which was enacted to address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system.

The new legislation created new funding into the Road Maintenance and Rehabilitation Account (RMRA), which will be made available for local streets and roads projects prioritized for expenditure on basic road maintenance and rehabilitation projects. RMRA funding must be used for projects “that include, but are not limited to,” the following:

- a. Road maintenance and rehabilitation
- b. Safety projects
- c. Railroad grade separations
- d. Traffic control devices
- e. Complete streets components, including "active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project

RMRA funds may also be used to satisfy a match requirement in order to obtain state or federal funds for eligible projects.

Local agencies are required to submit a yearly project list to the California Transportation Commission (CTC) to show where RMRA funds will be spent. The project list must be approved by Resolution through the agency's governing body. Failure to submit a project list will cause the City to lose that year's apportionment. The City will submit an annual report of completion to the CTC to show that RMRA funds were spent properly.

The City can expect to receive approximately \$1,000,000 of RMRA funds per fiscal year, which for fiscal year 2019/2020, the City is expected to receive an apportionment of \$1,006,306. To receive the RMRA allocation, the City is required to sustain a Maintenance of Effort (MOE) by spending at least the annual average of its General Fund expenditures for streets and transportation purposes during the 2009/2010, 2010/2011, and 2011/2012 fiscal years. The MOE amount required to be spent by the City of Porterville each fiscal year to receive its RMRA funds apportionment is \$693,653.

For FY 2019/2020, staff recommends that RMRA funds be allocated to the projects listed in the attached Resolution as their designs are nearing completion and will be ready to construct between spring and summer 2020, which include: 1) Reconstruction of Henderson Avenue between 2nd and Plano Streets; 2) Rehabilitation of Henderson Avenue between Balmayne and Patsy Streets; and 3) Reconstruction of Newcomb Street between Olive and Morton Avenues (Porter Slough). All three (3) projects listed were previously included, along with two (2) other projects, in the 2018/2019 RMRA project list; project costs, project timing, and the amount of RMRA funding available each year, it is more accurate to list these projects in the 2019/2020 FY.

RECOMMENDATION: That the City Council:

1. Accept staff's recommendation and adopt the Resolution for the SB1 project list for Fiscal Year 2019/2020;
2. Authorize the City Clerk to record the attached Resolution; and
3. Authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2019/2020 RMRA apportionment.

ATTACHMENTS:

1. RMRA FY 2019-2020 Estimate per City
2. Draft Resolution
3. Locator Map - Henderson Avenue between Second and Plano
4. Locator Map - Henderson Avenue between Patsy and Balmayne
5. Locator Map - Newcomb Street between Olive and Morton

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Local Streets and Roads - Projected FY2019-20 Revenues

Based on State Dept of Finance statewide revenue projections as of January 2019

Estimated 15 January 2019

Based on State Dept of Finance statewide revenue projections as of January 2019						SB1		TOTAL	
Estimated <u>15 January 2019</u>	Highway Users Tax Acct (HUTA) ⁽¹⁾ Streets & Highways Code					TOTAL HUTA	TCRF Loan Repayment ⁽⁶⁾		Road Maintnc Rehab Acct ⁽⁷⁾
	Sec2103 ⁽⁵⁾	Sec2105 ⁽³⁾	Sec2106 ⁽³⁾	Sec2107 ⁽³⁾	Sec2107.5 ⁽⁴⁾				
SONOMA COUNTY									
CLOVERDALE	77,901	50,814	36,989	66,727	2,000	234,432	10,300	151,183	395,915
COTATI	65,808	42,926	31,992	56,368	2,000	199,093	8,701	127,712	335,507
HEALDSBURG	102,865	67,098	47,305	88,109	3,000	308,377	13,601	199,629	521,607
PETALUMA	534,818	348,859	225,791	458,102	7,500	1,575,070	70,716	1,037,920	2,683,706
ROHNERT PARK	371,835	242,545	158,445	318,497	6,000	1,097,322	49,166	721,618	1,868,106
SANTA ROSA	1,522,272	992,968	633,815	1,303,911	10,000	4,462,966	201,282	2,954,268	7,618,516
SEBASTOPOL	66,405	43,315	32,239	56,879	2,000	200,838	8,780	128,871	338,489
SONOMA	97,142	63,365	44,940	83,208	3,000	291,654	12,845	188,523	493,022
WINDSOR	239,316	156,104	103,687	204,987	6,000	710,094	31,643	464,439	1,206,176
STANISLAUS COUNTY									
CERES	412,158	268,848	162,738	353,037	6,000	1,202,781	54,497	799,874	2,057,153
HUGHSON	65,995	43,048	30,089	56,529	2,000	197,661	8,726	128,077	334,464
MODESTO	1,839,574	1,199,943	709,720	1,575,698	10,000	5,334,935	243,237	3,570,055	9,148,227
NEWMAN	100,647	65,652	43,368	86,210	3,000	298,877	13,308	195,326	507,511
OAKDALE	198,924	129,757	81,027	170,389	5,000	585,096	26,303	386,050	997,449
PATTERSON	193,423	126,168	78,919	165,677	5,000	569,187	25,575	375,375	970,137
RIVERBANK	215,299	140,438	87,302	184,415	6,000	633,454	28,468	417,829	1,079,751
TURLOCK	637,350	415,740	249,031	545,926	7,500	1,855,547	84,273	1,236,904	3,176,724
WATERFORD	78,029	50,898	34,701	66,836	2,000	232,464	10,317	151,431	394,212
SUTTER COUNTY									
LIVE OAK	74,891	48,851	33,554	64,148	2,000	223,443	9,902	145,340	378,685
YUBA CITY	573,812	374,294	225,111	491,501	7,500	1,672,218	75,872	1,113,594	2,861,684
TEHAMA COUNTY									
CORNING	65,355	42,631	30,479	55,981	2,000	196,446	8,642	126,835	331,923
RED BLUFF	120,050	78,308	51,970	102,830	3,000	356,158	15,874	232,981	605,012
TEHAMA	3,667	2,392	6,241	3,141	1,000	16,442	485	7,117	24,044
TRINITY COUNTY									
TULARE COUNTY									
DINUBA	212,135	138,374	78,784	181,705	5,000	615,998	28,049	411,689	1,055,736
EXETER	95,257	62,136	38,022	81,593	3,000	280,008	12,595	184,865	477,468
FARMERSVILLE	97,594	63,660	38,837	83,595	3,000	286,686	12,904	189,400	488,990
LINDSAY	112,255	73,223	43,950	96,153	3,000	328,581	14,843	217,853	561,276
PORTERVILLE	518,528	338,233	185,642	444,148	7,500	1,494,052	68,562	1,006,306	2,568,920
TULARE	562,741	367,073	201,062	482,019	7,500	1,620,395	74,408	1,092,110	2,786,913
VISALIA	1,162,003	757,967	410,060	995,320	10,000	3,335,349	153,645	2,255,094	5,744,089
WOODLAKE	66,405	43,315	27,959	56,879	2,000	196,558	8,780	128,871	334,210
TUOLUMNE COUNTY									
SONORA	41,816	27,276	31,242	35,818	1,000	137,153	5,529	81,153	223,835

RESOLUTION NO. _____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS: Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS: SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Porterville, hereinafter referred to as the “City”, are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS: the “City” must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

WHEREAS: the “City”, will receive an estimated \$1,006,306 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS: this is the third year in which the “City” is receiving SB 1 funding and will enable the “City” to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS: the “City” has undergone a robust public process to ensure public input into our community’s transportation priorities/the project list; and

WHEREAS: the “City” used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS: the funding from SB 1 will help the “City” maintain and rehabilitate 216 streets/roads, 16 bridges, and active transportation infrastructure throughout the “City” this year and hundreds of similar projects into the future; and

WHEREAS: the 2018 California Statewide Local Streets and Roads Needs Assessment found that the “City’s” streets and roads are in an “at higher risk” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into an “at lower risk” to “good” condition; and

WHEREAS: the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The foregoing recitals are true and correct.
2. The following previously proposed and adopted projects will utilize fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the “City” is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:
 - a. Henderson Avenue Reconstruction Project
Originally listed in the 2018-2019 list of projects
Reconstruction of roadway section of four-lane arterial roadway, 0.35 miles in length and 64 feet of width
Located between Second Street and Plano Street
Estimated Useful Life between 15-20 years
Revised Anticipated Year of Construction is spring 2019
 - b. Henderson Avenue Rehabilitation Project
Originally listed in the 2018-2019 list of projects
Rehabilitation of asphalt surface of four-lane arterial roadway, 0.5 miles in length and 64 feet of width
Located between Balmayne Drive and Patsy Street
Estimated Useful Life between 15-20 years
Revised Anticipated Year of Construction is spring 2019
 - c. Newcomb Street Reconstruction Project
Originally listed in the 2018-2019 list of projects
Reconstruction of roadway section of four-lane arterial roadway, 0.5 miles in length and 64 feet of width
Located between Olive Avenue and Morton Avenue

Estimated Useful Life between 15-20 years

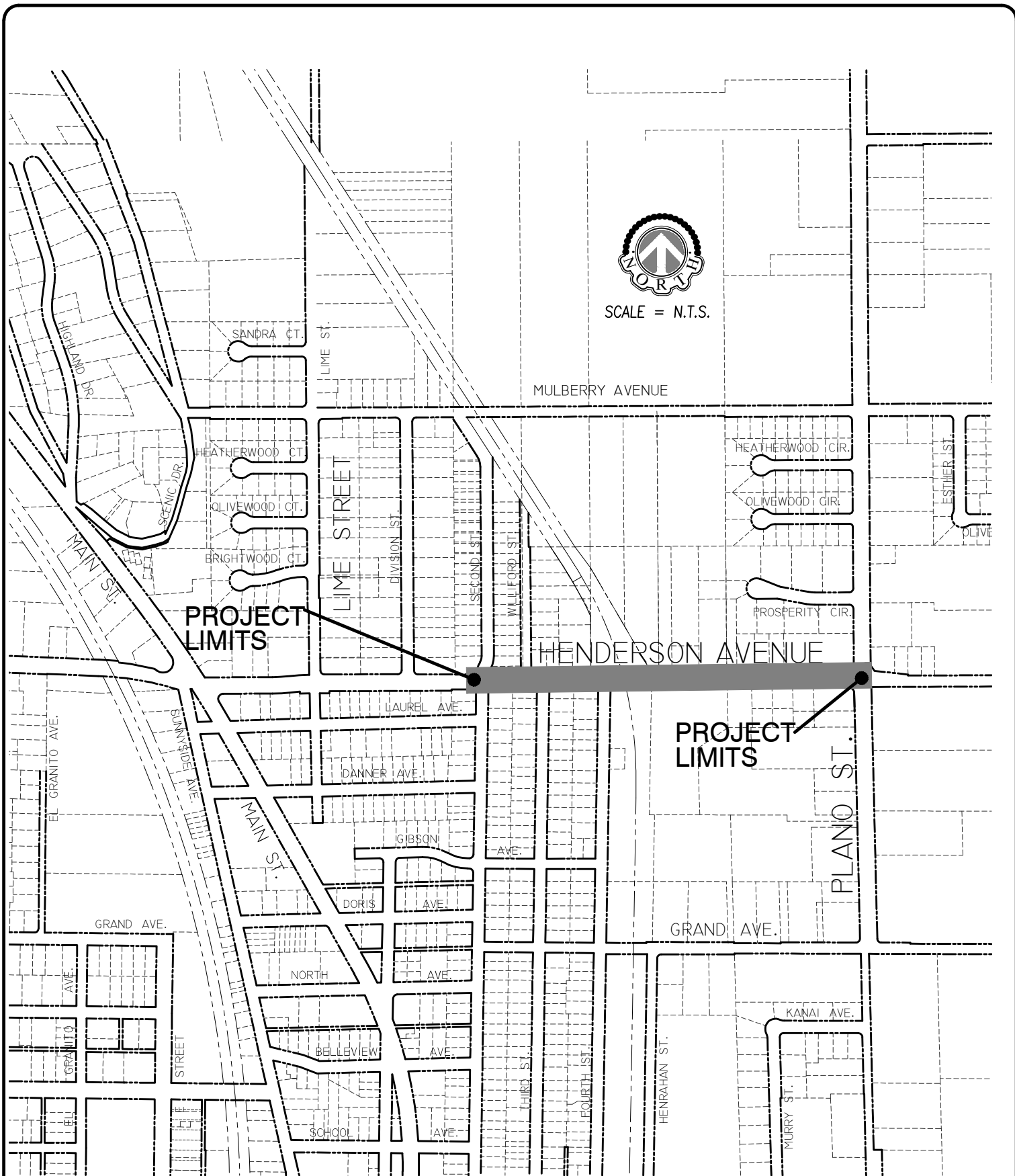
Revised Anticipated Year of Construction is spring 2019

PASSED, APPROVED, and ADOPTED this 16th day of April, 2019.

Martha A Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



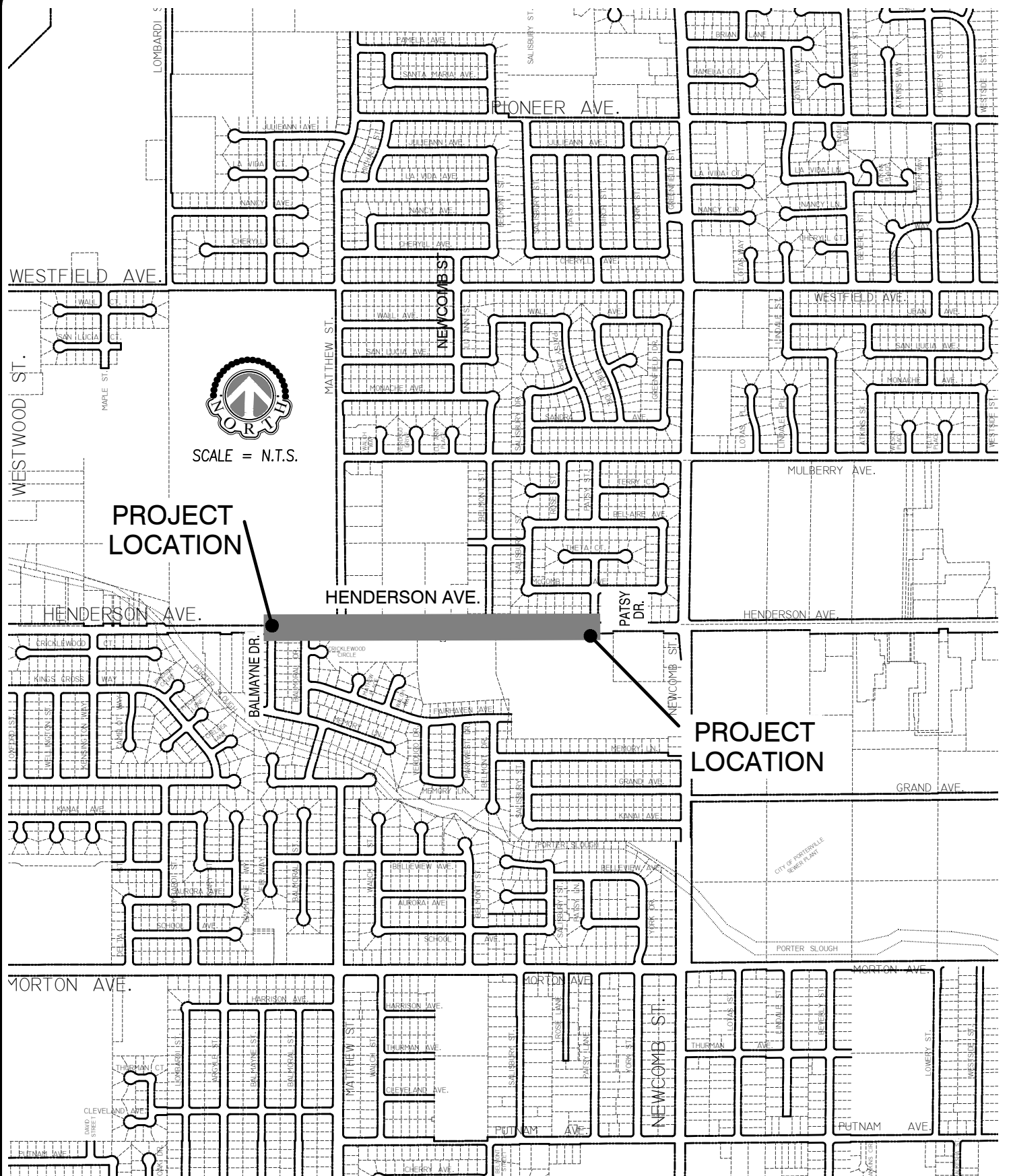
CITY OF PORTERVILLE

ENGINEERING DIVISION

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

HENDERSON AVENUE RECONSTRUCTION PROJECT

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



CITY OF PORTERVILLE
ENGINEERING DIVISION

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

**HENDERSON AVENUE
 REHABILITATION
 PROJECT – PATSY TO
 BALMAYNE**

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

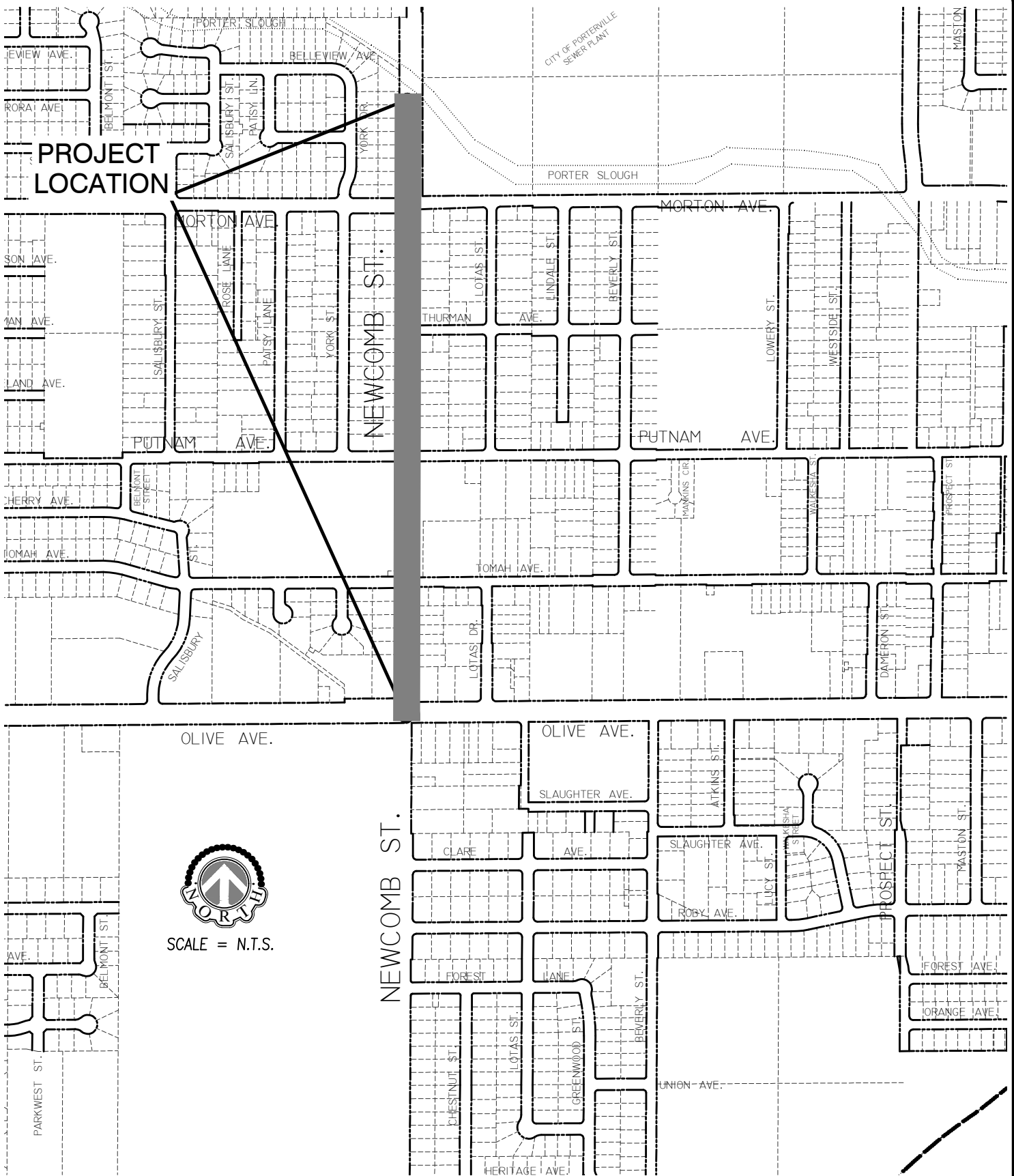


EXHIBIT "B"

CITY OF PORTERVILLE

ENGINEERING DIVISION

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

NEWCOMB STREET
INFRASTRUCTURE/
REHABILITATION
PROJECT

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



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Assignment of Airport Lease - Lot 46A

SOURCE: Finance

COMMENT: The Estate of Robert Baranek and its Administrator, Mr. Jeff Baranek, current leaseholder of Lot 46A, have decided to keep the hangar in the family and are requesting the transfer of the lease to Ms. Janelle Abiog. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Robert and Judith Baranek commencing April 16, 2019, and expiring on June 30, 2022.

RECOMMENDATION: That the City Council approve the Assignment of the Airport Lease for Lot 46A between the City of Porterville and the Estate of Robert Baranek to Ms. Janelle Abiog; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

ATTACHMENTS:

1. Locator Map
2. Assignment of Lease
3. Lessor's Consent to Assignment of Lease
4. Letter of Request from Ms. Abiog

Appropriated/Funded:

Review By:

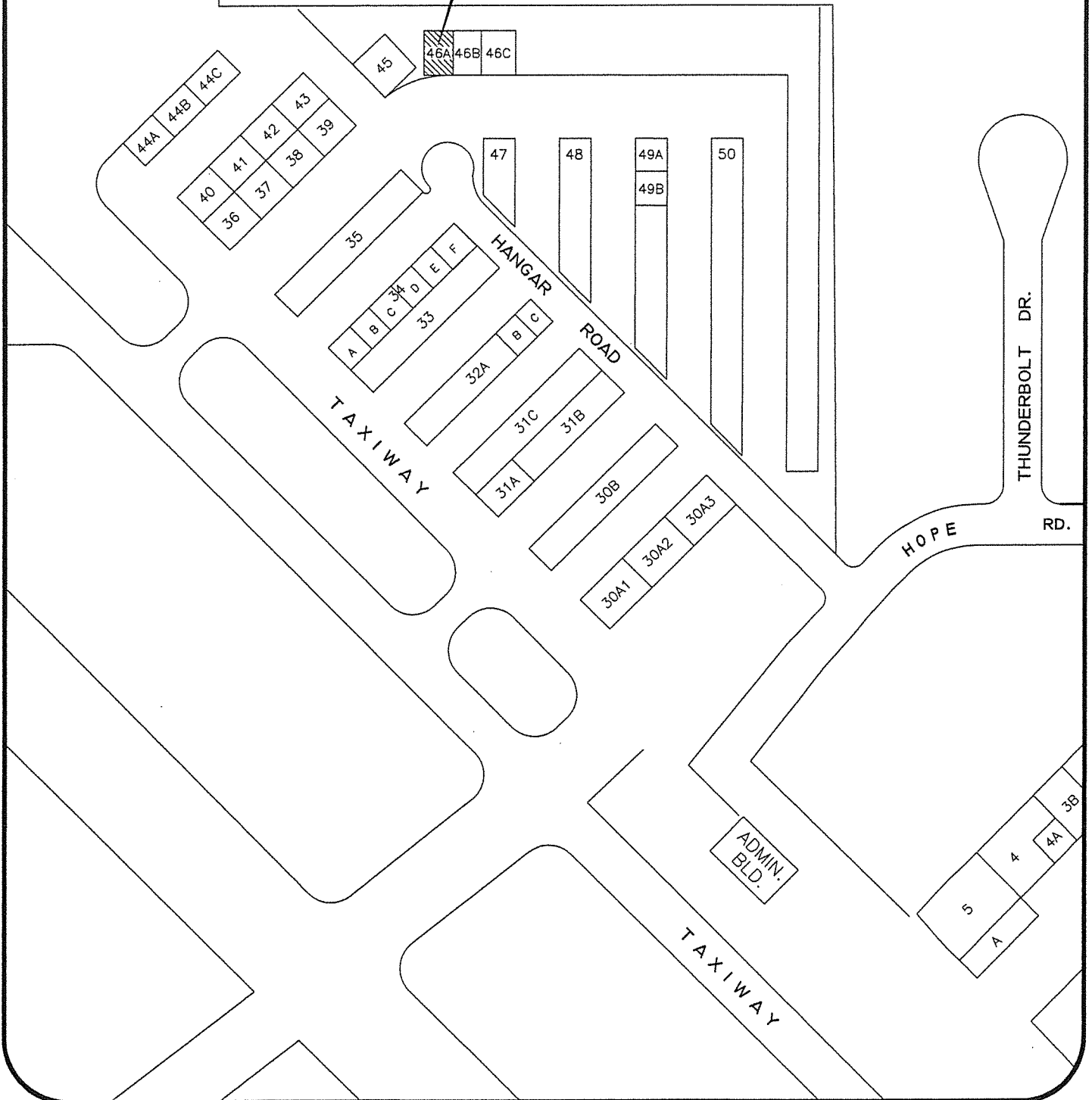
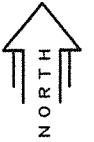
Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES

SUBJECT LOCATION



**ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT**

THIS AGREEMENT, made this 16th day of April, 2019, by and between the Estate of Robert Baranek and its Administrator, Jeff Baranek, 459 Sunnyside Street, Porterville, CA, owner of a hangar on Lot 46A at the Porterville Municipal Airport, as the Assignor, and Janelle Abiog, 1462 Shelley Lane, Porterville, CA, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective April 16, 2019, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated July 1, 2007 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Robert and Judith Baranek, as the Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

Airport hangar Lot No. 46A, containing a total area of approximately 3,220 square feet, and establishing a Lease terminating on June 30, 2022.

2. Effective April 16, 2019, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

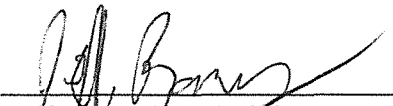
3. Upon execution of this Assignment of Lease and Landlord's consent hereto, the parties' Noticed Address shall be as set forth herein above. The parties further understand there is a \$150 assignment fee, payable to the City of Porterville, and the Assignee must provide proof of aircraft and hangar owner's liability insurance within thirty (30) days of Council approval.

4. Assignor hereby covenants said Lease as valid and existing and hereby warrant that Assignor is not in default as of the date of this Assignment.

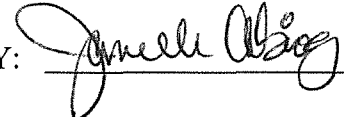
5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:
ESTATE OF ROBERT BARANEK

BY: 
Jeff Baranek, Administrator

ASSIGNEE:
JANELLE ABIOG

BY: 

**LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 46A**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 46A, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 16th day of April, 2019.

CITY OF PORTERVILLE

BY: _____
Martha A. Flores
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST: _____
John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: _____
Julia Lew, City Attorney

[Unverified Sender] Lot 46A lease transfer request

Janelle Abiog <jabiog@att.net>

Tue 4/9/2019 8:02 AM

To: Janie Rodriguez <jrodriguez@ci.porterville.ca.us>

April 8, 2019

Dear Porterville City Council,

I am writing to request a transfer of lease for Hanger on Lot 46A. My father Robert Baranek and mother Judith Baranek are both deceased. In settling my father's estate, I wish to have the Hanger on Lot 46A stay within the family and be assumed by myself, Janelle Abiog (Baranek). Thank you for your time and attention to this matter.

Sincerely,
Janelle Abiog

Sent from my iPhone

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Approval for Community Civic Event - Porterville Breakfast Rotary - 18th Annual Cancer Center 5K Run/Walk - May 4, 2019 2019

SOURCE: Finance

COMMENT: Porterville Breakfast Rotary is requesting approval to hold their annual 5K Cancer Center Run/Walk on Saturday, May 4, 2019, from 8:00 a.m. to 11:00 a.m. The 5K run/walk will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures have been requested.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application and agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in Application and Agreement, Exhibit A and Exhibit B.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: Patrice Hildreth, Administrative Services Dir

4/16/19

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 2/28/19 Event date: 5/4/19
3/29/19 Event time: 8 Am
Name of Event: Porterville Breakfast Rotary Cancer Center Run/Walk

Sponsoring organization: PBRC Phone #
Address: P.O. Box 149
Authorized representative: Jenni Byers Phone #
Address:
Event chairperson: Jenni Byers Phone # 782-7460

Location of event Granite Hills High School
(Location map must be attached)

Type of event: 5k Run/Walk

Non-profit organization status: 501c3 91-1797687 BL# 004608
(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): _____ Street sweeping Yes ☒ No _____
Police protection Yes ☒ No _____ Refuse pickup Yes _____ No ☒
Other: 100 Cones, Signal Control; Police Escort

Parks facility application required: Yes _____ No ☒ Attached _____
Assembly permit required: Yes _____ No ☒ Attached _____

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted **NO LESS THAN 30 DAYS PRIOR** to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.* (Ordinance 15-20(e) 18)

JB Authorized Representative Initial

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

JB Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

JB Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

JB Authorized Representative Initials

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

JB Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

(PBRC) Porterville Breakfast Rotary	<u>JB</u> <u>Boyer</u>	2/27/19
(Name of Organization)	(Signature)	(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Location: Granite Hills High School Event date: 5/4/19 Event time: 8:00 Am

[illegible]

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: PBRC Cancer Center Run/Walk

Sponsoring organization: PBRC

Event date: 5/4/19 Hours: 6am to 11am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
Putnam			5k Run/Walk
Olive			
Crestview			
Morton			
Conner			
Sidewalks	From	To	Activity
Putnam			
Olive			
Crestview			
Morton			
Conner			
Parking lots and spaces	Location	Activity	
GH High School		Participant parking	

Requirements for Community Civic Event
Porterville Breakfast Rotary
18th Annual Cancer Center 5K Run/Walk
May 4, 2019

Finance Director:
M. Bemis

City Engineer:
J. Sanchez

Community Development Manager:
J. Phillips

Field Services Manager:
M. Knight

Please coordinate pick up and return of traffic cones, signal control and street sweeping with Wyndi Ferguson at 555 N. Prospect Street, 559-782-7518.

Fire Marshal:
M. Sandoval

No comments.

Parks and Leisure Services Director:
D. Moore

No comments.

Police Lieutenant:
J. Mannis

See Conditions/Requirements for Special Event in Exhibit B.

Administrative Services Director:
P. Hildreth

See attached Exhibit A, page 2.
All participant must sign a waiver of liability which also includes releasing the City of Porterville and Successor Agency to the Porterville Redevelopment Agency from all liability.

Requirements for Community Civic Event

Sponsor: Porterville Breakfast Rotary
Event: 18th Annual Cancer Center 5K Run/Walk
Event Chairman: Jenni Byers
Location: Granite Hills High School
Date of Event: May 4, 2019
Time of Event: 8:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Breakfast Rotary provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

PORTERVILLE POLICE DEPARTMENT

Conditions/Requirements for Special Event

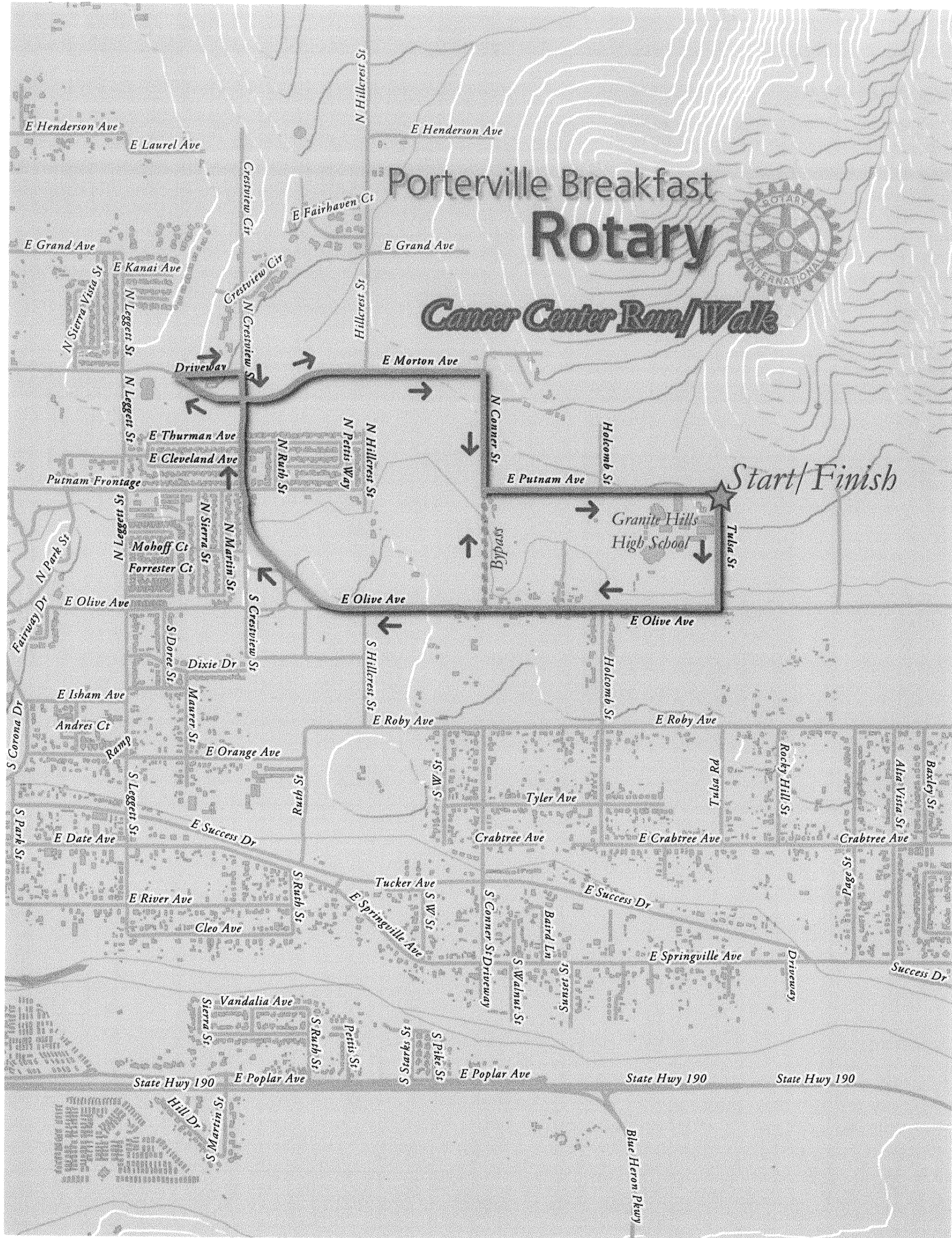
Porterville Breakfast Rotary Cancer Run May 4th, 2019

- ▶ Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- ▶ Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- ▶ Event staff on the race route should wear highly visible attire.
- ▶ Participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- ▶ Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and/or assistance, with the goal of ensuring a safe event. Please contact Sergeant Carl Jordan at 782-7400 if you have any questions or require further assistance.

Josh Maniss, Lieutenant
Porterville Police Department

Exhibit B

Start/Finish



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:

Terri Byers Address on Record

2 Address where amplification equipment is to be used:

GA High School 1701 E. Putnam

3 Names and addresses of all persons who will use or operate the amplification equipment:

4 Type of event for which amplification equipment will be used:

5K Run/Walk

5 Dates and hours of operation of amplification equipment:

May 4, 2019 6am to 11am

6 A general description of the sound amplifying equipment to be used:

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 of the occupants of nearby residences.

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.

Terri Byers
Signature of Applicant

2/29/19
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.

A. Morris # 1121
City of Porterville, Chief of Police/Designee

3-29-19
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita
	PHONE (A/C, No, Ext): 1-833-3ROTARY FAX (A/C, No): 630-285-4062
	E-MAIL ADDRESS: rotary@ajg.com
	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Lexington Insurance Company 19437
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

INSURED
All Active US Rotary Clubs & Districts

ATTN: Risk Management Dept.
1560 Sherman Ave.
Evanston, IL 60201-3698

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			015375594	7/1/2018	7/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☐ N / A			NOT APPLICABLE			PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

City of Porterville
Successor Agency to the Porterville Redevelopment Agency
291 N. Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

ENDORSEMENT # 021

This endorsement, effective 12:01 AM 07/01/2018

Forms a part of policy no.: 015375594

Issued to: US ROTARY CLUBS & DISTRICTS
C/O ROTARY INTERNATIONAL

By: LEXINGTON INSURANCE COMPANY

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

(Based on CG2026 04/13)

This endorsement modifies insurance provided by the following:

COMMERCIAL GENERAL LIABILITY POLICY

SCHEDULE

Name of Additional Insured Person(s) or Organization(s)

City of Porterville and Successor Agency to the
Porterville Redevelopment Agency
291 N. Main Street
Porterville, CA 93257
RE: Porterville Breakfast Rotary - Porterville Breakfast
Rotary Career Center Run/Walk 5/4/19

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

A. **Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance**:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations

All other terms and conditions of the policy remain the same.



Authorized Representative



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Approval for Community Civic Event - Promoting Self Worth (PSW) - Porterville High School Alumni Association - Rally Wagon 5K Fun Run and Walk - May 19, 2019

SOURCE: Finance

COMMENT: Promoting Self Worth (PSW) and the Porterville High School Alumni Association are requesting approval to hold a 5K run and walk at the Porterville Sports Complex on Sunday, May 19, 2019, from 7:30 a.m. to 2:00 p.m. No street closures have been requested.

This application is submitted in accordance with Community Civic Events Ordinance No. 1326, as amended and has been routed according to the Ordinance regulations and reviewed by all the Departments involved. All requirements are listed on the attached copy of the Application and Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from Promoting Self Worth (PSW) and Porterville High School Alumni Association subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

todd pixler 1966 a pac bell net

4/16/19

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? Yes E-mail address? yes Website? _____
Application date: March 21, 2019 Event date: May 19, 2019
Event time: 12:30 a.m - 2 pm

Name of Event: Rally Wagon 5K Fun Run & Walk

PORTERVILLE
Sponsoring organization: Sheltered Workshop Phone # 559-784-1399

Address: 187 W. Olive Ave, Porterville, CA 93257

Authorized representative: Ron Killingsworth Phone # 559-784-1399 x 1004

Address: 187 W. Olive St. Porterville, CA 93257

Event chairperson: Todd Pixler Phone # 559-920-3611

Location of event Porterville Sports Complex
(Location map must be attached)

Type of event: This is a 5K fun run and walk as a fundraiser for the Porterville High School Alumni Association

Non-profit organization status: ABL # 1095

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): none Street sweeping Yes _____ No ☒

Police protection Yes _____ No ☒ Refuse pickup Yes _____ No ☒

Other: _____

Parks facility application required: Yes ☒ No _____ Attached ☒ pd

Assembly permit required: Yes _____ No ☒ Attached _____

STAFF COMMENTS (list special requirements or conditions for event):

Appr. _____ Deny _____

_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval. The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)

 Authorized Representative Initial

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

____ Authorized Representative Initials

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

____ Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 Authorized Representative Initials

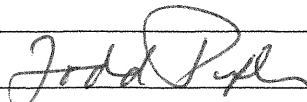
Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

 Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

PHS Alumni Association

(Name of Organization)



(Signature)

(Date)

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Location: Porterville Sports Complex Event date: May 19 Event time: 7:30

<u>Vendor name</u>	<u>Address/Telephone</u>	<u>Business License required?</u>	<u>Type of Activity</u>
<i>None</i>			

The nonprofiting sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Sponsoring organization: _____

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

4 of 4

Requirements for Community Civic Event

Sponsor: Porterville Sheltered Workshop
Event: Rally Wagon 5K Fun Run and Walk
Event Chairman: Todd Pixler
Location: Porterville Sports Complex
Date of Event: May 19, 2019
Time of Event: 7:30 a.m. to 2:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville High School Alumni Association provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted" insurer in the State of California.

PORTERVILLE POLICE DEPARTMENT

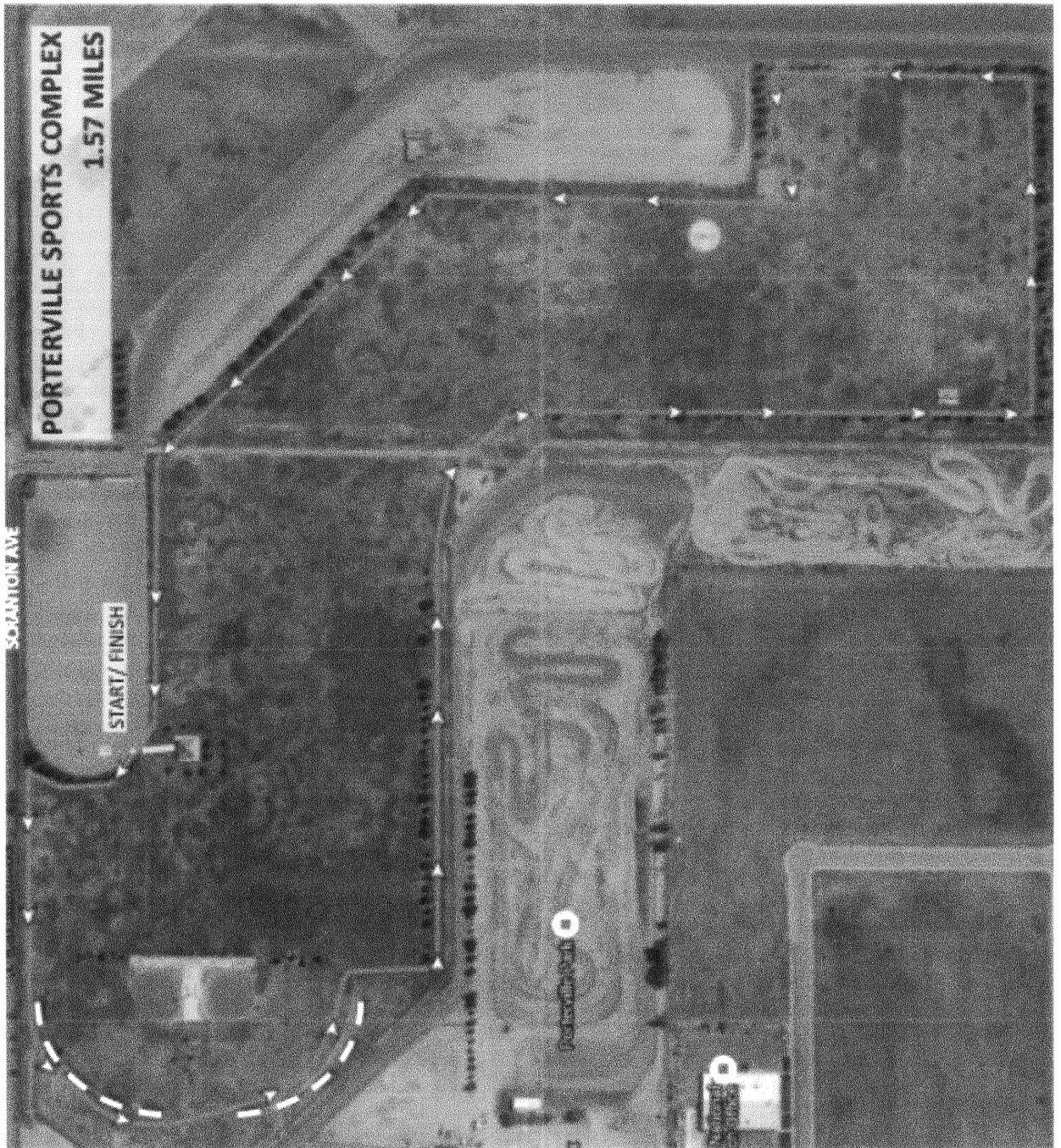
Conditions/Requirements for Special Event

**Rally Wagon 5k Fun Run & Walk
Porterville Sports Complex
May 19, 2019 from 7:30am-2:00 pm**

- ▶ Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- ▶ Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- ▶ Event staff on the race route should wear highly visible attire.
- ▶ For everyone's safety, all participants should be directed to stay away from the side of the roadways and not disrupt the normal flow of traffic.
- ▶ Event organizers should contact the Police Department Watch Commander well in advance of the event to make any special requests not listed above. Watch Commander Lieutenants Brian Nix, Mark Azevedo and/or Richard Standridge can be reached at (559) 782-7410.

Josh Maniss, Lieutenant
Porterville Police Department

Exhibit B



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



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

1 Name and home address of the applicant: _____

2 Address where amplification equipment is to be used: _____

3 Names and addresses of all persons who will use or operate the amplification equipment: _____

4 Type of event for which amplification equipment will be used: _____

5 Dates and hours of operation of amplification equipment: _____

6 A general description of the sound amplifying equipment to be used: _____

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 of the occupants of nearby residences.

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

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

Date

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/15/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SHEL Risk Purchasing Group 306 Main Street Worcester, MA 01608	CONTACT NAME: Chris Price	
	PHONE (A/C, No, Ext): 6173985557	FAX (A/C, No):
	E-MAIL ADDRESS: Chris.Price@espspecialty.com	
INSURED PHS Alumni Association 159 N Larson Porterville, CA 93257 A Member of SHEL Risk Purchasing Group	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Houston Casualty Company	
	NAIC # 42374	
	INSURER B :	
	INSURER C :	
	INSURER D :	
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	197008728	05/18/2019	05/20/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	EXCESS MEDICAL		197008728	05/18/2019	05/20/2019	SEE REMARKS

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Participant Excess Accident Medical

Per Accident \$25,000

Deductible \$250.00

Participant Legal Liability \$1,000,000

(See Attached Descriptions)

CERTIFICATE HOLDER

CANCELLATION

City of Porterville
291 N Main St.
Porterville, CA 93257

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Proton H. H. H.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

City of Porterville

291 N Main St.

Porterville, CA 93257

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Request for Proclamation - Freedom Days in Porterville - June 14 through July 4, 2019

SOURCE: Administrative Services

COMMENT: At its meeting of October 1, 2013, the City 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 a Member of Council, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

The Porterville Flag Day Committee has requested that the Council consider approval of a Proclamation to proclaim the period between June 14 and July 4, 2019, as "Freedom Days in Porterville." Mayor Flores is sponsoring this Proclamation request. If approved, the applicants request that the Proclamation be presented at the Flag Day Ceremony on June 14.

RECOMMENDATION: That the City Council consider approval of the request to proclaim the period between June 14 and July 4, 2019, as "Freedom Days in Porterville."

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



RECEIVED

APR 08 2019

CITY OF PORTERVILLE
CITY CLERK OFFICE

Date of Request: 4/4/19
Name of Event/Individual: Flag Day Celebration
-i.e. "Porterville Tourism Week", "Mr. John Doe"
Name of Sponsoring Organization: Flag Day Committee
Name of Contact Person: Dennis Shaffer /
Address: _____
Phone: 920-7087 FAX: _____
E-mail: bdentprg@aol.com
I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up
Date(s) of Event: June 14, 2019
Date of Council Meeting to be presented, if applicable: _____
(Council meets 1st and 3rd Tuesdays of each month.)
Individual or representative attending Council Meeting to receive proclamation:
Dennis Shaffer

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

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

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 4/8/19 Sponsored by: Flores Date: 4/8/19
Approved by Council: yes ☐ no ☐ Date: _____
Notification to Contact person done (date): _____ in writing ☐ by phone ☐
Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____
Comment: _____

WHEREAS: There is a three week period between Flag Day, June 14, 2019, and Independence Day, July 4, 2019; and

WHEREAS: The local patriotic activities during this period have grown to involve the support of several community based institutions, service clubs and community organizations; and

WHEREAS: These organizations consist of the Elks Lodge, Emblem Club, American Legion, American Legion Auxiliary, Old Glory Club, Grocery Outlet, 50 W. Olive LLC, M. D. Atkinson, Save-Mart Supermarkets, Porterville Chamber of Commerce, the Alta Mira Chapter of the Daughters of the American Revolution, Porterville Exchange Club, and the Porterville Recorder.

WHEREAS: These organizations form the Porterville Flag Day Committee; and

WHEREAS: It is the wish of the Porterville Flag Day Committee for the entire community to join with them in the events occurring during this period; and

WHEREAS: The Porterville Flag Day Committee encourages all citizens to display "OLD GLORY" each day from Flag Day to Independence Day, and to participate in the 38th Annual Flag Day Ceremony at 50 W. Olive Avenue, at 6:30 p.m. on June 14, 2019.

NOW, THEREFORE, I, , Mayor of the City of Porterville, on behalf of the City Council, do hereby proclaim the period between June 14 and July 4, 2017, as -

"FREEDOM DAYS IN PORTERVILLE"

and encourage all citizens to participate in the many patriotic activities scheduled during Freedom Days.

PROCLAIMED this th day of , 2019.

Martha E. Flores
Mayor

Brian E. Ward,
Vice Mayor

Milt Stowe
Council Member

Daniel Penalzoza
Council Member

Monte Reyes
Council Member



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: City Council Member Requested Agenda Item - Consider a Resolution of Support for the State's Safe and Affordable Drinking Water Fund Proposal

SOURCE: City Manager's Office

COMMENT: City Council Member Peñaloza has requested that the Council consider a Resolution of Support for the State's Safe and Affordable Drinking Water Fund Proposal, which is prescribed in SB 200 (Monning) and AB 217 (Garcia), as a Scheduled Matter at its next regularly scheduled meeting.

RECOMMENDATION: That the City Council approve Council Member Peñaloza's request to consider a Resolution of Support for the State's Safe and Affordable Drinking Water Fund Proposal as a Scheduled Matter at its next regularly scheduled meeting.

ATTACHMENTS:

1. Example Resolution of Support for Safe and Affordable Drinking Water Fund Proposal
2. SB 200 (Monning) Bill Text
3. AB 217 (Garcia) Bill Text

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____

A RESOLUTION OF THE _____ IN SUPPORT OF THE SAFE AND AFFORDABLE DRINKING WATER FUND PROPOSAL -- INCLUDING GOVERNOR NEWSOM'S BUDGET TRAILER BILL PROPOSAL, SB 200 (MONNING), AND AB 217 (GARCIA) -- WHICH WOULD ESTABLISH A NEW STATE SAFE AND AFFORDABLE DRINKING WATER FUND TO SUPPORT SHORT AND LONG-TERM DRINKING WATER SOLUTIONS AND PROGRAMS, SUCH AS TO SUPPORT OPERATIONS AND MAINTENANCE FUNDING FOR DRINKING WATER TREATMENT AND ADDRESS OTHER CRITICAL DRINKING WATER NEEDS.

WHEREAS, all Californians have a human right to safe and affordable drinking water for drinking, cooking and sanitation purposes; and

WHEREAS, drinking water safety and affordability issues affect California communities across the state; and

WHEREAS, the _____ recognizes the adverse health risks associated with lack of safe and affordable drinking water to its constituents, with children and the elderly being particularly at risk; and

WHEREAS, for years, the State Water Resources Control Board and other policymakers have called for the creation of a sustainable funding source to support safe and affordable drinking water programs, including to ensure public water systems can afford to operate and maintain drinking water treatment systems to address contaminated drinking water; and

WHEREAS, the lack of a reliable funding source for operations and maintenance drinking water treatment costs has meant many communities are either unable to afford the cost of drinking water treatment, or are forced to pass on burdensome drinking water costs to constituents who may then struggle to be able to afford their drinking water;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the _____ as follows:

1. The _____ affirms its support for a new Safe and Affordable Drinking Water Fund -- including Governor Newsom's budget trailer bill proposal, SB 200 and AB 217 -- that would provide both short term and long term programs and solutions for safe and affordable drinking water, including to help subsidize the high cost of operations and maintenance drinking water treatment costs.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the _____ at a regular meeting thereof held on the ____ day of ____, 2019, by the following

AYES:

NOES: _____

ABSENT: _____

ABSTAIN:

ATTEST:

_____, Clerk

By: _____

APPROVED AS TO FORM:

By: _____

I, _____, Clerk/Secretary of the _____, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the _____ on the date and by the vote indicated herein.

AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 200

Introduced by Senator Monning

(Principal coauthor: Assembly Member Eduardo Garcia)

January 31, 2019

An act to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of the Health and Safety Code, relating to ~~water~~, *water, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as amended, Monning. Safe and Affordable Drinking Water Fund.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are ~~available, upon appropriation by the Legislature, continuously appropriated to the board~~ board. *The bill would require the board to administer the fund to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants*

with projects relating to the provision of safe and affordable drinking water. The bill would require the board, working with a multistakeholder advisory group, to adopt a fund implementation plan and policy handbook with priorities and guidelines for expenditures of the fund. The bill would require the board annually to prepare and make available a report of expenditures from the fund. The bill would require the board to adopt annually, after a public hearing, an assessment of funding need that estimates the anticipated funding needed for the next fiscal year to achieve the purposes of the fund. The bill would require, by January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, to make available a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants and to make available a map of residential areas that are at high risk of containing contaminants at the tap that exceed health standards. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program. By creating a new continuously appropriated fund, this bill would make an appropriation.

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

This bill would provide that if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Chapter 4.6 (commencing with Section 116765)
- 2 is added to Part 12 of Division 104 of the Health and Safety Code,
- 3 to read:

CHAPTER 4.6. *SAFE AND AFFORDABLE DRINKING WATER*

Article 1. *Legislative Findings and Declarations*

116765. *The Legislature finds and declares all of the following:*

(a) *Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.*

(b) *For all public water systems, the operation and maintenance costs to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis may be significant.*

(c) *All community water systems are currently required to set, establish, and charge a schedule of rates and fees that are sufficient to recover the operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis.*

(d) *Hundreds of community water systems in the state cannot charge rates and fees that are affordable and sufficient to recover the full operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis due to a combination of low income levels of customers, high treatment costs for contaminated water sources, and a lack of economies of scale that result in high unit costs for water service. Many schools that serve as their own regulated public water systems and have contaminated water sources cannot afford the full operation and maintenance costs required to provide water that meets federal and state drinking water standards.*

(e) *Nearly all state or federal drinking water project funding sources prohibit the use of that funding for long-term operation and maintenance costs, and as a result, those systems that cannot afford required operation and maintenance costs are unable to access funding for capital projects to meet federal and state drinking water standards.*

(f) *As a result, hundreds of thousands of Californians, particularly those living in small disadvantaged communities, may be exposed to unsafe drinking water in their homes and schools,*

1 which impacts human health, household costs, and community
2 economic development.

3 (g) A significant number of California residents rely on state
4 small water systems and domestic wells to provide their drinking
5 water.

6 (h) The state small water systems and individual domestic wells
7 face a serious threat of contamination because they often draw
8 their water from shallow groundwater sources and have fewer or
9 no chemical monitoring requirements.

10 (i) To ensure that the right of every Californian to safe, clean,
11 affordable, and accessible water adequate for human consumption,
12 cooking, and sanitary purposes is protected, it is in the interest of
13 the State of California to identify where Californians are at high
14 risk of lacking reliable access to safe drinking water or are known
15 to lack reliable access to safe drinking water, whether they rely
16 on a public water system, state small water system, or domestic
17 well for their potable water supply.

18 (j) Long-term sustainability of drinking water infrastructure
19 and service provision is necessary to secure safe drinking water
20 for all Californians and therefore it is in the interest of the state
21 to discourage the proliferation of new, unsustainable public water
22 systems and state small water systems, to prevent waste, and to
23 encourage consolidation and service extension when feasible.

24 (k) It is in the interest of all Californians to establish a fund
25 with a stable source of revenue to provide financial support,
26 particularly for operation and maintenance, necessary to secure
27 access to safe drinking water for all Californians, while also
28 ensuring the long term sustainability of drinking water service
29 and infrastructure.

30

31 Article 2. Definitions

32

33 116766. For the purposes of this chapter:

34 (a) “Administrator” has the same meaning as defined in Section
35 116686.

36 (b) “Board” means the State Water Resources Control Board.

37 (c) “Community water system” has the same meaning as defined
38 in Section 116275.

39 (d) “Disadvantaged community” has the same meaning as
40 defined in Section 116275.

1 (e) “Domestic well” means a groundwater well used to supply
2 water for the domestic needs of an individual residence or water
3 systems that are not public water systems and that have no more
4 than four service connections.

5 (f) “Eligible applicant” means a public water system, including,
6 but not limited to, a mutual water company; a public utility; a
7 public agency, including, but not limited to, a local educational
8 agency that owns or operates a public water system; a nonprofit
9 organization; a federally recognized Indian tribe; a state Indian
10 tribe listed on the Native American Heritage Commission’s
11 California Tribal Consultation List; an administrator; or a
12 groundwater sustainability agency.

13 (g) “Fund” means the Safe and Affordable Drinking Water
14 Fund established pursuant to Section 116767.

15 (h) “Fund implementation plan” means the fund implementation
16 plan adopted pursuant to Section 116769.

17 (i) “Groundwater sustainability agency” has the same meaning
18 as defined in Section 10721 of the Water Code.

19 (j) “Low-income household” means a household with an income
20 that is less than 80 percent of the statewide median household
21 income.

22 (k) “Public water system” has the same meaning as defined in
23 Section 116275.

24 (l) “Replacement water” includes, but is not limited to, bottled
25 water, vended water, point-of-use, or point-of-entry treatment
26 units.

27 (m) “Safe drinking water” has the same meaning as defined in
28 Section 116681.

29 (n) “Service connection” has the same meaning as defined in
30 Section 116275.

31 (o) “State small water system” has the same meaning as defined
32 in Section 116275.

33 (p) “Vended water” has the same meaning as defined in Section
34 111070.

35
36 Article 3. Safe and Affordable Drinking Water Fund

37
38 116767. The Safe and Affordable Drinking Water Fund is
39 hereby established in the State Treasury. Notwithstanding Section
40 13340 of the Government Code, all moneys in the fund are

1 continuously appropriated to the board without regard to fiscal
2 years, in accordance with this chapter. Moneys in the fund at the
3 close of the fiscal year shall remain in the fund and shall not revert
4 to the General Fund. Moneys in the fund shall not be available for
5 appropriation or borrowed for use for any purpose not established
6 in this chapter unless that use of the moneys receives an affirmative
7 vote of two-thirds of the membership in each house of the
8 Legislature.

9 116768. (a) The board shall administer the fund for the
10 purposes of this chapter to provide a source of funding to secure
11 access to safe drinking water for all Californians, while also
12 ensuring the long-term sustainability of drinking water service
13 and infrastructure. The board shall prioritize the use of this funding
14 to assist disadvantaged communities served by a public water
15 system and low-income households served by a state small water
16 system or a domestic well. The board shall consider and prioritize,
17 where appropriate, the use of funding for consolidation or
18 extension of service or both. In order to maximize the use of other
19 funding sources for capital construction projects when available,
20 the board shall prioritize use of this funding for costs other than
21 those related to capital construction costs, except for capital
22 construction costs associated with consolidation and service
23 extension to reduce the ongoing unit cost of service and to increase
24 sustainability of drinking water infrastructure and service delivery.
25 Beginning January 1, 2021, an expenditure from the fund shall be
26 consistent with the annual fund implementation plan.

27 (b) In accordance with subdivision (a), the board shall expend
28 moneys in the fund for grants, loans, contracts, or services to assist
29 eligible applicants with any of the following:

30 (1) The provision of replacement water, as needed, to ensure
31 immediate protection of health and safety as a short-term solution.

32 (2) The development, implementation, and sustainability of
33 long-term drinking water solutions, including, but not limited to,
34 technical assistance, planning, construction, repair, and operation
35 and maintenance costs associated with replacing, blending, or
36 treating contaminated drinking water, or with fixing failing water
37 systems, pipes, or fixtures; operation and maintenance costs
38 associated with consolidated water systems, extended drinking
39 water services, or reliance on a substituted drinking water source;
40 creating and maintaining natural means and green infrastructure

1 solutions that contribute to sustainable drinking water;
2 consolidating water systems; extending drinking water services
3 to other public water systems, domestic wells, or state small water
4 systems; and the satisfaction of outstanding long-term debt
5 obligations of public water systems where the board determines
6 that a system's lack of access to capital markets renders this
7 solution the most cost-effective for removing a financial barrier
8 to the system's sustainable, long-term provision of drinking water.
9 Technical assistance and planning costs may include, but are not
10 limited to, analyses to identify, and efforts to further, opportunities
11 to reduce the unit cost of providing drinking water through
12 organizational and operational efficiency improvements, system
13 consolidation and service extension, implementation of new
14 technology, and other options and approaches to reduce costs.

15 (3) Identifying and providing outreach to Californians who are
16 eligible to receive assistance from the fund.

17 (4) Testing the drinking water quality of domestic wells serving
18 low-income households, prioritizing those in high-risk areas
19 identified pursuant to Article 4 (commencing with Section 116770).

20 (5) The provision of administrative and managerial services
21 under Section 116686.

22 (c) Notwithstanding Section 11019 of the Government Code,
23 the board may make advance payments as necessary to implement
24 the purposes of this chapter.

25 (d) The board may expend moneys from the fund for reasonable
26 costs associated with administration of this section. Beginning
27 July 1, 2023, the board may expend no more than 5 percent of the
28 annual revenues of the fund for reasonable costs associated with
29 administration of this section.

30 (e) The board may undertake any of the following actions to
31 implement the fund:

32 (1) Provide for the deposit of both of the following moneys into
33 the fund:

34 (A) Federal contributions.

35 (B) Voluntary contributions, gifts, grants, or bequests.

36 (2) Enter into agreements for contributions to the fund from the
37 federal government, local or state agencies, and private
38 corporations or nonprofit organizations.

39 (3) Provide for appropriate audit, accounting, and fiscal
40 management services, plans, and reports relative to the fund.

1 (4) Direct portions of the fund to a subset of eligible applicants
2 as required or appropriate based on funding source and consistent
3 with the annual fund implementation plan.

4 (5) Direct moneys deposited into the fund described in
5 subparagraph (B) of paragraph (1) towards a specific project,
6 program, or study.

7 (6) Take additional action as may be appropriate for adequate
8 administration and operation of the fund.

9 (f) In administering the fund, the board shall make reasonable
10 efforts to ensure both of the following:

11 (1) That funds are used to secure the long-term sustainability
12 of drinking water service and infrastructure, including, but not
13 limited to, requiring adequate technical, managerial, and financial
14 capacity of eligible applicants as part of funding agreement
15 outcomes. Funding shall be prioritized to implement consolidations
16 and service extensions when feasible, and administrative and
17 managerial contracts or grants entered into pursuant to Section
18 116686 where applicable. Funds shall not be used to delay,
19 prevent, or avoid the consolidation or extension of service to public
20 water systems where it is feasible and the least-cost alternative.
21 The board may set appropriate requirements as a condition of
22 funding, including, but not limited to, a system technical,
23 managerial, or financial capacity audit, improvements to reduce
24 costs and increase efficiencies, an evaluation of alternative
25 treatment technologies, and a consolidation or service extension
26 feasibility study. As a condition of funding, the board may require
27 a domestic well with nitrate contamination where ongoing septic
28 system failure may be causing or contributing to contamination
29 of a drinking water source to conduct an investigation and project
30 to address the septic system failure if adequate funding sources
31 are identified and accessible.

32 (2) That funds are not used to subsidize large-scale nonpotable
33 use.

34 (g) At least once every 10 years, the board shall conduct a public
35 review and assessment of the fund to determine all of the following:

36 (1) The effectiveness of the fund in securing access to safe
37 drinking water for all Californians, while also ensuring the
38 long-term sustainability of drinking water service and
39 infrastructure.

1 (2) If the moneys deposited into the fund have been appropriately
2 expended.

3 (3) What other actions are necessary to carry out the purposes
4 of this chapter.

5 (h) Neither the board nor any employee of the board may be
6 held liable for any act that is necessary to carry out the purposes
7 of this chapter. The board or any authorized person shall not be
8 deemed to have incurred or to be required to incur any obligation
9 to provide additional funding or undertake additional action solely
10 as a result of having undertaken an action pursuant to this chapter.

11 116769. By July 1 of each year, the board shall do all of the
12 following:

13 (a) Prepare and make available a report of expenditures from
14 the fund.

15 (b) Adopt, after a public hearing, an assessment of funding need,
16 based on available data, that includes all of the following:

17 (1) Identification of systems and populations potentially in need
18 of assistance, including, but not limited to, all of the following:

19 (A) A list of systems that consistently fail to provide an adequate
20 supply of safe drinking water. The list shall include, but is not
21 limited to, all of the following:

22 (i) Any public water system that consistently fails to provide an
23 adequate supply of safe drinking water.

24 (ii) Any community water system that serves a disadvantaged
25 community that must charge fees that exceed the affordability
26 threshold established by the board in order to supply, treat, and
27 distribute potable water that complies with federal and state
28 drinking water standards.

29 (iii) Any state small water system that consistently fails to
30 provide an adequate supply of safe drinking water.

31 (B) A list of programs that assist, or that will assist, households
32 supplied by a domestic well that consistently fails to provide an
33 adequate supply of safe drinking water. This list shall include the
34 number and approximate location of households served by each
35 program without identifying exact addresses or other personal
36 information.

37 (C) A list of public water systems and state small water systems
38 that may be at risk of failing to provide an adequate supply of safe
39 drinking water.

1 (D) An estimate of the number of households that are served by
2 domestic wells or state small water systems in high-risk areas
3 identified pursuant to Article 4 (commencing with Section 116770).
4 The estimate shall identify approximate locations of households,
5 without identifying exact addresses or other personal information,
6 in order to identify potential target areas for outreach and
7 assistance programs.

8 (E) A list of programs that assist, or that will assist, households
9 and schools whose tap water contains contaminants, such as lead
10 or other secondary contaminants, at levels that exceed
11 recommended standards. This list shall include the number and
12 approximate location of households served by each program
13 without identifying exact addresses or other personal information.

14 (2) An analysis of anticipated funding, per contaminant, needed
15 for known projects, services, or programs by eligible applicants,
16 consistent with the fund implementation plan, including any funding
17 needed for existing long-term funding commitments from the fund.
18 The board shall identify and consider other existing funding
19 sources able to support any projects, services, or programs
20 identified, including, but not limited to, local funding capacity,
21 state or federal funding sources for capital projects, funding from
22 responsible parties, and specialized funding sources contributing
23 to the fund.

24 (3) An estimate of the funding needed for the next fiscal year
25 based on the amount available in the fund, anticipated funding
26 needs, other existing funding sources, and other relevant data and
27 information.

28 (c) (1) Adopt, after a public hearing, a fund implementation
29 plan and policy handbook with priorities and guidelines for
30 expenditures of the fund.

31 (2) The board shall work with a multistakeholder advisory group
32 to establish priorities and guidelines for the fund implementation
33 plan and policy handbook. The multistakeholder advisory group
34 shall be open to participation by all of the following:

35 (A) Representatives of entities paying into the fund.

36 (B) Public water systems.

37 (C) Technical assistance providers.

38 (D) Local agencies.

39 (E) Nongovernmental organizations.

1 (F) Residents served by community water systems in
2 disadvantaged communities, state small water systems, and
3 domestic wells.

4 (G) The public.

5 (3) The adoption of a fund implementation plan and policy
6 handbook and the implementation of the fund pursuant to the policy
7 handbook are not subject to the Administrative Procedure Act
8 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code).

10 116769.5. The board may expend moneys from the fund for
11 reasonable costs associated with the administration of Section
12 116769 and Article 4 (commencing with Section 116770).
13 Beginning July 1, 2023, the board shall not expend more than 3
14 percent of the annual revenue of the fund for the reasonable costs
15 of administering Section 116769 and Article 4 (commencing with
16 Section 116770).

17
18 Article 4. Information on High-risk Areas
19

20 116770. (a) (1) By January 1, 2021, the board, in consultation
21 with local health officers and other relevant stakeholders, shall
22 use available data to make available a map of aquifers that are at
23 high risk of containing contaminants and that exceed primary
24 federal and state drinking water standards that are used or likely
25 to be used as a source of drinking water for a state small water
26 system or a domestic well. The board shall update the map at least
27 annually based on any newly available data.

28 (2) The board shall make the map of high-risk areas, as well as
29 the data used to make the map, publicly accessible on its internet
30 website in a manner that does not identify exact addresses or other
31 personal information and that complies with the Information
32 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
33 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board
34 shall notify local health officers and county planning agencies of
35 high-risk areas within their jurisdictions.

36 (b) (1) By January 1, 2021, a local health officer or other
37 relevant local agency shall provide to the board all results of, and
38 data associated with, water quality testing performed by certified
39 laboratories for a state small water system or domestic well that

1 was collected after January 1, 2014, and that is in the possession
2 of the local health officer or other relevant local agency.

3 (2) By January 1, 2022, and by January 1 of each year
4 thereafter, all results of, and data associated with, water quality
5 testing performed by a certified laboratory for a state small water
6 system or domestic well that is submitted to a local health officer
7 or other relevant local agency shall also be submitted directly to
8 the board in electronic format.

9 (c) By January 1, 2021, the board, in consultation with local
10 health officers and other relevant stakeholders, shall use available
11 data to make available a map of residential areas that are at high
12 risk of containing contaminants at the tap that exceed health
13 standards, including, but not limited to, lead and secondary
14 contaminants. The board shall update the map at least annually
15 based on any newly available data.

16 (d) A map of high-risk areas developed pursuant to this article
17 is not subject to the Administrative Procedure Act (Chapter 3.5
18 (commencing with Section 11340) of Part 1 of Division 3 of Title
19 2 of the Government Code).

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.

25 ~~SECTION 1. Chapter 4.6 (commencing with Section 116765)~~
26 ~~is added to Part 12 of Division 104 of the Health and Safety Code;~~
27 ~~to read:~~

28
29 ~~CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER~~
30

31 ~~116765. The Legislature finds and declares all of the following:~~

32 ~~(a) Section 106.3 of the Water Code declares that it is the policy~~
33 ~~of the state that every human being has the right to safe, clean,~~
34 ~~affordable, and accessible water adequate for human consumption,~~
35 ~~cooking, and sanitary purposes.~~

36 ~~(b) For all public water systems, the operation and maintenance~~
37 ~~costs to supply, treat, and distribute potable water that complies~~
38 ~~with federal and state drinking water standards on a routine and~~
39 ~~consistent basis may be significant.~~

1 ~~(c) All public water systems are currently required to set,~~
2 ~~establish, and charge a schedule of rates and fees that are sufficient~~
3 ~~to recover the operation and maintenance costs required to supply,~~
4 ~~treat, and distribute potable water that complies with federal and~~
5 ~~state drinking water standards on a routine and consistent basis.~~

6 ~~(d) Hundreds of public water systems in the state cannot charge~~
7 ~~rates and fees that are affordable and sufficient to recover the full~~
8 ~~operation and maintenance costs required to supply, treat, and~~
9 ~~distribute potable water that complies with federal and state~~
10 ~~drinking water standards on a routine and consistent basis due to~~
11 ~~a combination of low-income levels of customers, high treatment~~
12 ~~costs for contaminated water sources, and a lack of economies of~~
13 ~~scale that result in high unit costs for water service. Many schools~~
14 ~~that serve as their own regulated public water systems and have~~
15 ~~contaminated water sources cannot afford the full operation and~~
16 ~~maintenance costs required to provide water that meets federal~~
17 ~~and state drinking water standards.~~

18 ~~(e) Nearly all state or federal drinking water project funding~~
19 ~~sources prohibit the use of that funding for operation and~~
20 ~~maintenance costs, and as a result, those systems that cannot afford~~
21 ~~required operation and maintenance costs are unable to access~~
22 ~~funding for capital projects to meet federal and state drinking water~~
23 ~~standards.~~

24 ~~(f) As a result, close to one million Californians, particularly~~
25 ~~those living in small disadvantaged communities, may be exposed~~
26 ~~to unsafe drinking water in their homes and schools, which impacts~~
27 ~~human health, household costs, and community economic~~
28 ~~development.~~

29 ~~(g) A significant number of California residents rely on state~~
30 ~~small water systems and domestic wells to provide their drinking~~
31 ~~water.~~

32 ~~(h) State small water systems and individual domestic wells~~
33 ~~face a serious threat of contamination because they often draw~~
34 ~~their water from shallow groundwater sources and have fewer or~~
35 ~~no chemical monitoring requirements.~~

36 ~~(i) State small water systems and domestic wells are not~~
37 ~~currently subject to any comprehensive federal or state~~
38 ~~requirements for chemical water quality monitoring. Many local~~
39 ~~agencies do not require any monitoring beyond what is required~~

1 by state law and there are wide discrepancies among local
2 jurisdictions in well monitoring programs.

3 (j) To ensure that the right of every Californian to safe, clean,
4 affordable, and accessible water adequate for human consumption,
5 cooking, and sanitary purposes is protected, it is in the interest of
6 the State of California to identify where Californians are at high
7 risk of lacking reliable access to safe drinking water or are known
8 to lack reliable access to safe drinking water, whether they rely on
9 a public water system, state small water system, or domestic well
10 for their potable water supply.

11 (k) Long-term sustainability of drinking water infrastructure
12 and service provision is necessary to secure safe drinking water
13 for all Californians and therefore it is in the interest of the state to
14 discourage the proliferation of new, unsustainable public water
15 systems and state small water systems, to prevent waste, and to
16 encourage consolidation and service extension when feasible.

17 (l) It is in the interest of all Californians to establish a fund with
18 a stable source of revenue to provide financial support, particularly
19 for operation and maintenance, necessary to secure access to safe
20 drinking water for all Californians, while also ensuring the
21 long-term sustainability of drinking water service and
22 infrastructure.

23 116766. The Safe and Affordable Drinking Water Fund is
24 hereby established in the State Treasury. Moneys in the fund shall
25 be available to the State Water Resources Control Board, upon
26 appropriation by the Legislature, for the purposes of this chapter
27 to provide a stable source of funding to secure access to safe
28 drinking water for all Californians, while also ensuring the
29 long-term sustainability of drinking water service and
30 infrastructure.

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Eduardo Garcia
(Coauthor: Assembly Member Bloom)
(Coauthors: Assembly Members Bloom, Carrillo, Chiu, Gipson,
Holden, Robert Rivas, Mark Stone, and Wicks)
(Coauthor: Senator Monning)

January 16, 2019

An act to add Article 10.5 (commencing with Section 595) to Chapter 3 of Part 1 of Division 1 of, to add Article 6.5 (commencing with Section 14615) to Chapter 5 of Division 7 of, and to add Article 14.5 (commencing with Section 62215) to Chapter 2 of Part 3 of Division 21 of, the Food and Agricultural Code, and to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, to add Chapter 4.7 (commencing with Section 116774) to Part 12 of Division 104 of, and to repeal Article 5 (commencing with Section 116771) of Chapter 4.6 of Part 12 of Division 104 of, the Health and Safety Code, relating to ~~water~~, water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as amended, Eduardo Garcia. ~~Safe and Affordable Drinking Water Fund. Safe Drinking Water for All Act.~~

~~Existing~~

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that

every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would enact the *Safe Drinking Water for All Act* and would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are ~~available, upon appropriation by the Legislature,~~ *continuously appropriated* to the board to provide a ~~stable~~ source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. *The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with certain projects. The bill would require the board, working with a multistakeholder advisory group, to adopt a fund implementation plan and policy handbook with priorities and guidelines for expenditures of the fund. The bill would require the board annually to prepare and make available a report of expenditures from the fund. The bill would require the board to adopt annually, after a public hearing, an assessment of funding need that estimates the anticipated funding needed for the next fiscal year to achieve the purposes of the fund. The bill would authorize the board to distribute the funds through its drinking water regional offices in an unspecified manner and would prohibit the board from distributing more than 20% of the annual expenditures from the fund in this manner. By creating a new continuously appropriated fund, this bill would make an appropriation.*

This bill would require the board to adopt a schedule of fees, as prescribed, not to exceed an unspecified amount. The bill would require these fees to be deposited into the fund. The bill would require the Legislative Analyst to report to the Legislature and the board if the Legislative Analyst determines, on or before January 1, 2023, that at least \$3,000,000,000 has been made available in an interest bearing account in the State Treasury with a goal of at least \$100,000,000 in interest revenues per year available for the purposes of the Safe and Affordable Drinking Water Fund. The bill would make this reporting requirement and the requirement for the board to adopt fees inoperative upon the Legislative Analyst submitting the report, and would repeal them as of January 1, of the year following that determination.

The bill would establish the Safe and Affordable Drinking Water Trust Fund and would require moneys held in the trust fund to be

invested by the Treasurer, in consultation with the Director of Finance and the controller, as specified. The bill would transfer the investment income derived from the trust fund on January 1 of each year to the Safe and Affordable Drinking Water Fund. The bill would state that a transfer of \$200,000,000 is to be made by the Legislature each year for 5 years for the purpose of establishing a \$1,000,000,000 trust account to derive interest revenues to fund the Safe and Affordable Drinking Water Fund.

The bill would require, by January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, to make available a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.

(2) Existing law requires every person who manufactures or distributes fertilizing materials to be licensed by the Secretary of Food and Agriculture and to pay a license fee that does not exceed \$300. Existing law requires every lot, parcel, or package of fertilizing material to have a label attached to it, as required by the secretary. Existing law requires a licensee who sells or distributes bulk fertilizing materials to pay to the secretary an assessment not to exceed \$0.002 per dollar of sales for all sales of fertilizing materials, as prescribed, for the purposes of the administration and enforcement of provisions relating to fertilizing materials. In addition to that assessment, existing law authorizes the secretary to impose an assessment in an amount not to exceed \$0.001 per dollar of sales for all sales of fertilizing materials for the purpose of providing funding for research and education regarding the use of fertilizing materials. Existing law specifies that a violation of the fertilizing material laws or the regulations adopted pursuant to those laws is a misdemeanor.

This bill would require a licensee whose name appears on the label of bulk or packaged fertilizing materials to pay to the secretary a fertilizer safe drinking water fee of \$0.006 per \$1.00 of sales for all sales of fertilizing materials. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to adopt regulations relating to the

administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.

(3) Existing law regulates the production, handling, and marketing of milk and dairy products and requires every milk handler subject to that regulatory scheme to pay specified assessments and fees to the Secretary of Food and Agriculture to cover the costs of regulating milk. Existing law governing milk defines “handler” as any person who, either directly or indirectly, receives, purchases, or otherwise acquires ownership, possession, or control of market milk from a producer, a producer-handler, or another handler for the purpose of manufacture, processing, sale, or other handling. Existing law defines “market milk” as milk conforming to specified standards and “manufacturing milk” as milk that does not conform to the requirements of market milk. Existing law provides that a violation of that regulatory scheme or a regulation adopted pursuant to that regulatory scheme is a misdemeanor.

This bill would require, beginning January 1, 2022, each handler to deduct from payments made to producers for market and manufacturing milk the sum of \$0.01355 per hundredweight of milk as a dairy safe drinking water fee. The bill would require the secretary to deposit these moneys into the Safe and Affordable Drinking Water Fund. The bill would authorize the secretary to take specified enforcement actions and would require the secretary to adopt regulations for the administration and enforcement of these provisions. Because a violation of these provisions or regulations adopted pursuant to these provisions would be a crime, the bill would impose a state-mandated local program.

(4) Existing law requires the Secretary of Food and Agriculture to enforce provisions governing livestock operations. Existing law generally provides that a violation of a provision of the Food and Agricultural Code is a misdemeanor.

This bill would require each producer owning a nondairy confined animal facility, as defined, beginning the 2021 calendar year to pay annually to the secretary a safe drinking water fee of \$1,000 for the first facility and \$750 per each facility thereafter owned by the same producer, not to exceed \$12,000. The bill would require these moneys to be deposited into the Safe and Affordable Drinking Water Fund. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

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

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

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

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~no~~yes.

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

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Safe Drinking Water for All Act.*

3 *SEC. 2. Article 10.5 (commencing with Section 595) is added*
4 *to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural*
5 *Code, to read:*

6
7 *Article 10.5. Safe Drinking Water Fee for Nondairy Confined*
8 *Animal Facilities*
9

10 *595. For purposes of this article, the following definitions*
11 *apply:*

12 (i) *“Fee” means the safe drinking water fee for nondairy*
13 *confined animal facilities.*

14 (ii) *“Fund” means the Safe and Affordable Drinking Water*
15 *Fund established by Section 116767 of the Health and Safety Code.*

16 (iii) (1) *“Nondairy confined animal facilities” means bovine*
17 *operations, poultry operations, swine operations, and other*
18 *livestock operations, excluding dairies, where all of the following*
19 *apply:*

20 (A) *Operations are designed to corral, pen, or otherwise enclose*
21 *or hold domestic livestock.*

22 (B) *Feeding is exclusively by means other than grazing.*

23 (C) *Facilities are subject to annual fees for confined animal*
24 *facilities adopted in accordance with Section 13260 of the Water*
25 *Code.*

(2) “Nondairy confined animal facilities” does not include facilities subject to Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21.

596. (a) Beginning in the 2021 calendar year, each producer owning a nondairy confined animal facility shall pay annually to the secretary a safe drinking water fee. The amount of the fee paid annually to the secretary shall equal one thousand dollars (\$1,000) for a producer that owns a single nondairy confined animal facility. For a producer that owns more than one nondairy confined animal facility, the amount of the fee paid annually to the secretary shall equal one thousand dollars (\$1,000) for the first facility and seven hundred fifty dollars (\$750) per each facility thereafter owned by the same producer.

(b) Notwithstanding subdivision (a), the amount of the fee paid annually to the secretary by a producer that owns more than one nondairy confined animal facility shall not exceed twelve thousand dollars (\$12,000) per year.

(c) The secretary may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article.

597. The secretary shall deposit all moneys received under this article into the fund.

SEC. 3. Article 6.5 (commencing with Section 14615) is added to Chapter 5 of Division 7 of the Food and Agricultural Code, to read:

Article 6.5. Fertilizer Safe Drinking Water Fee

14615. (a) It is the intent of the Legislature to require licensees of bulk fertilizing materials, and to authorize licensees of packaged fertilizing materials, to pass the fertilizer safe drinking water fee described in Section 14616 on to the end user of the fertilizer.

(b) For purposes of this article, the following definitions apply:

(1) “Bulk fertilizing material” has the same meaning as applies to “bulk material” in Section 14517.

(2) “Fertilizing material” has the same meaning as defined in Section 14533.

(3) “Fund” means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(4) “Packaged” has the same meaning as defined in Section 14551.

1 14616. In addition to the assessments provided in Section
2 14611, a licensee whose name appears on the label of bulk or
3 packaged fertilizing materials shall pay to the secretary a fertilizer
4 safe drinking water fee of six mills (\$0.006) per dollar of sales for
5 all sales of fertilizing materials.

6 14617. (a) (1) A licensee whose name appears on the label
7 who sells or distributes bulk fertilizing materials shall charge an
8 unlicensed purchaser the fertilizer safe drinking water fee as a
9 charge that is separate from, and not included in, any other fee,
10 charge, or other amount paid by the purchaser. This fee shall be
11 included on the bill of sale as a separate line item.

12 (2) (A) A licensee whose name appears on the label of packaged
13 fertilizing materials may include the fertilizer safe drinking water
14 fee as a charge that is separate from, and not included in, any
15 other fee, charge, or other amount paid by the purchaser or may
16 include the charge with the assessment collected pursuant to
17 Section 14611 as a separate line item on the bill of sale and
18 identified as the California Regulatory and Safe Drinking Water
19 Assessment.

20 (B) Notwithstanding paragraph (1), a licensee whose name
21 appears on the label who sells or distributes bulk fertilizing
22 material may include the fertilizer safe drinking water fee with the
23 assessment collected pursuant to Section 14611 as a separate line
24 item on the bill of sale and identified as the California Regulatory
25 and Safe Drinking Water Assessment.

26 (b) The secretary may prescribe, adopt, and enforce regulations
27 relating to the administration and enforcement of this article.

28 (c) (1) Except as provided in paragraph (2), the secretary may
29 retain up to 4 percent of the moneys collected pursuant to this
30 article for reasonable costs associated with the implementation
31 and enforcement of this article.

32 (2) Beginning July 1, 2022, the secretary may retain up to 2
33 percent of the moneys collected pursuant to this article for
34 reasonable costs associated with the implementation and
35 enforcement of this article.

36 14618. The secretary shall deposit all moneys received under
37 this article into the fund.

38 SEC. 4. Article 14.5 (commencing with Section 62215) is added
39 to Chapter 2 of Part 3 of Division 21 of the Food and Agricultural
40 Code, to read:

Article 14.5. Dairy Safe Drinking Water Fee

62215. (a) It is the intent of the Legislature that the dairy safe drinking water fee described in Section 62216 be paid for all milk produced in the state, regardless of grade.

(b) For purposes of this article, the following definitions apply:

(1) “Fee” means the dairy safe drinking water fee.

(2) “Fund” means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(3) “Manufacturing milk” has the same meaning as defined in Section 32509.

(4) “Market milk” has the same meaning as defined in Section 32510.

(5) “Milk” includes market milk and manufacturing milk.

62216. (a) Beginning January 1, 2022, each handler, including a producer-handler, shall deduct the sum of one cent and three hundred fifty-five mills (\$0.01355) per hundredweight of milk from payments made to producers for milk, including the handler’s own production, as a dairy safe drinking water fee.

(b) The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2022.

62217. (a) A handler shall pay the dairy safe drinking water fee to the secretary on or before the 45th day following the last day of the month in which the milk was received.

(b) The secretary shall deposit all moneys received under this article into the fund.

(c) (1) Except as provided in paragraph (2), the secretary may retain up to 4 percent of the total amount that is paid to the secretary pursuant to this article for reasonable costs of the secretary associated with the implementation and enforcement of this article.

(2) Beginning July 1, 2022, the secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs of the secretary associated with the implementation and enforcement of this article.

(d) The secretary may require handlers, including cooperative associations acting as handlers, to make reports at any intervals

1 and in any detail that the secretary finds necessary for the accurate
2 collection of the fee.

3 (e) For the purposes of enforcing this article, the secretary,
4 through the secretary's duly authorized representatives and agents,
5 shall have access to the records of every producer and handler.
6 The secretary shall have at all times free and unimpeded access
7 to any building, yard, warehouse, store, manufacturing facility,
8 or transportation facility in which any milk or milk product is
9 produced, bought, sold, stored, bottled, handled, or manufactured.

10 (f) Any books, papers, records, documents, or reports made to,
11 acquired by, prepared by, or maintained by the secretary pursuant
12 to this article that would disclose any information about finances,
13 financial status, financial worth, composition, market share, or
14 business operations of any producer or handler, excluding
15 information that solely reflects transfers of production base and
16 pool quota among producers, is confidential and shall not be
17 disclosed to any person other than the person from whom the
18 information was received, except pursuant to the final order of a
19 court with jurisdiction, or as necessary for the proper
20 determination of any proceeding before the secretary.

21 SEC. 5. Chapter 4.6 (commencing with Section 116765) is
22 added to Part 12 of Division 104 of the Health and Safety Code,
23 to read:

24
25 *CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER*

26
27 *Article 1. Legislative Findings and Declarations*

28
29 116765. The Legislature finds and declares all of the following:

30 (a) Section 106.3 of the Water Code declares that it is the policy
31 of the state that every human being has the right to safe, clean,
32 affordable, and accessible water adequate for human consumption,
33 cooking, and sanitary purposes.

34 (b) For all public water systems, the operation and maintenance
35 costs to supply, treat, and distribute potable water that complies
36 with federal and state drinking water standards on a routine and
37 consistent basis may be significant.

38 (c) All community water systems are currently required to set,
39 establish, and charge a schedule of rates and fees that are sufficient
40 to recover the operation and maintenance costs required to supply,

1 treat, and distribute potable water that complies with federal and
2 state drinking water standards on a routine and consistent basis.

3 (d) Hundreds of community water systems in the state cannot
4 charge rates and fees that are affordable and sufficient to recover
5 the full operation and maintenance costs required to supply, treat,
6 and distribute potable water that complies with federal and state
7 drinking water standards on a routine and consistent basis due to
8 a combination of low income levels of customers, high treatment
9 costs for contaminated water sources, and a lack of economies of
10 scale that result in high unit costs for water service. Many schools
11 that serve as their own regulated public water systems and have
12 contaminated water sources cannot afford the full operation and
13 maintenance costs required to provide water that meets federal
14 and state drinking water standards.

15 (e) Nearly all state or federal drinking water project funding
16 sources prohibit the use of that funding for operation and
17 maintenance costs, and as a result, those systems that cannot afford
18 required operation and maintenance costs are unable to access
19 funding for capital projects to meet federal and state drinking
20 water standards.

21 (f) As a result, hundreds of thousands of Californians,
22 particularly those living in small disadvantaged communities, may
23 be exposed to unsafe drinking water in their homes and schools,
24 which impacts human health, household costs, and community
25 economic development.

26 (g) A significant number of California residents rely on state
27 small water systems and domestic wells to provide their drinking
28 water.

29 (h) The state small water systems and individual domestic wells
30 face a serious threat of contamination because they often draw
31 their water from shallow groundwater sources and have fewer or
32 no chemical monitoring requirements.

33 (i) To ensure that the right of every Californian to safe, clean,
34 affordable, and accessible water adequate for human consumption,
35 cooking, and sanitary purposes is protected, it is in the interest of
36 the State of California to identify where Californians are at high
37 risk of lacking reliable access to safe drinking water or are known
38 to lack reliable access to safe drinking water, whether they rely
39 on a public water system, state small water system, or domestic
40 well for their potable water supply.

1 (j) Long-term sustainability of drinking water infrastructure
2 and service provision is necessary to secure safe drinking water
3 for all Californians and therefore it is in the interest of the state
4 to discourage the proliferation of new, unsustainable public water
5 systems and state small water systems, to prevent waste, and to
6 encourage consolidation and service extension when feasible.

7 (k) It is in the interest of all Californians to establish a fund
8 with a stable source of revenue to provide financial support,
9 particularly for operation and maintenance, necessary to secure
10 access to safe drinking water for all Californians, while also
11 ensuring the long-term sustainability of drinking water service
12 and infrastructure.

13 (l) It is in the interest of all Californians that when funding is
14 available from other sources, including the General Fund, the fees
15 necessary to enact this statute be reduced.

16 116765.5. It is the intent of the Legislature that any interest
17 revenues from the Safe and Affordable Drinking Water Trust Fund
18 as well as revenue from fees deposited in the Safe and Affordable
19 Drinking Water Fund be available annually for the purposes of
20 this chapter.

21
22 Article 2. Definitions
23

24 116766. For the purposes of this chapter:

25 (a) “Administrator” has the same meaning as defined in Section
26 116686.

27 (b) “Board” means the State Water Resources Control Board.

28 (c) “Community water system” has the same meaning as defined
29 in Section 116275.

30 (d) “Disadvantaged community” has the same meaning as
31 defined in Section 116275.

32 (e) “Domestic well” means a groundwater well used to supply
33 water for the domestic needs of an individual residence or water
34 systems that are not public water systems and that have no more
35 than four service connections.

36 (f) “Eligible applicant” means a public water system, including,
37 but not limited to, a mutual water company; a public utility; a
38 public agency, including, but not limited to, a local educational
39 agency that owns or operates a public water system; a nonprofit
40 organization; a federally recognized Indian tribe; a state Indian

1 tribe listed on the Native American Heritage Commission's
2 California Tribal Consultation List; an administrator; or a
3 groundwater sustainability agency.

4 (g) "Fund" means the Safe and Affordable Drinking Water
5 Fund established pursuant to Section 116767.

6 (h) "Fund implementation plan" means the fund implementation
7 plan adopted pursuant to Section 116769.

8 (i) "Groundwater sustainability agency" has the same meaning
9 as defined in Section 10721 of the Water Code.

10 (j) "Low-income household" means a household with an income
11 that is less than 80 percent of the statewide median household
12 income.

13 (k) "Public water system" has the same meaning as defined in
14 Section 116275.

15 (l) "Replacement water" includes, but is not limited to, bottled
16 water, vended water, point-of-use, or point-of-entry treatment
17 units.

18 (m) "Safe drinking water" has the same meaning as defined in
19 Section 116681.

20 (n) "Service connection" has the same meaning as defined in
21 Section 116275.

22 (o) "State small water system" has the same meaning as defined
23 in Section 116275.

24 (p) "Vended water" has the same meaning as defined in Section
25 111070.

26 Article 3. Safe and Affordable Drinking Water Fund

27
28
29 116767. (a) The Safe and Affordable Drinking Water Fund is
30 hereby established in the State Treasury. Notwithstanding Section
31 13340 of the Government Code, all moneys in the fund are
32 continuously appropriated to the board without regard to fiscal
33 years, in accordance with this chapter. Moneys in the fund at the
34 close of the fiscal year shall remain in the fund and shall not revert
35 to the General Fund. Moneys in the fund shall not be available for
36 appropriation or borrowed for use for any purpose not established
37 in this chapter unless that use of the moneys receives an affirmative
38 vote of two-thirds of the membership in each house of the
39 Legislature.

1 (b) The board shall report annually in the Governor's budget
2 fund revenues, including interest revenues, expenditures, and fund
3 balances.

4 116768. (a) The board shall administer the fund for the
5 purposes of this chapter to provide a source of funding to secure
6 access to safe drinking water for all Californians, while also
7 ensuring the long-term sustainability of drinking water service
8 and infrastructure. The board shall prioritize the use of this funding
9 to assist disadvantaged communities and low-income households
10 served by a state small water system or a domestic well. In order
11 to maximize the use of other funding sources for capital
12 construction projects when available, the board shall prioritize
13 use of this funding for costs other than those related to capital
14 construction costs, except for capital construction costs associated
15 with consolidation and service extension to reduce the ongoing
16 unit cost of service and to increase sustainability of drinking water
17 infrastructure and service delivery. Beginning January 1, 2020,
18 an expenditure from the fund shall be consistent with the annual
19 fund implementation plan.

20 (b) In accordance with subdivision (a), the board shall expend
21 moneys in the fund for grants, loans, contracts, or services to assist
22 eligible applicants with any of the following:

23 (1) The provision of replacement water, as needed, to ensure
24 immediate protection of health and safety as a short-term solution.

25 (2) The development, implementation, and sustainability of
26 long-term drinking water solutions that include, but are not limited
27 to, the following:

28 (A) Technical assistance, planning, construction, repair, and
29 operation and maintenance costs associated with replacing,
30 blending, or treating contaminated drinking water or with fixing
31 failing water systems, pipes, or fixtures. Technical assistance and
32 planning costs may include, but are not limited to, analyses to
33 identify, and efforts to further, opportunities to reduce the unit
34 cost of providing drinking water through organizational and
35 operational efficiency improvements, system consolidation and
36 service extension, implementation of new technology, and other
37 options and approaches to reduce costs.

38 (B) Operations and maintenance costs associated with
39 consolidated water systems, extended drinking water services, or
40 reliance on a substituted drinking water source.

1 (C) Creating and maintaining natural means and green
2 infrastructure solutions that contribute to sustainable drinking
3 water.

4 (D) Consolidating water systems.

5 (E) Extending drinking water services to other public water
6 systems, domestic wells, or state small water systems.

7 (F) The satisfaction of outstanding long-term debt obligations
8 of public water systems where the board determines that a system's
9 lack of access to capital markets renders this solution the most
10 cost effective for removing a financial barrier to the system's
11 sustainable, long-term provision of drinking water.

12 (3) Identifying and providing outreach to Californians who are
13 eligible to receive assistance from the fund.

14 (4) Testing the drinking water quality of domestic wells serving
15 low-income households in high-risk areas identified pursuant to
16 Article 4 (commencing with Section 116770).

17 (5) The provision of administrative and managerial services
18 under Section 116686.

19 (6) Provision of wastewater treatment plant operations and
20 maintenance for areas in which polluted water originates from
21 outside the state.

22 (c) The board may expend moneys from the fund for reasonable
23 costs associated with administration of the fund. Beginning July
24 1, 2022, the board may expend no more than 5 percent of the
25 annual revenues from the fund for reasonable costs associated
26 with administration of the fund.

27 (d) The board may undertake any of the following actions to
28 implement the fund:

29 (1) Provide for the deposit of any of the following moneys into
30 the fund:

31 (A) Federal contributions.

32 (B) Voluntary contributions, gifts, grants, or bequests.

33 (2) Enter into agreements for contributions to the fund from the
34 federal government, local or state agencies, and private
35 corporations or nonprofit organizations.

36 (3) Provide for appropriate audit, accounting, and fiscal
37 management services, plans, and reports relative to the fund.

38 (4) Direct portions of the fund to a subset of eligible applicants
39 as required or appropriate based on funding source and consistent
40 with the annual fund implementation plan.

1 (5) Direct moneys deposited into the fund described in
2 subparagraph (B) of paragraph (1) towards a specific project,
3 program, or study.

4 (6) Take additional action as may be appropriate for adequate
5 administration and operation of the fund.

6 (e) In administering the fund, the board shall make reasonable
7 efforts to ensure both of the following:

8 (1) That funds are used to secure the long-term sustainability
9 of drinking water service and infrastructure, including, but not
10 limited to, requiring adequate technical, managerial, and financial
11 capacity of eligible applicants as part of funding agreement
12 outcomes. Funding shall be prioritized to implement consolidations
13 and service extensions when feasible, and administrative and
14 managerial contracts or grants entered into pursuant to Section
15 116686 where applicable. Funds shall not be used to delay,
16 prevent, or avoid the consolidation or extension of service to public
17 water systems where it is feasible and the least-cost alternative.
18 The board may set appropriate requirements as a condition of
19 funding, including, but not limited to, a system technical,
20 managerial, or financial capacity audit, improvements to reduce
21 costs and increase efficiencies, an evaluation of alternative
22 treatment technologies, and a consolidation or service extension
23 feasibility study. As a condition of funding, the board may require
24 a domestic well with nitrate contamination where ongoing septic
25 system failure may be causing or contributing to contamination
26 of a drinking water source to conduct an investigation and project
27 to address the septic system failure if adequate funding sources
28 are identified and accessible.

29 (2) That funds are not used to subsidize large-scale nonpotable
30 use.

31 (f) In administering the fund, the board shall ensure that all
32 moneys deposited into the fund from the safe drinking water fee
33 for nondairy confined animal facilities pursuant to Article 10.5
34 (commencing with Section 595) of Chapter 3 of Part 1 of Division
35 1 of the Food and Agricultural Code, the fertilizer safe drinking
36 water fee pursuant to Article 6.5 (commencing with Section 14615)
37 of Chapter 5 of Division 7 of the Food and Agricultural Code, and
38 the dairy safe drinking water fee pursuant to Article 14.5
39 (commencing with Section 62215) of Chapter 2 of Part 3 of

1 Division 21 of the Food and Agricultural Code shall be used to
2 address nitrate-related contamination issues.

3 (g) At least once every 10 years, the board shall conduct a public
4 review and assessment of the fund to determine all of the following:

5 (1) The effectiveness of the fund in securing access to safe
6 drinking water for all Californians, while also ensuring the
7 long-term sustainability of drinking water service and
8 infrastructure.

9 (2) If the fees deposited into the fund have been appropriately
10 expended.

11 (3) For community water systems that have received funding
12 for 10 years or more and for which self-sufficiency has not been
13 achieved, the actions that have been taken, the reasons why
14 self-sufficiency has not been achieved, and, if available, ways in
15 which the community water system may become self-sufficient.

16 (4) What other actions are necessary to carry out the purposes
17 of this chapter.

18 (h) Neither the board nor any employee of the board may be
19 held liable for any act that is necessary to carry out the purposes
20 of this chapter. The board or any authorized person shall not be
21 deemed to have incurred or to be required to incur any obligation
22 to provide additional funding or undertake additional action solely
23 as a result of having undertaken an action pursuant to this chapter.

24 (i) (1) The board shall convene an environmental justice
25 advisory committee, for the purposes of this section, consisting of
26 at least three members, to advise it in conducting the public review
27 and assessment pursuant to subdivision (g) and any other pertinent
28 matter in implementing this chapter. The advisory committee shall
29 be comprised of representatives from communities in the state with
30 the most significant exposure to water pollution, including, but
31 not limited to, communities with minority populations or
32 low-income populations, or both.

33 (2) The board shall appoint committee members to the
34 environmental justice advisory committee from nominations
35 received from environmental justice organizations and community
36 groups.

37 (3) The board shall provide reasonable per diem for attendance
38 at environmental justice advisory committee meetings by committee
39 members from nonprofit organizations.

1 116769. By July 1 of each year, the board shall do all of the
2 following:

3 (a) Prepare and make available a report of expenditures from
4 the fund.

5 (b) Adopt, after a public hearing, an assessment of funding need,
6 based on available data, that includes all of the following:

7 (1) Identification of systems and populations potentially in need
8 of assistance, including, but not limited to, all of the following:

9 (A) A list of systems that consistently fail to provide an adequate
10 supply of safe drinking water. The list shall include all of the
11 following:

12 (i) Any public water system that consistently fails to provide an
13 adequate supply of safe drinking water.

14 (ii) Any community water system that serves a disadvantaged
15 community that must charge fees that exceed the affordability
16 threshold established in the board's Safe Drinking Water State
17 Revolving Fund Intended Use Plan in order to supply, treat, and
18 distribute potable water that complies with federal and state
19 drinking water standards.

20 (iii) Any state small water system that consistently fails to
21 provide an adequate supply of safe drinking water.

22 (B) A list of programs that assist, or that will assist, households
23 supplied by a domestic well that consistently fails to provide an
24 adequate supply of safe drinking water. This list shall include the
25 number and approximate location of households served by each
26 program without identifying exact addresses or other personal
27 information.

28 (C) A list of public water systems and state small water systems
29 that may be at risk of failing to provide an adequate supply of safe
30 drinking water.

31 (D) An estimate of the number of households that are served by
32 domestic wells or state small water systems in high-risk areas
33 identified pursuant to Article 4 (commencing with Section 116770).
34 The estimate shall identify approximate locations of households,
35 without identifying exact addresses or other personal information,
36 in order to identify potential target areas for outreach and
37 assistance programs.

38 (2) An analysis of anticipated funding, per contaminant, needed
39 for known projects, services, or programs by eligible applicants,
40 consistent with the fund implementation plan, including any funding

1 needed for existing long-term funding commitments from the fund.
2 The board shall identify and consider other existing funding
3 sources able to support any projects, services, or programs
4 identified, including, but not limited to, local funding capacity,
5 state or federal funding sources for capital projects, funding from
6 responsible parties, and specialized funding sources contributing
7 to the fund.

8 (3) An estimate of the funding needed for the next fiscal year
9 based on the amount available in the fund, anticipated funding
10 needs, other existing funding sources, and other relevant data and
11 information.

12 (c) (1) Adopt, after a public hearing, a fund implementation
13 plan and policy handbook with priorities and guidelines for
14 expenditures of the fund.

15 (2) The board shall work with a multistakeholder advisory group
16 to establish priorities and guidelines for the fund implementation
17 plan and policy handbook. The multistakeholder advisory group
18 shall be open to participation by all of the following:

19 (A) Representatives of entities paying into the fund.

20 (B) Public water systems.

21 (C) Technical assistance providers.

22 (D) Local agencies.

23 (E) Nongovernmental organizations.

24 (F) Residents served by community water systems in
25 disadvantaged communities, state small water systems, and
26 domestic wells.

27 (G) The public.

28 (3) The adoption of a fund implementation plan and policy
29 handbook and the implementation of the fund pursuant to the policy
30 handbook are not subject to the Administrative Procedure Act
31 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
32 Division 3 of Title 2 of the Government Code).

34 Article 4. Information on High-risk Areas

35
36 116770. (a) (1) By January 1, 2021, the board, in consultation
37 with local health officers and other relevant stakeholders, shall
38 use available data to make available a map of aquifers that are at
39 high risk of containing contaminants and that exceed primary
40 federal and state drinking water standards that are used or likely

1 to be used as a source of drinking water for a state small water
2 system or a domestic well. The board shall update the map at least
3 annually based on any newly available data.

4 (2) The board shall make the map of high-risk areas, as well as
5 the data used to make the map, publicly accessible on its internet
6 website in a manner that does not identify exact addresses or other
7 personal information and that complies with the Information
8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board
10 shall notify local health officers and county planning agencies of
11 high-risk areas within their jurisdictions.

12 (b) (1) By January 1, 2021, a local health officer or other
13 relevant local agency shall provide to the board all results of, and
14 data associated with, water quality testing performed by certified
15 laboratories for a state small water system or domestic well that
16 was collected after January 1, 2015, and that is in the possession
17 of the local health officer or other relevant local agency.

18 (2) By January 1, 2022, and by January 1 of each year
19 thereafter, all results of, and data associated with, water quality
20 testing performed by a certified laboratory for a state small water
21 system or domestic well that is submitted to a local health officer
22 or other relevant local agency shall also be submitted directly to
23 the board in electronic format.

24 (c) A map of high-risk areas developed pursuant to this article
25 is not subject to the Administrative Procedure Act (Chapter 3.5
26 (commencing with Section 11340) of Part 1 of Division 3 of Title
27 2 of the Government Code).

28
29 Article 5. Safe and Affordable Drinking Water Fee
30

31 116771. (a) The board shall adopt, by regulation, a schedule
32 of fees as authorized by this section. Fees adopted shall not exceed
33 _____. The regulations may include provisions concerning the
34 administration and collection of the fees.

35 (b) (1) Except as provided in paragraph (2), the regulations
36 adopted pursuant to this section, any amendment to these
37 regulations, or subsequent adjustments to the annual fees, the
38 board shall adopt as emergency regulations in accordance with
39 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
40 3 of Title 2 of the Government Code. The adoption of these

1 regulations is an emergency and the Office of Administrative Law
2 shall consider the adoption of the regulations as necessary for the
3 immediate preservation of the public peace, health, safety, and
4 general welfare.

5 (2) The board shall adopt the initial regulations to implement
6 this section in accordance with Chapter 3.5 (commencing with
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
8 Code and may not rely on the statutory declaration of emergency
9 in paragraph (1).

10 (3) Any emergency regulations adopted by the board or
11 adjustments to the fees made by the board pursuant to this section
12 shall not be subject to review by the Office of Administrative Law
13 and shall remain in effect until revised by the board.

14 (c) Fees collected pursuant to this section shall be deposited in
15 the fund.

16 116772. (a) The Legislative Analyst shall report to the
17 Legislature and the board if the Legislative Analyst determines,
18 on or before January 1, 2023, that at least three billion dollars
19 (\$3,000,000,000) has been made available in an interest bearing
20 account in the State Treasury with a goal of at least one hundred
21 million dollars (\$100,000,000) in interest revenues per year
22 available for the purposes of the fund.

23 (b) (1) A report to be submitted pursuant to subdivision (a)
24 shall be submitted in compliance with Section 9795 of the
25 Government Code.

26 (2) Pursuant to Section 10231.5 of the Government Code, this
27 section is repealed on January 1, 2027.

28 (c) This article shall become inoperative upon the Legislative
29 Analyst submitting a report pursuant to subdivision (a), and, as
30 of January 1, of the year following that determination, is repealed.

31 32 Article 6. Regional Distribution

33 116773. (a) The Legislature finds and declares as follows:

34 (1) Water quality problems occur in all areas of the state,
35 including rural and urban areas.

36 (2) In particular, aging school infrastructure, including lead
37 pipes, puts at risk thousands of children per year.

38 (b) It is the intent of the Legislature to establish a region specific
39 program to address the purposes of this chapter.
40

(c) The board may distribute funds for any purpose of this chapter through its drinking water regional offices, as follows:

(1) ____.

(d) The board shall not distribute more than 20 percent of the annual expenditures from the fund pursuant to subdivision (c).

SEC. 6. Chapter 4.7 (commencing with Section 116774) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 4.7. SAFE AND AFFORDABLE DRINKING WATER TRUST FUND

116774. (a) The Safe and Affordable Drinking Water Trust Fund is hereby established within the State Treasury. It is the intent of the Legislature that moneys in the trust fund remain for the purposes of the trust in perpetuity.

(b) Moneys held in the trust fund shall be invested by the Treasurer, in consultation with the Director of Finance and the Controller, in investments authorized by Section 16430 of the Government Code.

(c) Investment income derived from the trust fund is hereby transferred on January 1 of each year to the Safe and Affordable Drinking Water Fund, established by Section 116767 for the purposes of Chapter 4.6 (commencing with Section 116765).

116774.1. The sum of two hundred million dollars (\$200,000,000) shall be transferred to the trust fund by the Legislature each year for five years for the purpose of establishing a one-billion-dollar (\$1,000,000,000) trust fund to derive interest revenues to fund Chapter 4.6 (commencing with Section 116765).

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement

1 *to local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. Chapter 4.6 (commencing with Section 116765)
5 is added to Part 12 of Division 104 of the Health and Safety Code,
6 to read:

7
8 ~~CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER~~
9

10 ~~116765. The Safe and Affordable Drinking Water Fund is~~
11 ~~hereby established in the State Treasury. Moneys in the fund shall~~
12 ~~be available to the State Water Resources Control Board, upon~~
13 ~~appropriation by the Legislature, for the purposes of this chapter~~
14 ~~to provide a stable source of funding to secure access to safe~~
15 ~~drinking water for all Californians, while also ensuring the~~
16 ~~long-term sustainability of drinking water service and~~
17 ~~infrastructure.~~



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: City Council Member Requested Agenda Item - Consider Resolution of Support for H.R. 6: American Dream and Promise Act of 2019

SOURCE: City Manager's Office

COMMENT: City Council Member Peñaloza has requested that the Council consider a Resolution of Support for H.R. 6, "American Dream and Promise Act of 2019", as a Scheduled Matter at its next regularly scheduled meeting.

RECOMMENDATION: That the City Council approve Council Member Peñaloza's request to consider a Resolution of Support for H.R. 6, "American Dream and Promise Act of 2019," as a Scheduled Matter at its next regularly scheduled meeting.

ATTACHMENTS:

1. Example Resolution of Support for H.R. 6 - American Dream and Promise Act of 2019
2. HR 6 Bill Text - American Dream and Promise Act of 2019

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager

WHEREAS, any official position of the City of Porterville with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS: Congressional efforts to provide a permanent solution for unauthorized youth has been pending in Congress since 2001, with the introduction of bipartisan legislation, the Student Adjustment Act of 2001 which continued to be introduced consecutively in legislative sessions with bipartisan support and later morphed into the original version of the Development, Relief, and Education for Alien Minors (DREAM Act); and

WHEREAS: Since its original introduction, the DREAM Act aimed to provide a multi-phase process for qualifying undocumented immigrant youth to seek conditional residency status and a path to citizenship. Requirements to qualify for such relief have changed throughout time and various provisions have expanded with each introduction to ensure that most youth are included; and

WHEREAS: The DREAM Act has been up for debate and has been brought to Congress Floor for a vote multiple times as a stand alone bill, and has also been incorporated into other immigration related bills, including the Comprehensive Immigration Reform Act; and

WHEREAS: Frustrated by the unwillingness of Congress to pass a legislative solution granting relief to immigrant youth, President Barack Obama issued an executive order on June 15, 2012 that created the Deferred Action for Childhood Arrivals (DACA) program temporarily halting the deportation of undocumented immigrant youth who matched certain criteria included in the most recent proposed DREAM Act bills; and

WHEREAS: California has by far the largest number of potential beneficiaries under the DREAM ACT with 553,000¹, and the largest population of current youth protected under DACA, approximately 200,000²; and

WHEREAS: On September 5, 2017, under the Trump administration, then Acting Secretary of Homeland Security Elaine Duke rescinded the 2012 DACA memorandum, effective immediately, which initiated a wind down phase of the program. This eliminated the opportunity to submit new DACA applications and for DACA beneficiaries to be granted advance parole; and

¹ <https://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>

² <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

WHEREAS: Multiple lawsuits followed Trump's announcement challenging his efforts to terminate the program, resulting in five court cases on DACA and an injunction allowing for renewals only; and

WHEREAS: The attacks of the Trump Administration also included immigrants with Temporary Protected Status (TPS) a program established by Congress through the Immigration Act of 1990. Currently, there are a total of 10 countries under TPS designation; and

WHEREAS: Approximately 436,866 TPS holders live in the United States, with the largest groups located in California approximately 80,636 individuals; and

WHEREAS: The TPS program is another component of our legal immigration system which came under attack by the Trump Administration, when it terminated or redesignated countries that remain unstable, and such actions left beneficiaries in limbo with unknown futures; and

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Porterville hereby includes in its 2018-19 Federal Legislative Program SUPPORT for the DREAM and Promise Act (H.R.6) to urge the Congress of the United States to pass legislation that provides a permanent solution for immigrant youth and those protected under TPS and DED.; and BE IT FURTHER RESOLVED that the Chief Legislative Analyst transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives Nancy Pelosi, to the Senate Majority Leader Mitch McConnell, and to each Senator and Representative from California in the Congress of the United States.

116TH CONGRESS
1ST SESSION

H. R. 6

To authorize the cancellation of removal and adjustment of status of certain
aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Ms. ROYBAL-ALLARD (for herself, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Mr. AGUILAR, Ms. BARRAGÁN, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CASTRO of Texas, Mr. CISNEROS, Mr. CORREA, Mr. COSTA, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. GALLEGU, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GRIJALVA, Mr. LEVIN of California, Mr. LUJÁN, Ms. MUCARSEL-POWELL, Mrs. NAPOLITANO, Ms. OCASIO-CORTEZ, Mr. RUIZ, Mr. SABLÁN, Mr. SAN NICOLAS, Ms. SÁNCHEZ, Mr. SERRANO, Mr. SIREs, Mr. SOTO, Ms. TORRES SMALL of New Mexico, Mrs. TORRES of California, Mrs. TRAHAN, Mr. VARGAS, Mr. VELA, Ms. ADAMS, Mr. ALLRED, Ms. BASS, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHIESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. COX of California, Mr. CRIST, Mr. CROW, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mrs. FLETCHER, Ms. FRANKEL, Ms. FUDGE, Ms. GABBARD, Mr. GARAMENDI, Mr. GREEN of Texas, Ms. HAALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Mr. HORSFORD, Ms. HOULAHAN, Mr. HOYER, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr.

LEVIN of Michigan, Mr. LEWIS, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mrs. LURIA, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mr. NEAL, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAPPAS, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROUDA, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Ms. SCHRIER, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Ms. SILALALA, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STANTON, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mr. TRONE, Ms. UNDERWOOD, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WEXTON, Ms. WILD, Ms. WILSON of Florida, Mr. YARMUTH, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the cancellation of removal and adjustment
of status of certain aliens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Dream and
5 Promise Act of 2019”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—DREAM ACT OF 2019

- Sec. 101. Short title.
- Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
- Sec. 103. Terms of permanent resident status on a conditional basis.
- Sec. 104. Return to previous immigration status.
- Sec. 105. Removal of conditional basis of permanent resident status.
- Sec. 106. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—AMERICAN PROMISE ACT OF 2019

- Sec. 201. Short title.
- Sec. 202. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.
- Sec. 203. Reporting requirements regarding future discontinued eligibility of aliens from countries currently listed under temporary protected status.
- Sec. 204. Waiver of certain language requirements.
- Sec. 205. Clarification of inspection and admission under temporary protected status.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.
- Sec. 302. Limitation on removal; application and fee exemption; waiver of grounds for inadmissibility and other conditions on eligible individuals.
- Sec. 303. Determination of continuous presence.
- Sec. 304. Exemption from numerical limitations.
- Sec. 305. Availability of administrative and judicial review.
- Sec. 306. Documentation requirements.
- Sec. 307. Rule making.
- Sec. 308. Confidentiality of information.
- Sec. 309. Grant program to assist eligible applicants.
- Sec. 310. Provisions affecting eligibility for adjustment of status.

1 **TITLE I—DREAM ACT OF 2019**

2 **SEC. 101. SHORT TITLE.**

3 This title may be cited as the “Dream Act of 2019”.

1 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-**
2 **TIONAL BASIS FOR CERTAIN LONG-TERM**
3 **RESIDENTS WHO ENTERED THE UNITED**
4 **STATES AS CHILDREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
6 standing any other provision of law, and except as pro-
7 vided in section 105(c)(2), an alien shall be considered,
8 at the time of obtaining the status of an alien lawfully
9 admitted for permanent residence under this section, to
10 have obtained such status on a conditional basis subject
11 to the provisions of this title.

12 (b) **REQUIREMENTS.**—

13 (1) **IN GENERAL.**—Notwithstanding any other
14 provision of law, the Secretary or the Attorney Gen-
15 eral shall cancel the removal of, and adjust to the
16 status of an alien lawfully admitted for permanent
17 residence on a conditional basis, or without the con-
18 ditional basis as provided in section 105(c)(2), an
19 alien who is inadmissible or deportable from the
20 United States if—

21 (A) the alien has been continuously phys-
22 ically present in the United States since the
23 date that is 4 years before the date of the en-
24 actment of this Act;

1 (B) the alien was younger than 18 years of
2 age on the date on which the alien initially en-
3 tered the United States;

4 (C) subject to sections 301(b) and 302(d),
5 the alien—

6 (i) is not inadmissible under para-
7 graph (2), (3), (6)(E), (6)(G), (8),
8 (10)(A), (10)(C), (10)(D), or (10)(E) of
9 section 212(a) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1182(a));

11 (ii) has not ordered, incited, assisted,
12 or otherwise participated in the persecution
13 of any person on account of race, religion,
14 nationality, membership in a particular so-
15 cial group, or political opinion; and

16 (iii) excluding any offense under State
17 law for which an essential element is the
18 alien's immigration status, and any minor
19 traffic offense, has not been convicted of—

20 (I) any offense under Federal or
21 State law that is punishable by a
22 maximum term of imprisonment of
23 more than 1 year;

24 (II) 3 or more offenses under
25 Federal or State law for which the

1 alien was convicted on different dates
2 for each of the 3 offenses and impris-
3 oned for an aggregate of 90 days or
4 more; or

5 (III) a crime of domestic vio-
6 lence, unless—

7 (aa) the alien demonstrates
8 that such crime is related to the
9 alien having been—

10 (AA) a victim of domes-
11 tic violence, sexual assault,
12 stalking, child abuse or ne-
13 glect, abuse or neglect in
14 later life, or human traf-
15 ficking;

16 (BB) battered or sub-
17 jected to extreme cruelty; or

18 (CC) a victim of crimi-
19 nal activity described in sec-
20 tion 101(a)(15)(U)(iii) of
21 the Immigration and Na-
22 tionality Act (8 U.S.C.
23 1101(a)(15)(U)(iii)); or

24 (bb) the Secretary, in the
25 discretion of the Secretary,

1 waives this subclause for humani-
2 tarian purposes, for family unity,
3 or because the waiver is other-
4 wise in the public interest; and

5 (D) the alien—

6 (i) has been admitted to an institution
7 of higher education;

8 (ii) in the United States, has—

9 (I) earned a high school diploma
10 or a commensurate alternative award
11 from a public or private high school;

12 (II) obtained the General Edu-
13 cation Development credential;

14 (III) obtained a high school
15 equivalency diploma recognized under
16 State law; or

17 (IV) obtained a recognized post-
18 secondary credential; or

19 (iii) is enrolled in secondary school or
20 in an education program assisting students
21 in—

22 (I) obtaining a regular high
23 school diploma or its recognized equiv-
24 alent under State law;

(II) passing the General Education Development test, a high school equivalence diploma examination, or other similar State-authorized exam;

(III) obtaining a certificate or credential from an area career and technical education school providing education at the secondary level; or

(IV) obtaining a recognized post-secondary credential.

(2) DACA RECIPIENTS.—The Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 105(c)(2), an alien who—

(A) was granted DACA, unless the alien has become ineligible for DACA renewal; or

(B) was never granted DACA, but would have been eligible for such a grant pursuant to the terms of the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012, in place before it was rescinded on Sept. 5, 2017.

1 (3) APPLICATION FEE.—The Secretary may,
2 subject to an exemption under section 302(c), re-
3 quire an alien applying under this section to pay a
4 reasonable fee that is commensurate with the cost of
5 processing the application but does not exceed
6 \$495.00.

7 (4) SUBMISSION OF BIOMETRIC AND BIO-
8 GRAPHIC DATA.—The Secretary may not grant an
9 alien permanent resident status on a conditional
10 basis under this section unless the alien submits bio-
11 metric and biographic data, in accordance with pro-
12 cedures established by the Secretary. The Secretary
13 shall provide an alternative procedure for aliens who
14 are unable to provide such biometric or biographic
15 data because of a physical impairment.

16 (5) BACKGROUND CHECKS.—

17 (A) REQUIREMENT FOR BACKGROUND
18 CHECKS.—The Secretary shall utilize biometric,
19 biographic, and other data that the Secretary
20 determines appropriate—

21 (i) to conduct security and law en-
22 forcement background checks of an alien
23 seeking permanent resident status on a
24 conditional basis under this section; and

1 (ii) to determine whether there is any
2 criminal, national security, or other factor
3 that would render the alien ineligible for
4 such status.

5 (B) COMPLETION OF BACKGROUND
6 CHECKS.—The security and law enforcement
7 background checks of an alien required under
8 subparagraph (A) shall be completed, to the
9 satisfaction of the Secretary, before the date on
10 which the Secretary grants such alien perma-
11 nent resident status on a conditional basis
12 under this section.

13 (6) MILITARY SELECTIVE SERVICE.—An alien
14 applying for permanent resident status on a condi-
15 tional basis under this section, or without the condi-
16 tional basis as provided in section 105(c)(2), shall
17 establish that the alien has registered under the
18 Military Selective Service Act (50 U.S.C. 3801 et
19 seq.), if the alien is subject to registration under
20 such Act.

21 (7) CRIME OF DOMESTIC VIOLENCE DE-
22 FINED.—For purposes of paragraph (1)(C)(iii)(III),
23 the term “crime of domestic violence” means any of-
24 fense that has as an element the use, attempted use,
25 or threatened use of physical force against a person

1 committed by a current or former spouse of the per-
2 son, by an individual with whom the person shares
3 a child in common, by an individual who is cohab-
4 iting with or has cohabited with the person as a
5 spouse, by an individual similarly situated to a
6 spouse of the person under the domestic or family
7 violence laws of the jurisdiction where the offense oc-
8 curs, or by any other individual against a person
9 who is protected from that individual's acts under
10 the domestic or family violence laws of the United
11 States or any State, Indian tribal government, or
12 unit of local government.

13 (c) LIMITATION ON REMOVAL OF CERTAIN ALIEN
14 MINORS; TREATMENT OF CERTAIN REMOVED OR DE-
15 PARTED ALIENS.—

16 (1) CERTAIN ALIEN MINORS.—

17 (A) STAY OF REMOVAL.—The Attorney
18 General shall stay the removal proceedings of
19 an alien who meets all the requirements under
20 subparagraphs (A), (B), and (C) of subsection
21 (b)(1), subject to sections 301(b) and 302(d),
22 and is not older than 18 years of age.

23 (B) COMMENCEMENT OF REMOVAL PRO-
24 CEEDINGS.—The Secretary may not commence

1 removal proceedings for an alien described in
2 subparagraph (A).

3 (C) LIFT OF STAY.—The Secretary or At-
4 torney General may not lift the stay granted to
5 an alien under subparagraph (A) unless the
6 alien ceases to meet the requirements under
7 such subparagraph.

8 (2) ELIGIBILITY OF REMOVED OR VOLUNTARILY
9 DEPARTED ALIENS.—An alien who was removed or
10 permitted to depart voluntarily from the United
11 States on or after January 20, 2017, may apply for
12 relief under this section from abroad if—

13 (A) the alien meets all the requirements
14 under subparagraphs (B) and (C) of subsection
15 (b)(1), subject to sections 301(b) and 302(d);

16 (B) the alien meets the requirements of
17 subsection (b)(1)(D) or was enrolled in an ele-
18 mentary school or secondary school in the
19 United States during the 60-day period before
20 the alien's removal or voluntary departure;

21 (C) the alien was continuously physically
22 present in the United States for a period of at
23 least 4 years;

24 (D) at the time of their removal or vol-
25 untary departure, the alien—

1 (i) had been granted DACA, and was
2 not ineligible for DACA renewal; or

3 (ii) had never been granted DACA,
4 but would have been eligible for such a
5 grant pursuant to the terms of the De-
6 ferred Action for Childhood Arrivals policy
7 announced by the Secretary of Homeland
8 Security on June 15, 2012, in place before
9 it was rescinded on Sept. 5, 2017; and

10 (E) the sole reason for their removal or
11 voluntary departure was that the alien was
12 present in the United States after the expira-
13 tion of the period of stay authorized by the Sec-
14 retary of Homeland Security or was present in
15 the United States without being admitted or
16 paroled.

17 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
18 **CONDITIONAL BASIS.**

19 (a) PERIOD OF STATUS.—Permanent resident status
20 on a conditional basis is—

21 (1) valid for a period of 10 years, unless such
22 period is extended by the Secretary; and

23 (2) subject to termination under subsection (d).

24 (b) NOTICE OF REQUIREMENTS.—At the time an
25 alien obtains permanent resident status on a conditional

1 basis, the Secretary shall provide notice to the alien re-
 2 garding the provisions of this title and the requirements
 3 to have the conditional basis of such status removed.

4 (c) PROFESSIONAL, COMMERCIAL, AND BUSINESS LI-
 5 CENSES.—Notwithstanding any other law, for the pur-
 6 poses of professional, commercial, and business licenses,
 7 an alien with permanent status on a conditional basis shall
 8 be treated as an alien lawfully admitted for permanent res-
 9 idence.

10 (d) TERMINATION OF STATUS.—The Secretary may
 11 terminate the permanent resident status on a conditional
 12 basis of an alien only if the Secretary—

13 (1) determines that the alien ceases to meet the
 14 requirements under section 102(b)(1)(C), subject to
 15 sections 301(b) and 302(d); and

16 (2) prior to the termination, provides the
 17 alien—

18 (A) notice of the proposed termination;

19 and

20 (B) the opportunity for a hearing to pro-
 21 vide evidence that the alien meets such require-
 22 ments or otherwise contest the termination.

23 **SEC. 104. RETURN TO PREVIOUS IMMIGRATION STATUS.**

24 An alien whose permanent resident status on a condi-
 25 tional basis expires under section 103(a)(1) or is termi-

1 nated under section 103(d), or whose application under
2 section 102 is denied, shall return to the immigration sta-
3 tus that the alien had immediately before receiving perma-
4 nent resident status on a conditional basis or applying
5 under section 102, as appropriate.

6 **SEC. 105. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
7 **NENT RESIDENT STATUS.**

8 (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**
9 **BASIS.—**

10 (1) **IN GENERAL.**—Subject to paragraph (2),
11 the Secretary shall remove the conditional basis of
12 an alien's permanent resident status granted under
13 this title and grant the alien status as an alien law-
14 fully admitted for permanent residence if the alien—

15 (A) is described in section 102(b)(1)(C),
16 subject to sections 301(b) and 302(d);

17 (B) has not abandoned the alien's resi-
18 dence in the United States during the period in
19 which the alien has permanent resident status
20 on a conditional basis; and

21 (C)(i) has earned a degree from an institu-
22 tion of higher education, or has completed at
23 least 2 years, in good standing, of a program in
24 the United States leading to a bachelor's degree
25 or higher degree or a certificate or credential

1 from an area career and technical education
2 school providing education at the postsecondary
3 level;

4 (ii) has served in the Uniformed Services
5 for at least 2 years and, if discharged, received
6 an honorable discharge; or

7 (iii) has been employed for periods totaling
8 at least 3 years and at least 75 percent of the
9 time that the alien has had a valid employment
10 authorization, except that any period during
11 which the alien is not employed while having a
12 valid employment authorization and is enrolled
13 in an institution of higher education, a sec-
14 ondary school, or an education program de-
15 scribed in section 102(b)(1)(D)(iii), shall not
16 count toward the time requirements under this
17 clause.

18 (2) HARDSHIP EXCEPTION.—

19 (A) IN GENERAL.—The Secretary shall re-
20 move the conditional basis of an alien's perma-
21 nent resident status and grant the alien status
22 as an alien lawfully admitted for permanent
23 residence if the alien—

1 (i) satisfies the requirements under
2 subparagraphs (A) and (B) of paragraph
3 (1);

4 (ii) demonstrates compelling cir-
5 cumstances for the inability to satisfy the
6 requirements under subparagraph (C) of
7 such paragraph; and

8 (iii) demonstrates that—

9 (I) the alien has a disability;

10 (II) the alien is a full-time care-
11 giver of a minor child; or

12 (III) the removal of the alien
13 from the United States would result
14 in hardship to the alien or the alien's
15 spouse, parent, or child who is a na-
16 tional of the United States or is law-
17 fully admitted for permanent resi-
18 dence.

19 (3) CITIZENSHIP REQUIREMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the conditional basis of an
22 alien's permanent resident status granted under
23 this title may not be removed unless the alien
24 demonstrates that the alien satisfies the re-

1 requirements under section 312(a) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1423(a)).

3 (B) EXCEPTION.—Subparagraph (A) shall
4 not apply to an alien who is unable to meet the
5 requirements under such section 312(a) due to
6 disability.

7 (4) APPLICATION FEE.—The Secretary may,
8 subject to an exemption under section 302(e), re-
9 quire aliens applying for removal of the conditional
10 basis of an alien's permanent resident status under
11 this section to pay a reasonable fee that is commen-
12 surate with the cost of processing the application.

13 (5) SUBMISSION OF BIOMETRIC AND BIO-
14 GRAPHIC DATA.—The Secretary may not remove the
15 conditional basis of an alien's permanent resident
16 status unless the alien submits biometric and bio-
17 graphic data, in accordance with procedures estab-
18 lished by the Secretary. The Secretary shall provide
19 an alternative procedure for applicants who are un-
20 able to provide such biometric data because of a
21 physical impairment.

22 (6) BACKGROUND CHECKS.—

23 (A) REQUIREMENT FOR BACKGROUND
24 CHECKS.—The Secretary shall utilize biometric,

1 biographic, and other data that the Secretary
2 determines appropriate—

3 (i) to conduct security and law en-
4 forcement background checks of an alien
5 applying for removal of the conditional
6 basis of the alien's permanent resident sta-
7 tus; and

8 (ii) to determine whether there is any
9 criminal, national security, or other factor
10 that would render the alien ineligible for
11 removal of such conditional basis.

12 (B) COMPLETION OF BACKGROUND
13 CHECKS.—The security and law enforcement
14 background checks of an alien required under
15 subparagraph (A) shall be completed, to the
16 satisfaction of the Secretary, before the date on
17 which the Secretary removes the conditional
18 basis of the alien's permanent resident status.

19 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
20 TION.—

21 (1) IN GENERAL.—For purposes of title III of
22 the Immigration and Nationality Act (8 U.S.C. 1401
23 et seq.), an alien granted permanent resident status
24 on a conditional basis shall be considered to have
25 been admitted to the United States, and be present

1 in the United States, as an alien lawfully admitted
2 for permanent residence.

3 (2) LIMITATION ON APPLICATION FOR NATU-
4 RALIZATION.—An alien may not apply for natu-
5 ralization while the alien is in permanent resident
6 status on a conditional basis.

7 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
8 RESIDENCE STATUS.—

9 (1) IN GENERAL.—An alien granted lawful per-
10 manent residence on a conditional basis under this
11 title may apply to have such conditional basis re-
12 moved at any time after such alien has met the eligi-
13 bility requirements set forth in subsection (a).

14 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
15 CATIONS.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary or the At-
18 torney General shall cancel the removal of, and
19 adjust to the status of an alien lawfully admit-
20 ted for permanent residence status without con-
21 ditional basis, any alien who—

22 (i) subject to the waiver described in
23 section 302(d), and the provisions on de-
24 termination of continuous presence in sec-
25 tion 303, demonstrates eligibility for lawful

1 permanent residence status on a condi-
2 tional basis under section 102(b); and

3 (ii) subject to the exceptions described
4 in subsections (a)(2) and (a)(3)(B) of this
5 section, already has fulfilled the require-
6 ments of paragraphs (1) and (3) of sub-
7 section (a) of this section at the time such
8 alien first submits an application for bene-
9 fits under this title.

10 (B) BACKGROUND CHECKS.—Paragraphs
11 (5) and (6) of subsection (a) of this section
12 shall apply to an alien seeking lawful perma-
13 nent residence status without conditional basis
14 in an initial application in the same manner as
15 they apply to an alien seeking removal of the
16 conditional basis of an alien's permanent resi-
17 dent status. Paragraphs (4) and (5) of section
18 102(b) shall not be construed to require the
19 Secretary to conduct more than one identical
20 security or law enforcement background check
21 on such an alien.

22 (C) APPLICATION FEES.—In the case of an
23 alien seeking lawful permanent residence status
24 without conditional basis in an initial applica-
25 tion, the alien shall pay the fee required under

1 subsection (a)(4)(A) of this section, subject to
2 the exemption allowed under section 302(c), but
3 shall not be required to pay the application fee
4 under section 102(b)(3).

5 **SEC. 106. RESTORATION OF STATE OPTION TO DETERMINE**
6 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
7 **CATION BENEFITS.**

8 (a) IN GENERAL.—Section 505 of the Illegal Immi-
9 gration Reform and Immigrant Responsibility Act of 1996
10 (8 U.S.C. 1623) is repealed.

11 (b) EFFECTIVE DATE.—The repeal under subsection
12 (a) shall take effect as if included in the original enact-
13 ment of the Illegal Immigration Reform and Immigrant
14 Responsibility Act of 1996 (division C of Public Law 104–
15 208; 110 Stat. 3009–546).

16 (c) LIMITATION OF FEDERAL STUDENT ASSIST-
17 ANCE.—Notwithstanding any other provision of law, an
18 alien who has permanent resident status on a conditional
19 basis under this title shall be eligible only for the following
20 assistance under title IV of the Higher Education Act of
21 1965 (20 U.S.C. 1070 et seq.):

22 (1) Student loans under parts D and E of such
23 title IV (20 U.S.C. 1087a et seq. and 1087aa et
24 seq.), subject to the requirements of such parts.

1 (2) Federal work-study programs under part C
2 of such title IV (42 U.S.C. 2751 et seq.), subject to
3 the requirements of such part.

4 (3) Services under such title IV (20 U.S.C.
5 1070 et seq.), subject to the requirements for such
6 services.

7 **TITLE II—AMERICAN PROMISE**
8 **ACT OF 2019**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “American Promise Act
11 of 2019”.

12 **SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**
13 **ALS OF CERTAIN COUNTRIES DESIGNATED**
14 **FOR TEMPORARY PROTECTED STATUS OR**
15 **DEFERRED ENFORCED DEPARTURE.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, the Secretary or the Attorney General shall
18 cancel the removal of, and adjust to the status of an alien
19 lawfully admitted for permanent residence, an alien de-
20 scribed in subsection (c) if the alien—

21 (1) applies for such adjustment, including sub-
22 mitting the documents required under section 306,
23 not later than 3 years after the date of the enact-
24 ment of this Act; and

1 (2) is determined to be an alien admissible to
2 the United States as an immigrant, except as other-
3 wise provided under subsection (b) and subject to
4 sections 301(b) and 302(d).

5 (b) CERTAIN GROUNDS FOR INADMISSIBILITY INAP-
6 PLICABLE.—For purposes of determining admissibility
7 under subsection (a)(2), the grounds for inadmissibility
8 specified in paragraphs (4), (5), (6)(A),(6)(B), (6)(C),
9 (7)(A), (9)(A), and (9)(B) of section 212(a) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1182(a)) shall not
11 apply.

12 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
13 TUS.—

14 (1) IN GENERAL.—An alien shall be eligible for
15 adjustment of status if the alien—

16 (A) is—

17 (i) a national of a foreign state (or
18 part thereof), (or in the case of an alien
19 having no nationality, is a person who last
20 habitually resided in such state), with a
21 designation under subsection (b) of section
22 244 of the Immigration and Nationality
23 Act (8 U.S.C. 1254a(b)) on September 25,
24 2016, who had or was otherwise eligible for
25 temporary protected status on such date

1 notwithstanding subsections (c)(1)(A)(iv)
2 and (c)(3)(C) of such section; or

3 (ii) under a grant of Deferred En-
4 forced Departure as of September 28,
5 2016; and

6 (B) has been continuously physically
7 present in the United States for a period of not
8 less than 3 years before the date of the enact-
9 ment of this Act.

10 (2) TPS ALIENS PREVIOUSLY REMOVED OR DE-
11 PARTED.—An alien shall be eligible for adjustment
12 of status if the alien was removed or voluntarily de-
13 parted from the United States on or after Sep-
14 tember 25, 2016, if the alien—

15 (A) applies from abroad;

16 (B) was continuously physically present in
17 the United States for a period of not less than
18 3 years before the date of removal or departure;

19 (C) had temporary protected status on
20 such date, or was otherwise eligible, on such
21 date, for temporary protected status notwith-
22 standing subsections (c)(1)(A)(iv) and (c)(3)(C)
23 of section 244 of the Immigration and Nation-
24 ality Act (8 U.S.C. 1254a); and

1 (D) the sole reason for the alien's removal
2 or departure was—

3 (i) that the alien was present in the
4 United States after the expiration of the
5 designation of that foreign state (or part
6 thereof) under section 244(b)(3)(B) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1254a(b)(3)(B)); or

9 (ii) in the case of a voluntary depar-
10 ture, the alien did so on the basis of the
11 Secretary's determination to terminate
12 such designation.

13 (3) DED ALIENS PREVIOUSLY REMOVED OR
14 DEPARTED.—An alien shall be eligible for adjust-
15 ment of status if the alien was removed or volun-
16 tarily departed from the United States on or after
17 September 28, 2016, if the alien—

18 (A) applies from abroad;

19 (B) is under a grant of Deferred Enforced
20 Departure as of September 28, 2016;

21 (C) was continuously physically present in
22 the United States for a period of not less than
23 3 years before the date of removal or departure;
24 and

1 (D) the sole reason for the alien's removal
2 or departure—

3 (i) was that the alien was present in
4 the United States after the expiration of
5 the deferral of enforced departure directed
6 in the Presidential Memorandum on De-
7 ferred Enforced Departure for Liberians
8 issued on September 28, 2016, or any sub-
9 sequent extension of such deferral; or

10 (ii) in the case of a voluntary depar-
11 ture, the alien did so on the basis of the
12 President's determination to terminate
13 such presidential memorandum or exten-
14 sion.

15 (d) APPLICATION.—

16 (1) FEE.—The Secretary shall, subject to an
17 exemption under section 302(c), require an alien ap-
18 plying for permanent resident status under this sec-
19 tion to pay a reasonable fee that is commensurate
20 with the cost of processing the application, but does
21 not exceed \$1,140.

22 (2) STAY OF REMOVAL WHILE APPLICATION
23 PENDING.—The removal proceedings of an alien
24 shall be stayed while an application for adjustment

1 of status submitted pursuant to this section is pend-
2 ing.

3 **SEC. 203. REPORTING REQUIREMENTS REGARDING FU-**
4 **TURE DISCONTINUED ELIGIBILITY OF**
5 **ALIENS FROM COUNTRIES CURRENTLY LIST-**
6 **ED UNDER TEMPORARY PROTECTED STATUS.**

7 Section 244(b)(3) of the Immigration and Nationality
8 Act (8 U.S.C. 1254a(b)(3)) is amended by adding at the
9 end, the following:

10 “(D) REPORT ON TERMINATIONS.—Not
11 later than 3 days after the Secretary of Home-
12 land Security publishes a notice in the Federal
13 Register of the determination to terminate the
14 designation of a foreign state (or part thereof)
15 under subparagraph (B), the Secretary of
16 Homeland Security shall submit to the Commit-
17 tees on the Judiciary of the House of Rep-
18 resentatives and of the Senate a report that in-
19 cludes—

20 “(i) an explanation of any event that
21 initially prompted the designation of the
22 foreign state (or part thereof) under this
23 subsection;

24 “(ii) the progress that the foreign
25 state (or part thereof) has made in rem-

1 edying, solving, or addressing the condi-
2 tions prompting the designation specified
3 under clause (i), including any significant
4 challenges or shortcomings that have aris-
5 en from conditions related to the initial
6 designation;

7 “(iii) a description of the quantitative
8 and qualitative methodologies used by the
9 Secretary to assess and determine improve-
10 ments in country conditions; and

11 “(iv) any additional metrics the Sec-
12 retary deems necessary.”.

13 **SEC. 204. WAIVER OF CERTAIN LANGUAGE REQUIREMENTS.**

14 The language requirements of section 312(a)(1) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1423(a)(1)) shall not apply to an alien in receipt of a sta-
17 tus adjustment under section 202 of this title.

18 **SEC. 205. CLARIFICATION OF INSPECTION AND ADMISSION**
19 **UNDER TEMPORARY PROTECTED STATUS.**

20 Section 244(f)(4) of the Immigration and Nationality
21 Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after
22 “considered” the following: “as having been inspected and
23 admitted into the United States, and”.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “area career and technical education school” has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(3) DACA.—The term “DACA” means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012.

(4) DISABILITY.—The term “disability” has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(5) EARLY CHILDHOOD EDUCATION PROGRAM.—The term “early childhood education program” has the meaning given such term in section

1 103 of the Higher Education Act of 1965 (20
2 U.S.C. 1003).

3 (6) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
4 ONDARY SCHOOL.—The terms “elementary school”,
5 “high school”, and “secondary school” have the
6 meanings given such terms in section 8101 of the
7 Elementary and Secondary Education Act of 1965
8 (20 U.S.C. 7801).

9 (7) IMMIGRATION LAWS.—The term “immigra-
10 tion laws” has the meaning given such term in sec-
11 tion 101(a)(17) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(17)).

13 (8) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education”—

15 (A) except as provided in subparagraph
16 (B), has the meaning given such term in section
17 102 of the Higher Education Act of 1965 (20
18 U.S.C. 1002); and

19 (B) does not include an institution of high-
20 er education outside of the United States.

21 (9) PERMANENT RESIDENT STATUS ON A CON-
22 DITIONAL BASIS.—The term “permanent resident
23 status on a conditional basis” means status as an
24 alien lawfully admitted for permanent residence on
25 a conditional basis under this Act.

1 (10) FEDERAL POVERTY LINE.—The term
2 “Federal poverty line” has the meaning given such
3 term in section 213A(h) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1183a).

5 (11) RECOGNIZED POSTSECONDARY CREDEN-
6 TIAL.—The term “recognized postsecondary creden-
7 tial” has the meaning given such term in section 3
8 of the Workforce Innovation and Opportunity Act
9 (29 U.S.C. 3102).

10 (12) SECRETARY.—Except as otherwise specifi-
11 cally provided, the term “Secretary” means the Sec-
12 retary of Homeland Security.

13 (13) UNIFORMED SERVICES.—The term “Uni-
14 formed Services” has the meaning given the term
15 “uniformed services” in section 101(a) of title 10,
16 United States Code.

17 (b) TREATMENT OF EXPUNGED CONVICTIONS.—For
18 purposes of this Act, the term “conviction” does not in-
19 clude a judgment that has been expunged or set aside,
20 that resulted in a rehabilitative disposition, or the equiva-
21 lent.

1 **SEC. 302. LIMITATION ON REMOVAL; APPLICATION AND**
2 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**
3 **INADMISSIBILITY AND OTHER CONDITIONS**
4 **ON ELIGIBLE INDIVIDUALS.**

5 (a) **LIMITATION ON REMOVAL.**—An alien who has
6 presented evidence to establish prima facie eligibility for
7 relief from removal, who appears to be prima facie eligible,
8 or who has an application pending under this Act may
9 not be removed.

10 (b) **APPLICATION.**—An alien present in the United
11 States who has been ordered removed or has been per-
12 mitted to depart voluntarily from the United States may,
13 notwithstanding such order or permission to depart, apply
14 for adjustment of status under this Act. Such alien shall
15 not be required to file a separate motion to reopen, recon-
16 sider, or vacate the order of removal. If the Secretary ap-
17 proves the application, the Secretary shall cancel the order
18 of removal. If the Secretary renders a final administrative
19 decision to deny the application, the order of removal or
20 permission to depart shall be effective and enforceable to
21 the same extent as if the application had not been made,
22 only after all available administrative and judicial rem-
23 edies have been exhausted.

24 (c) **FEE EXEMPTION.**—An applicant may be exempt-
25 ed from paying an application fee required under this Act
26 if the applicant—

1 (1) is younger than 18 years of age;

2 (2) received total income, during the 12-month
3 period immediately preceding the date on which the
4 applicant files an application under this Act, that is
5 less than 150 percent of the Federal poverty line;

6 (3) is in foster care or otherwise lacking any
7 parental or other familial support; or

8 (4) cannot care for himself or herself because of
9 a serious, chronic disability.

10 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

11 With respect to any benefit under this Act, the Secretary
12 may waive the grounds of inadmissibility under paragraph
13 (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the
14 Immigration and Nationality Act (8 U.S.C. 1182(a)) for
15 humanitarian purposes, for family unity, or because the
16 waiver is otherwise in the public interest.

17 (e) ADVANCE PAROLE.—During the period beginning
18 on the date on which an alien applies for adjustment of
19 status under this Act and ending on the date on which
20 the Secretary makes a final decision regarding such appli-
21 cation, the alien shall be eligible to apply for advance pa-
22 role. Section 101(g) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted
24 advance parole under this section.

1 (f) EMPLOYMENT.—An alien whose removal is stayed
2 pursuant to this Act, who may not be placed in removal
3 proceedings pursuant to this Act, or who has pending an
4 application under this Act, shall, upon application to the
5 Secretary, be granted an employment authorization docu-
6 ment.

7 **SEC. 303. DETERMINATION OF CONTINUOUS PRESENCE.**

8 (a) TERMINATION OF CONTINUOUS PERIOD.—Any
9 period of continuous physical presence in the United
10 States of an alien who applies for permanent resident sta-
11 tus under title I (whether on a conditional basis or without
12 the conditional basis as provided in section 105(c)(2)) or
13 under title II shall not terminate when the alien is served
14 a notice to appear under section 239(a) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1229(a)).

16 (b) TREATMENT OF CERTAIN BREAKS IN PRES-
17 ENCE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), an alien shall be considered to
20 have failed to maintain continuous physical presence
21 in the United States under this Act if the alien has
22 departed from the United States for any period ex-
23 ceeding 90 days or for any periods, in the aggregate,
24 exceeding 180 days.

1 (2) EXTENSIONS FOR EXTENUATING CIR-
2 CUMSTANCES.—The Secretary may extend the time
3 periods described in paragraph (1) for an alien who
4 demonstrates that the failure to timely return to the
5 United States was due to extenuating circumstances
6 beyond the alien's control, including the serious ill-
7 ness of the alien, or death or serious illness of a par-
8 ent, grandparent, sibling, or child of the alien.

9 (3) TRAVEL AUTHORIZED BY THE SEC-
10 RETARY.—Any period of travel outside of the United
11 States by an alien that was authorized by the Sec-
12 retary may not be counted toward any period of de-
13 parture from the United States under paragraph
14 (1).

15 **SEC. 304. EXEMPTION FROM NUMERICAL LIMITATIONS.**

16 Nothing in this Act or in any other law may be con-
17 strued to apply a numerical limitation on the number of
18 aliens who may be granted permanent resident status
19 under title I (whether on a conditional basis, or without
20 the conditional basis as provided in section 105(c)(2)) or
21 under title II of this Act.

22 **SEC. 305. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**
23 **CIAL REVIEW.**

24 (a) ADMINISTRATIVE REVIEW.—Not later than 30
25 days after the date of the enactment of this Act, the Sec-

1 retary shall provide to aliens applying for adjustment of
2 status under this Act a process by which the denial of an
3 application for adjustment of status may undergo a single
4 level of administrative appellate review, which shall be sub-
5 stantially similar to the procedures for administrative re-
6 view provided to applicants for adjustment of status under
7 section 245 of the Immigration and Nationality Act (8
8 U.S.C. 1255).

9 (b) CONSOLIDATION OF ISSUES FOR JUDICIAL RE-
10 VIEW.—An alien may seek judicial review of a denial of
11 an application for benefits, or a revocation of such bene-
12 fits, under this Act in the appropriate United States court
13 of appeals in conjunction with the judicial review of an
14 order of removal under section 242 of the Immigration
15 and Nationality Act (8 U.S.C. 1252).

16 (c) STAY OF REMOVAL.—An alien seeking adminis-
17 trative or judicial review under this Act may not be re-
18 moved from the United States until a final decision is ren-
19 dered establishing that the alien is ineligible for adjust-
20 ment of status under this Act, unless such removal is
21 based on criminal or national security grounds.

22 **SEC. 306. DOCUMENTATION REQUIREMENTS.**

23 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
24 alien's application for permanent resident status under
25 title I (whether on a conditional basis, or without the con-

ditional basis as provided in section 105(c)(2)) or under title II, may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under sections 102(b)(1)(A) and 202(c)(1)(B), or to establish that an alien has not abandoned residence in the United States,

1 as required under section 105(a)(1)(B), the alien may sub-
2 mit documents to the Secretary, including—

3 (1) employment records of the alien that in-
4 clude the employer's name and contact information;

5 (2) records from any educational institution the
6 alien has attended in the United States;

7 (3) records of service from the Uniformed Serv-
8 ices;

9 (4) official records from a religious entity con-
10 firming the alien's participation in a religious cere-
11 mony;

12 (5) passport entries;

13 (6) a birth certificate for a child of the alien
14 who was born in the United States;

15 (7) automobile license receipts or registration;

16 (8) deeds, mortgages, or rental agreement con-
17 tracts;

18 (9) tax receipts;

19 (10) insurance policies;

20 (11) remittance records;

21 (12) rent receipts or utility bills bearing the
22 alien's name or the name of an immediate family
23 member of the alien, and the alien's address;

24 (13) copies of money order receipts for money
25 sent in or out of the United States;

1 (14) dated bank transactions; or

2 (15) two or more sworn affidavits from individ-
3 uals who are not related to the alien who have direct
4 knowledge of the alien's continuous physical pres-
5 ence in the United States, that contain—

6 (A) the name, address, and telephone num-
7 ber of the affiant; and

8 (B) the nature and duration of the rela-
9 tionship between the affiant and the alien.

10 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
11 INTO THE UNITED STATES.—To establish under section
12 102(b)(1)(B) that an alien was younger than 18 years of
13 age on the date on which the alien initially entered the
14 United States, an alien may submit documents to the Sec-
15 retary, including—

16 (1) an admission stamp on the alien's passport;

17 (2) records from any educational institution the
18 alien has attended in the United States;

19 (3) any document from the Department of Jus-
20 tice or the Department of Homeland Security stat-
21 ing the alien's date of entry into the United States;

22 (4) hospital or medical records showing medical
23 treatment or hospitalization, the name of the med-
24 ical facility or physician, and the date of the treat-
25 ment or hospitalization;

1 (5) rent receipts or utility bills bearing the
2 alien's name or the name of an immediate family
3 member of the alien, and the alien's address;

4 (6) employment records that include the em-
5 ployer's name and contact information;

6 (7) official records from a religious entity con-
7 firming the alien's participation in a religious cere-
8 mony;

9 (8) a birth certificate for a child who was born
10 in the United States;

11 (9) automobile license receipts or registration;

12 (10) deeds, mortgages, or rental agreement con-
13 tracts;

14 (11) tax receipts;

15 (12) travel records;

16 (13) copies of money order receipts sent in or
17 out of the country;

18 (14) dated bank transactions;

19 (15) remittance records; or

20 (16) insurance policies.

21 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
22 INSTITUTION OF HIGHER EDUCATION.—To establish that
23 an alien has been admitted to an institution of higher edu-
24 cation, the alien shall submit to the Secretary a document

1 from the institution of higher education certifying that the
2 alien—

3 (1) has been admitted to the institution; or

4 (2) is currently enrolled in the institution as a
5 student.

6 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
7 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

8 To establish that an alien has acquired a degree from an
9 institution of higher education in the United States, the
10 alien shall submit to the Secretary a diploma or other doc-
11 ument from the institution stating that the alien has re-
12 ceived such a degree.

13 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
14 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
15 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

16 To establish that in the United States an alien has earned
17 a high school diploma or a commensurate alternative
18 award from a public or private high school, has obtained
19 the General Education Development credential, or other-
20 wise has satisfied section 102(b)(1)(D)(ii), the alien shall
21 submit to the Secretary—

22 (1) a high school diploma, certificate of comple-
23 tion, or other alternate award;

24 (2) a high school equivalency diploma or certifi-
25 cate recognized under State law;

1 (3) evidence that the alien passed a State-au-
2 thorized exam, including the General Education De-
3 velopment test, in the United States;

4 (4) evidence that the alien successfully com-
5 pleted an area career and technical education pro-
6 gram, such as a certification, certificate, or similar
7 alternate award; or

8 (5) evidence that the alien obtained a recog-
9 nized postsecondary credential.

10 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
11 EDUCATIONAL PROGRAM.—To establish that an alien is
12 enrolled in any school or education program described in
13 section 102(b)(1)(D)(iii), 102(c)(4)(B), or 105(a)(1)(C),
14 the alien shall submit school records from the United
15 States school that the alien is currently attending that in-
16 clude—

17 (1) the name of the school; and

18 (2) the alien’s name, periods of attendance, and
19 current grade or educational level.

20 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
21 APPLICATION FEES.—To establish that an alien is exempt
22 from an application fee under section 302(c), the alien
23 shall submit to the Secretary the following relevant docu-
24 ments:

1 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
2 tablish that an alien meets an age requirement, the
3 alien shall provide proof of identity, as described in
4 subsection (a), that establishes that the alien is
5 younger than 18 years of age.

6 (2) DOCUMENTS TO ESTABLISH INCOME.—To
7 establish the alien's income, the alien shall provide—

8 (A) employment records that have been
9 maintained by the Social Security Administra-
10 tion, the Internal Revenue Service, or any other
11 Federal, State, or local government agency;

12 (B) bank records; or

13 (C) at least 2 sworn affidavits from indi-
14 viduals who are not related to the alien and
15 who have direct knowledge of the alien's work
16 and income that contain—

17 (i) the name, address, and telephone
18 number of the affiant; and

19 (ii) the nature and duration of the re-
20 lationship between the affiant and the
21 alien.

22 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
23 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
24 SERIOUS, CHRONIC DISABILITY.—To establish that
25 the alien was in foster care, lacks parental or famil-

1 ial support, is homeless, or has a serious, chronic
2 disability, the alien shall provide at least 2 sworn af-
3 fidavits from individuals who are not related to the
4 alien and who have direct knowledge of the cir-
5 cumstances that contain—

6 (A) a statement that the alien is in foster
7 care, otherwise lacks any parental or other fa-
8 miliar support, is homeless, or has a serious,
9 chronic disability, as appropriate;

10 (B) the name, address, and telephone num-
11 ber of the affiant; and

12 (C) the nature and duration of the rela-
13 tionship between the affiant and the alien.

14 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
15 ICAL EXPENSE.—To establish that the alien has debt
16 as a result of unreimbursed medical expenses, the
17 alien shall provide receipts or other documentation
18 from a medical provider that—

19 (A) bear the provider's name and address;

20 (B) bear the name of the individual receiv-
21 ing treatment; and

22 (C) document that the alien has accumu-
23 lated \$10,000 or more in debt in the past 12
24 months as a result of unreimbursed medical ex-

1 penses incurred by the alien or an immediate
2 family member of the alien.

3 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
4 HARDSHIP EXEMPTION.—To establish that an alien satis-
5 fies one of the criteria for the hardship exemption set forth
6 in section 105(a)(2)(A)(iii), the alien shall submit to the
7 Secretary at least 2 sworn affidavits from individuals who
8 are not related to the alien and who have direct knowledge
9 of the circumstances that warrant the exemption, that
10 contain—

11 (1) the name, address, and telephone number of
12 the affiant; and

13 (2) the nature and duration of the relationship
14 between the affiant and the alien.

15 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
16 UNIFORMED SERVICES.—To establish that an alien has
17 served in the Uniformed Services for at least 2 years and,
18 if discharged, received an honorable discharge, the alien
19 shall submit to the Secretary—

20 (1) a Department of Defense form DD-214;

21 (2) a National Guard Report of Separation and
22 Record of Service form 22;

23 (3) personnel records for such service from the
24 appropriate Uniformed Service; or

1 (4) health records from the appropriate Uni-
2 formed Service.

3 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

4 (1) IN GENERAL.—An alien may satisfy the em-
5 ployment requirement under section
6 105(a)(1)(C)(iii) by submitting records that—

7 (A) establish compliance with such employ-
8 ment requirement; and

9 (B) have been maintained by the Social Se-
10 curity Administration, the Internal Revenue
11 Service, or any other Federal, State, or local
12 government agency.

13 (2) OTHER DOCUMENTS.—An alien who is un-
14 able to submit the records described in paragraph
15 (1) may satisfy the employment requirement by sub-
16 mitting at least 2 types of reliable documents that
17 provide evidence of employment, including—

18 (A) bank records;

19 (B) business records;

20 (C) employer records;

21 (D) records of a labor union, day labor
22 center, or organization that assists workers in
23 employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(1) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.**—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 307. RULE MAKING.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this Act, which shall allow eligible individuals to immediately apply for relief under section 102, 105(c)(2),

1 or 202. Notwithstanding section 553 of title 5, United
2 States Code, the regulation shall be effective, on an in-
3 terim basis, immediately upon publication, but may be
4 subject to change and revision after public notice and op-
5 portunity for a period of public comment. The Secretary
6 shall finalize such rules not later than 180 days after the
7 date of publication.

8 (b) PAPERWORK REDUCTION ACT.—The require-
9 ments under chapter 35 of title 44, United States Code
10 (commonly known as the “Paperwork Reduction Act”),
11 shall not apply to any action to implement this Act.

12 **SEC. 308. CONFIDENTIALITY OF INFORMATION.**

13 (a) IN GENERAL.—The Secretary may not disclose
14 or use information provided in applications filed under this
15 Act or in requests for DACA for the purpose of immigra-
16 tion enforcement.

17 (b) REFERRALS PROHIBITED.—The Secretary may
18 not refer any individual who has been granted permanent
19 resident status under title I (whether on a conditional
20 basis, or without the conditional basis as provided in sec-
21 tion 105(c)(2)) or under title II of this Act or who was
22 granted DACA or temporary protected status under sec-
23 tion 244 of the Immigration and Nationality Act (8 U.S.C.
24 1254a), to U.S. Immigration and Customs Enforcement,

1 U.S. Customs and Border Protection, or any designee of
2 either such entity.

3 (c) LIMITED EXCEPTION.—Notwithstanding sub-
4 sections (a) and (b), information provided in an applica-
5 tion for permanent resident status under title I (whether
6 on a conditional basis, or without the conditional basis as
7 provided in section 105(c)(2)) or under title II of this Act
8 or a request for DACA or temporary protected status
9 under section 244 of the Immigration and Nationality Act
10 (8 U.S.C. 1254a), may be shared with Federal security
11 and law enforcement agencies—

12 (1) for assistance in the consideration of an ap-
13 plication for permanent resident status under title I
14 (whether on a conditional basis, or without the con-
15 ditional basis as provided in section 105(c)(2)) or
16 under title II of this Act;

17 (2) to identify or prevent fraudulent claims;

18 (3) for national security purposes; or

19 (4) for the investigation or prosecution of any
20 felony not related to immigration status.

21 (d) PENALTY.—Any person who knowingly uses, pub-
22 lishes, or permits information to be examined in violation
23 of this section shall be fined not more than \$10,000.

1 **SEC. 309. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
2 **CANTS.**

3 (a) ESTABLISHMENT.—The Secretary of Homeland
4 Security shall establish, within U.S. Citizenship and Immi-
5 gration Services, a program to award grants, on a com-
6 petitive basis, to eligible nonprofit organizations that will
7 use the funding to assist eligible applicants under this Act
8 by providing them with the services described in sub-
9 section (b).

10 (b) USE OF FUNDS.—Grant funds awarded under
11 this section shall be used for the design and implementa-
12 tion of programs that provide—

13 (1) information to the public regarding the eli-
14 gibility and benefits of permanent resident status
15 under title I (whether on a conditional basis, or
16 without the conditional basis as provided in section
17 105(c)(2)) or under title II of this Act, particularly
18 to individuals potentially eligible for such status;

19 (2) assistance, within the scope of authorized
20 practice of immigration law, to individuals submit-
21 ting applications for permanent resident status
22 under title I (whether on a conditional basis, or
23 without the conditional basis as provided in section
24 105(c)(2)) or under title II of this Act, including—

25 (A) screening prospective applicants to as-
26 sess their eligibility for such status;

1 (B) completing applications and petitions,
2 including providing assistance in obtaining the
3 requisite documents and supporting evidence;
4 and

5 (C) providing any other assistance that the
6 Secretary or grantee considers useful or nec-
7 essary to apply for permanent resident status
8 under title I (whether on a conditional basis, or
9 without the conditional basis as provided in sec-
10 tion 105(c)(2)) or under title II of this Act; and
11 (3) assistance, within the scope of authorized
12 practice of immigration law, and instruction, to indi-
13 viduals—

14 (A) on the rights and responsibilities of
15 United States citizenship;

16 (B) in civics and English as a second lan-
17 guage;

18 (C) in preparation for the General Edu-
19 cation Development test; and

20 (D) in applying for adjustment of status
21 and United States citizenship.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AMOUNTS AUTHORIZED.—There are author-
24 ized to be appropriated such sums as may be nec-

1 necessary for each of the fiscal years 2020 through
2 2030 to carry out this section.

3 (2) AVAILABILITY.—Any amounts appropriated
4 pursuant to paragraph (1) shall remain available
5 until expended.

6 **SEC. 310. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**
7 **JUSTMENT OF STATUS.**

8 An alien's eligibility to be lawfully admitted for per-
9 manent residence under title I (whether on a conditional
10 basis, or without the conditional basis as provided in sec-
11 tion 105(c)(2)) or under title II of this Act shall not pre-
12 clude the alien from seeking any status under any other
13 provision of law for which the alien may otherwise be eligi-
14 ble.

○



CITY COUNCIL AGENDA – APRIL 16, 2019

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 April 2, 2019, 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.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline

extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its 80 residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff is currently working with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18,

2018, which commits up to \$2.81 million in funding until December 31, 2019. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019. City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 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

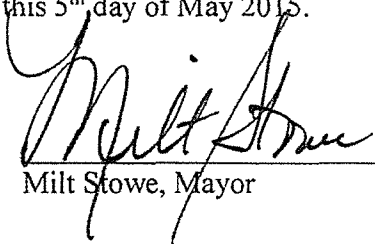
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

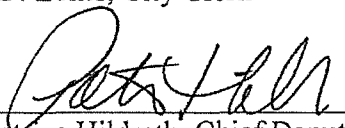
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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. Burrel Avenue
Visalia, CA 93291

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

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

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

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

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

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

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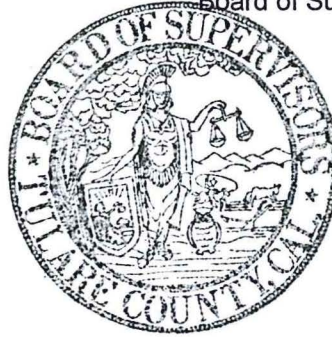
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



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

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

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

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

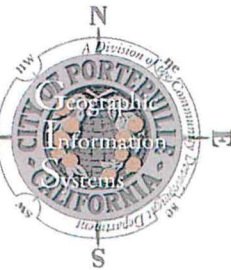
BY J. L. [Signature]
John Lollis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

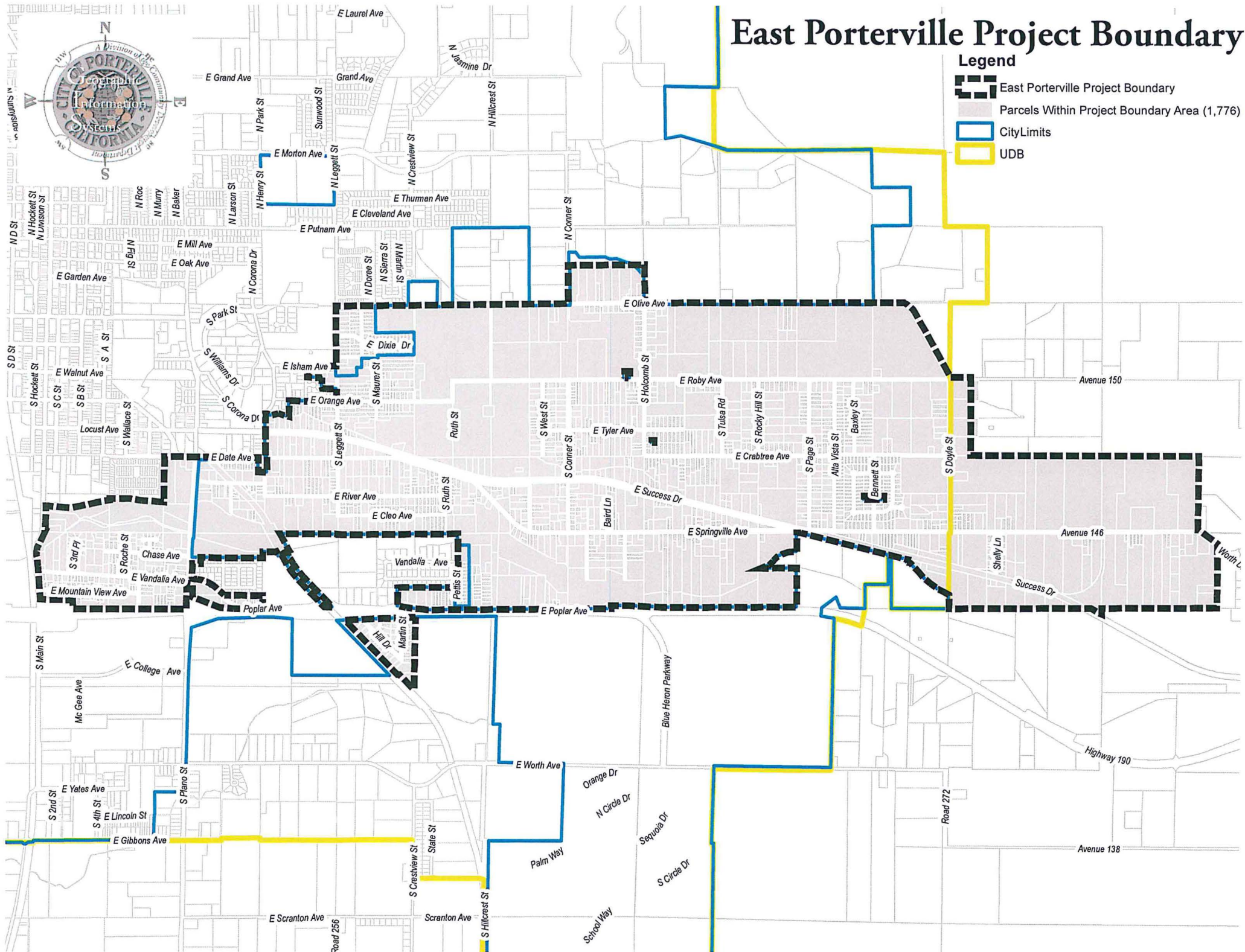


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

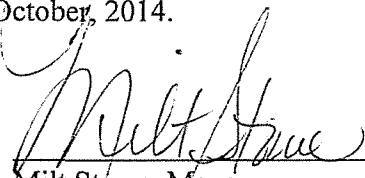
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

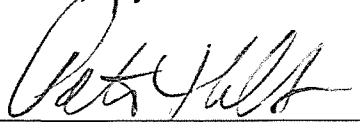
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

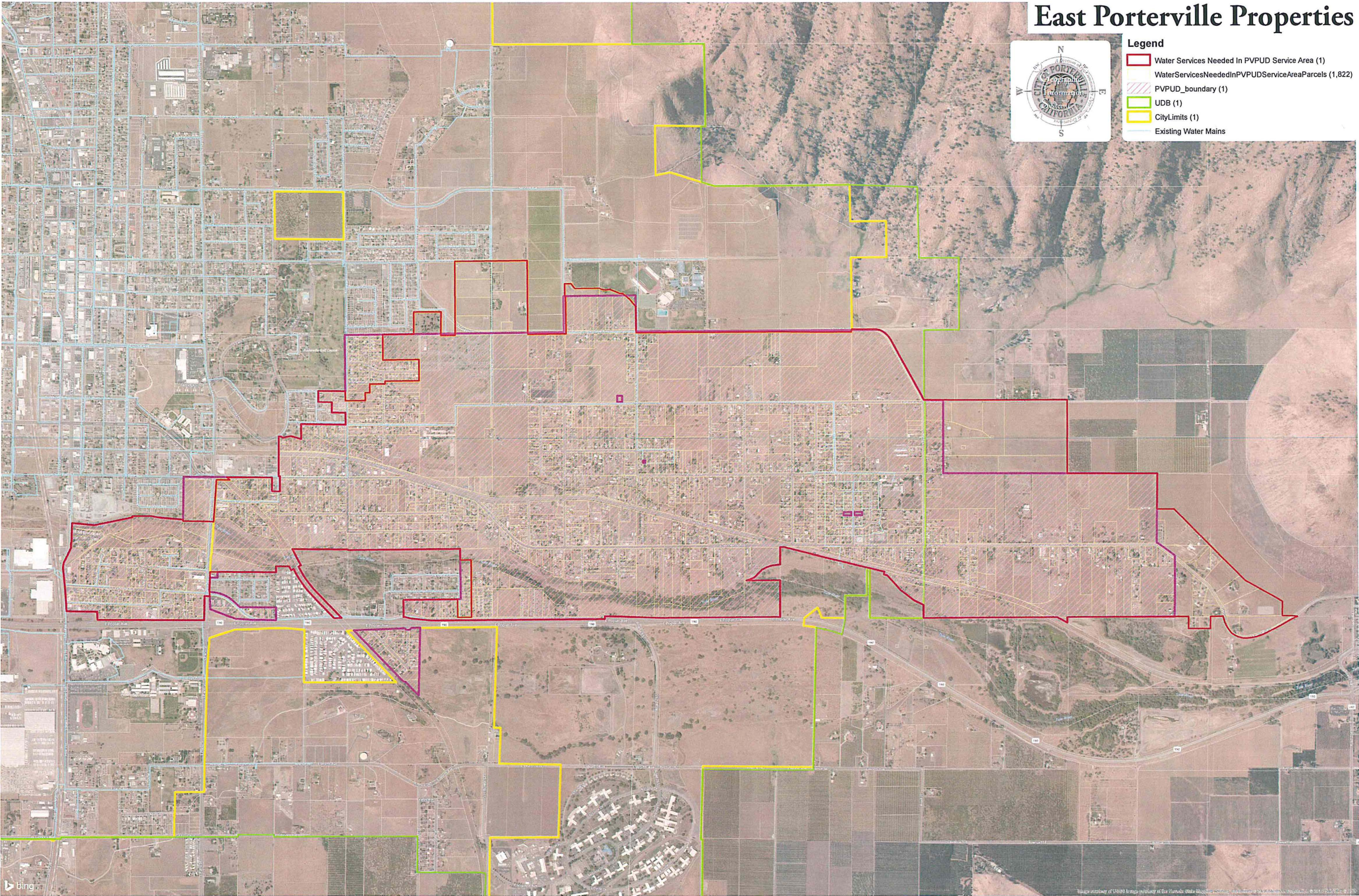
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19th day of April, 2016.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	
NOES:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

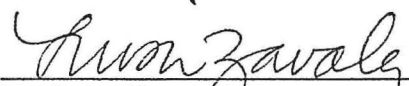

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following

Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

City of Porterville

County of Tulare



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Faulkenberry".

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

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

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Consideration of Draft Ordinances to Allow the Establishment and Operation of Commercial Adult-Use Cannabis Dispensaries

SOURCE: City Manager's Office

COMMENT: At its meeting on March 5, 2019, the City Council acted to direct staff to prepare draft Ordinances for consideration and schedule a required Public Hearing that would authorize the establishment and operation of commercial adult-use cannabis dispensaries within designated areas of the city.

On April 2, 2019, the Council opened a Public Hearing to take comment from interested individuals regarding three (3) draft Ordinances prepared for Council's consideration to allow the establishment and operation of commercial adult-use cannabis dispensaries. The first draft Ordinance establishes the business regulations in the establishment and operation of commercial adult-use cannabis dispensaries, as well as proposed Development Agreement requirements. The second draft Ordinance revises the City's Development Code, addressing appropriate land use, zoning, and buffer zones. The third draft Ordinance addresses existing non-commercial personal cannabis activity regulations that have been separated from the Development Code, as well as removing the prohibition of deliveries in conformance with recent State regulation.

The Public Hearing was continued to the April 16, 2019 regularly scheduled Council meeting in order to address three (3) specific topics: 1) hours of operations; 2) tiered zoning locations; and 3) to allow up to three (3) adult use dispensaries, including one (1) for medicinal cannabis only dispensary to be allowed for a period of time.

The draft Ordinance amending Chapter 21 (Development Code) has been revised to add a second tier of available locations: the DR-D (Downtown Retail - D Street Corridor), D-MX (Downtown Mixed-Use), and D-GC (Downtown General Commercial) zone districts; provided that any dispensary in those zone districts shall not be located, in addition to within 600 feet of schools, within 500 feet of other sensitive uses (cemeteries, religious institutions, public buildings regularly frequented by children, and youth clubs or similar organizations). After research and discussions with staff, setting clear location standards is preferable to setting up an additional discretionary process to determine location, since zoning/use determinations can be precedent-setting, depending on the circumstances. The Council also discussed included a professional office zone; however, no retail is currently allowed in those zones,

so staff instead has recommended the inclusion of the D-GC zone.

Revisions were also made to Chapter 15 to allow for one of the available permits to be reserved for a medical cannabis dispensary, holding a State Type M license. As discussed by the Council, if no proposals are received within a year of the City initiating its first RFP process for such a dispensary, the Council may opt to make that permit available for an adult use dispensary. Furthermore, any medical cannabis dispensary established pursuant to this Chapter would be required to be in operation for a year before it would be eligible to convert to an adult use dispensary. Such conversion would require compliance with the Chapter, including but not limited to the receipt of a new regulatory permit and a new (or revised) development agreement.

The final major revision addresses the hours of operation. Pursuant to the direction provided, the allowed hours of operation were revised to 10 a.m. to 10 p.m. on weekdays, and 9 a.m. to 11 p.m. on weekends.

On March 23, 2019, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the “General Rule” exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

If the Ordinances are approved, additional procedures and policies will need to be developed and approved prior to any commercial cannabis dispensaries being considered for approval by the Council.

RECOMMENDATION: That the City Council consider and give first reading to the draft Ordinances prepared to authorize the establishment and operation of commercial adult-use cannabis dispensaries, waive further reading, and order said Ordinances to print.

ATTACHMENTS: 1. Draft Ordinance - Regulations
 2. Draft Ordinance - Development Ordinance
 3. Draft Ordinance - Personal Use Restrictions

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 15, ARTICLE VII OF THE PORTERVILLE MUNICIPAL
CODE “MEDICAL MARIJUANA DISPENSARIES,” RENAMING THE ARTICLE
“CANNABIS DISPENSARIES,” ALLOWING CANNABIS DISPENSARY BUSINESSES
AND ESTABLISHING PERMITTING PROCEDURES AND REGULATIONS**

WHEREAS, California legislation provides that the City of Porterville has the power to regulate commercial cannabis activities, including the regulations of cannabis dispensaries; and

WHEREAS, the City Council of the City of Porterville finds that it is in the best interest of the community to allow the establishment a limited number of cannabis dispensaries, subject to the regulations set forth below and the location requirements proscribed in Chapter 21 of the Municipal Code (Porterville Development Code);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE HEREBY ORDAINS as follows:

SECTION 1. Purpose. The purpose of this ordinance is to permit and regulate legal cannabis businesses in the City of Porterville.

SECTION 2. Article VII of Chapter 15 is hereby renamed “Cannabis Dispensaries,” and Sections 15-85 through 15-105 of Article VII are added as follows:

CHAPTER 15

ARTICLE VII – CANNABIS DISPENSARIES

15-85: Definitions. The following definitions are applicable to the terms when used in Porterville Municipal Code Chapters 15, 18, or 21, concerning regulations pertaining to cannabis uses, activities and operations.

“Applicant” means a person who is required to file an application for a permit under this section.

"Business Owner" means the owner(s) of the Cannabis Business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of 5% or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of 20% or more in the commercial cannabis business.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties; whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part

of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this Code, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

"Cannabis accessories" means any equipment, products, or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. "Cannabis accessories" also has the same meaning as in Section 11018.2 of the Health and Safety Code.

"Cannabis business" or "cannabis industry" means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

"Cannabis Dispensary" or "Dispensary" means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code Division 10 and any successor statute(s), as may be adopted or amended from time to time. For the purposes of obtaining a City permit and operating within the City, "Cannabis Dispensary" or "Dispensary" is limited to Storefront Cannabis Retailers.

"Cannabis product" means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in Section 11018.1 of the Health and Safety Code.

"City" means the City of Porterville, either the entity or its territorial limits, as the context requires.

"City Council" or "Council" means the City Council of the City of Porterville.

"Collector" means the City's Financial Director or his or her designee.

"Commercial Cannabis Business," "Commercial Cannabis Activity," or "Cannabis Business" or "Cannabis Operation" means any commercial marijuana activity allowed under State Law and the implementing regulations, as State Law and the implementing regulations may

be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, non-medical, or any other purpose and includes the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any provision of State law regulating the licensing of cannabis businesses. It also includes cannabis dispensaries, cooperatives or collectives.

"Commercial Cannabis Regulatory Permit" or "Regulatory Permit" means the permit required under this section to have a Cannabis Business.

"Concentrated cannabis" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

"Delivery employee" means an individual employed by a licensed dispensary who delivers cannabis goods from the licensed dispensary premises to a physical address.

"Development Agreement" means an agreement entered into between the City and the Business Owner and any other Responsible Parties as required by the City, in accordance with Chapter 21, Series 600, Article 609 of the Porterville Municipal Code.

"Distributor" means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code Division 10 and any successor statute, as may be adopted or amended from time to time.

"Distribution" means the procurement, sale, and transport of cannabis or cannabis products between licensees.

"Employee" means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

"Gross Receipts," means the amount a Cannabis Operation received from all sources during its accounting period, without subtracting any costs or expenses.

"Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

"MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in Division 10 of the California Business and Professions Code, as the same may be amended from time to time.

“Medical Cannabis Dispensary” means a storefront cannabis dispensary with a valid M-Type 10 retailer license in accordance with MAUCRSA.

"Operator" means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Cannabis business operation.

“Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

“Processing” means any method used to prepare cannabis or its byproducts for personal use or commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis related products and concentrates.

"Responsible Party" shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the cannabis businesses operations.

"State" means the State of California.

“State Law” means all regulations and laws pertaining to Cannabis Business in the State of California.

"State license," means a State license issued pursuant to California Business & Professions Code Sections 26000, et seq. or other applicable State law.

“Transport” or “Transportation” means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

15-86: Cannabis Dispensaries Permitted Uses and Zoning.

Business Owners meeting the requirements of this Article shall be allowed to conduct Storefront Cannabis Dispensary Operations in the zone districts and locations as specified in Chapter 21 of this Code, upon obtaining a Regulatory Permit from the City, obtaining a business license from the City, obtaining the applicable license from the State of California, and entering a Development Agreement with the City as specified further in this Article. Non-storefront cannabis retailers are not permitted within the City.

15-87: Cannabis Dispensaries Requirements and Restrictions.

A. Maximum Number of Permits. The number of regulatory permits for dispensaries is limited to no more than one permit plus an additional permit per every 25,000 residents. Said permits may be issued for medical (Type M) or adult use (Type A) businesses as allowed by the State. However, the City Council is authorized to reserve one of the allowed permits for exclusively a medical cannabis dispensary.

B. Regulatory Permit/Fees.

1. Regulatory Permit. No person or entity shall operate a Cannabis Dispensary within the City of Porterville without first obtaining a Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit.
 2. Request for Proposals Processes. The City may conduct initial request for proposals processes for regulatory permit applications (commercial and/or medical), once it determines when dispensary regulatory permits shall become available, and thereafter as such permits become available. Nothing in this Chapter or Code shall be construed to create an obligation for the City to conduct a request for proposals process for, or to create an obligation to grant a permit to, any cannabis dispensary.
 3. Medical Cannabis Dispensaries.
 - a. If, after one full year from the City's first issuance of a Request for Proposals solely for a Medical Cannabis Dispensary, no responses are received within the prescribed time period for such responses, the City Council may opt to allow the permit reserved for a medical dispensary to be utilized for an adult-use dispensary, as otherwise permitted by this Chapter.
 - b. Any Medical Cannabis Dispensary established pursuant to this Chapter must be in operation for a full year before it will be eligible to apply for any transition to an adult-use dispensary (Type A), and any medical cannabis dispensary applying for a transition shall be subject to all the requirements of this Chapter, including applying for a new regulatory permit and entering into a new development agreement.
 4. Permit Availability at the Discretion of the City Council. The City shall maintain complete discretion over whether any permit approvals are made, and when permits shall be issued, where the uses may be located (subject to Chapter 21), and the manner of permit approvals.
 5. Fees. All related fees and charges associated with conducting a request for proposals process, regulatory fee application process, and the granting, administering, and enforcing of the regulatory permits, and any other City costs related to the operations of a dispensary shall be established by Resolution(s) of the City Council, which may be amended from time to time.
- C. Development Agreement. No approval required by this Article shall be given for any permit for a dispensary unless the City Council prior to or concurrently with approves a Development Agreement, setting forth the terms and conditions under which the commercial cannabis activity will operate in addition to the requirements of this Article, all other local ordinances and regulations, state law and such other terms and conditions that will protect

and promote the public health, safety and welfare. No use or operation under any permit for a dispensary shall be allowed to begin until the development agreement is effective.

- D. State Law and Other State Laws. The cannabis dispensary shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. The Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.
- E. Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief at all times immediately upon request. All agents, officers, or other persons acting for or employed by a licensee shall display a laminated identification badge issued by the licensee. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.
- F. Labeling. All cannabis products offered to customers at a retail location must provide testing and labeling at a minimum as required by State law and in compliance with any additional City regulations and as they may be amended.
- G. Signage. All signage shall be subject to approval by the City of Porterville and consistent with the City's Signage Ordinances, and any other policies or guidelines adopted by the City.
- H. Alcoholic Beverages. Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
- I. Transportation. Transportation shall only be conducted according to activity permitted by State law.
- J. Distribution. There shall be no distributions to the Premises of cannabis or cannabis containing products except from properly licensed and permitted cannabis businesses. City-licensed and permitted cannabis retailers shall not distribute cannabis as a licensed distributor within the City.
- K. Minors. It shall be unlawful for any Operator to employ any person who is not at least twenty- one (21) years of age, or any older age if set by the State.

- L. Hours of Operation. Cannabis Dispensaries shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances but in no case shall exceed the minimum State standards. Additionally, Cannabis Dispensaries shall not be open before 10 a.m. on weekdays, 9 a.m. on weekends, or remain open after 10 p.m. on weeknights, or 11 p.m. on weekends, Pacific Standard Time.
- M. Compliance with Building and Related Codes. The Premises in which the Cannabis Dispensary operations occur shall comply with all applicable local, State and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.
- N. Secure Building. All Cannabis Dispensary operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door.
- O. Premises Security. The following security conditions shall apply:
 - 1. Alarm System (both perimeter, fire and panic). A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n). A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.
 - 2. Remote monitoring of alarm systems.
 - 3. Exterior lighting systems for after-hours security.
 - 4. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of State Law, include interior monitoring of all access points of the site from the interior, and be of a minimum 5 mega pixels in resolution. Cameras shall record continuously 24 hours per day and at a minimum of 20 frames per second. Areas monitored are defined by State law.
 - 5. All security systems at the site are attached to an uninterruptable power supply that provide continuous power.
 - 6. The Porterville Police Department or Department designee shall have access to all security systems.
 - 7. Subject to the provisions below regarding the use and handling of Confidential Information, IP access for remote monitoring of security cameras by the Porterville Police Department or Department designee.

8. Subject to the provisions below regarding the use and handling of Confidential Information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Porterville Police Department or Department designee for duplication upon demand. In addition, upon request by the Porterville Police Department the Responsible Party shall duplicate the records for the Porterville Police Department or Department designee.
9. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
10. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
11. Electronic track and trace systems for cannabis products shall be utilized as approved by the City and as required by State law.
12. Premises may be inspected and records of the Business Owner audited by the City for compliance on a quarterly basis or at any reasonable time at the City's discretion.
13. State of the art network security protocols and equipment need to be in place to protect computer information.
14. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.
15. The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the Premises and video and/or audio feeds or recordings of the Premises ("Recipients") may receive or be provided with confidential information relating to the Cannabis dispensary, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "Confidential Information"). To the extent Confidential Information is acquired without a warrant for access to the Premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Business Owner or Operator, (including its employees, contractors and agents conducting business within the Premises) arising from or related to the Cannabis dispensary, but only to the extent it is necessary and relevant to such criminal prosecution, and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information. Notwithstanding the foregoing, the City may disclose Confidential Information:

- a. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information.
- b. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.

P. Delivery.

1. All deliveries of cannabis goods must be performed by a delivery employee of a licensed dispensary.
2. Each delivery employee of a licensed dispensary shall be at least 21 years of age.
3. A licensed dispensary shall not use the services of an independent contractor or courier service to deliver cannabis goods.
4. All deliveries of cannabis goods shall be made in person. A delivery of cannabis goods shall not be made through the use of an unmanned vehicle.
5. A delivery employee begins the process of delivering when the delivery employee leaves the dispensary premises with the cannabis goods for delivery. The process of delivering ends when the delivery employee returns to the licensed dispensary premises after delivering the cannabis goods to the cannabis patients or primary caregivers.
6. A delivery employee of a licensed dispensary shall, during deliveries, carry a copy of the dispensary's current license, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.
7. A licensed dispensary shall maintain an accurate list of the dispensary's delivery employees.

Q. Deliveries of Supplies and Transportation of Product. The following rules apply to the deliveries and transportation:

1. Deliveries to the Premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Dispensary.
2. The transportation of cannabis samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

- R. Premises Maintenance. The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public, and in accordance with the conditions and site plan approved with the Development Agreement. The Premises of the Cannabis Dispensary shall not be maintained in a manner that causes a public or private nuisance.
- S. In addition to any regulations, policies, or procedures authorized to be adopted by the City in accordance with this Article or this Code, the City Manager, or his or her designee, is authorized to establish any addition rules, regulations, policies and standards governing the: application review and approval process, the issuance, denial or renewal of cannabis dispensary regulatory permits, the ongoing operation of commercial cannabis dispensary businesses and the City's oversight of same; and/or concerning any other subject determined to be necessary to carry out the intent and purposes of this Article. Additional rules, regulations, policies and standards shall be published to the City's website and maintained and available to the public if the Office of the City Clerk.
- T. Indemnification and Limitations on City's Liability.
1. To the fullest extent permitted by local, state, and/or federal law, the City shall not assume any liability whatsoever with respect to having issued a regulatory permit or executed a development agreement pursuant to this Article, or otherwise approving the operation of any commercial cannabis business.
 2. As a condition to the approval of any regulatory permit and approval of a development agreement, the applicant shall be required to execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend at the applicant's sole cost and expense, and hold harmless the City, and its officers, officials, employees, representatives, and agents from any against all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's drafting, adoption and passage of regulations, related resolutions, policies, rules and guidelines, allowing cannabis dispensaries or in the future making any regulatory amendments; the City's issuance of the regulatory permit; the City's approval and execution of a development agreement; the City's decision to approve the operation of the dispensary; the process used by the City in making the decision to issue, approve or deny a permit or a development agreement; and/or the alleged violation of any federal, state or local laws by the dispensary or any of its officers, employees or agents.
 3. The dispensary shall maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the City.
 4. The dispensary shall reimburse the City for all costs and expenses, including but not limited to attorney fees and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's regulatory permit, or related to the City's approval of the applicant's commercial cannabis activity, or the City's approval of a development agreement. The City may, at its sole discretion, participate at its

own expense in the defense of such action, but such participation shall not relieve any of the obligations imposed hereunder.

5. The terms and provisions as enumerated in this section related to indemnification and limitation on the City's liability shall be an explicit term of a regulatory permit and a development agreement that an applicant and permittee shall agree to in order for same to be valid.

15-88: Regulatory Permit Required.

- A. At the time authorized by the City, applications for Regulatory Permits shall be filed by the proposed Business Owner(s) with the City and include the information set forth herein. The City may request such additional information as they deem necessary to determine who the applicant is, and may adopt additional requirements as authorized in Section 15-87.B.

The applicant shall certify under penalty of perjury that all the information contained in the application is true and correct. The application shall contain the following items for the Business Owner, Operator and all Responsible Parties known at the time (if different than the Business Owner), and any other party designated below, to the extent the same shall apply:

1. The full name, present address, and telephone number, including such information to the Premises Owner.
2. Date of birth.
3. Tax identification number.
4. The address to which notices relating to the application is to be mailed.
5. Previous addresses for the five (5) years immediately preceding the present.
6. The height, weight, color of eyes and hair.
7. Photographs for identification purposes (photographs shall be taken by the Police Department).
8. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
9. The Cannabis Operation business history, including whether the Business Owner and Responsible Parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
10. Complete property ownership and lease details, where applicable. If the Business

Owner is not the Premises Owner, the application form must be accompanied with a notarized acknowledgment from the Premises Owner that Cannabis sales will occur on its property.

11. A descriptive business plan for the Cannabis Operation, including a detailed list of all Cannabis Business activities proposed to occur on the Premises.
 12. A diagram and floor plan of the entire Premises, denoting all the use of areas proposed for Cannabis production, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. For Cannabis Dispensaries, the floor plan should show the layout and design of the building. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.
 13. The name or names of the Operator. The Operator shall designate one or more Responsible Parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information and schedule of the Operator and Responsible Parties shall be provided to the Police Chief and updated within twenty-four(24) hours of any changes.
 14. The proposed security arrangements for insuring the safety of persons and to protect the Premises from theft.
 15. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Cannabis Operation and the property line of any school or any other sensitive use as set forth in the Operational Requirements.
 16. Authorization for the City, its agents and employees to seek verification of the information submitted.
- B. Other Permits or Licenses. The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Regulatory Permit.

15-89: Employee Permit Required.

- A. Every employee or independent contractor working at a Cannabis Operation or involved in transportation/delivery related services for a Cannabis Business shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.

B. Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:

1. Name, current resident address, and telephone number.
2. Date of birth.
3. Tax identification number.
4. Height, weight, color of eyes, and hair.
5. Photographs for identification purposes (photographs shall be taken by the Police Department).
6. Be fingerprinted by the Police Department.
7. Such other identification and information as deemed necessary by the Police Chief and pertinent to the Employee Permit.
8. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
9. The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

15-90: Application Fees.

Every new application for a Regulatory Permit, Employee Permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license, tax, or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general ongoing monitoring for compliance and processing of the application.

15-91: Investigation.

- A. Upon the filing of a properly completed application and the payment of the fee, the Police Chief is authorized to conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Porterville Police Department.
- B. For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police

Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

15-92: Term of Permits and Renewals. Regulatory Permits issued under this Chapter shall expire on December 31st each year. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed. Regulatory fees may be pro-rated based on the term of the Regulatory Permit.

15-93: Grounds for Denial of Regulatory Permit.

Nothing in this Section shall be construed to require the City to grant a regulatory permit. Notwithstanding this, applications for a Regulatory Permit are required to be denied for one or more of the following:

- A. The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
- B. The Business Owner or Operator has been issued a local or State permit related to Cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the Business Owner or Operator has had disciplinary action relating to the permit.
- C. The Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- D. Consistent with State Law or other applicable State law, the Business Owner or Operator, or any Responsible Person, has been:
 - 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 - 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
 - 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
 - 4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as

defined in the Act; or

5. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State Law; or
6. Consistent with State Law or other applicable State law, the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices; or
7. The Business Owner or Operator is under twenty-one (21) years of age, or any older other age set by the State; or
8. The Cannabis Operation does not comply with the zoning ordinance standards of the City, the development standards set forth in this Municipal Code, or the terms of the Development Agreement; or
9. The required annual business license fee, annual regulatory fee or fees specified in this Code or the Development Agreement have not been paid.

15-94: Grounds for Denial of Employee Permit.

The grounds for denial of an Employee Permit shall be one or more of the following:

- A. The applicant has been issued a local or State permit related to Cannabis production at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
- B. Consistent with State Law or other applicable State law, the applicant has been:
 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.
 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
 4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in State Law; or has engaged in misconduct related to the qualifications, functions or duties of a permittee; or
5. Consistent with State Law or other applicable State law, the applicant has engaged in

unlawful, fraudulent, unfair, or deceptive business acts or practices; or

6. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit; or
7. An applicant is under eighteen (21) years of age, or any older age set by the State.

15-95: Notice of Decision and Final Action.

A. Regulatory Permit. Action on a properly authorized and submitted application for a Regulatory Permit shall be as follows:

1. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
2. Following a public hearing before the City Council, the Council may grant the Regulatory Permit subject to the other requirements of this Article and subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the Regulatory Permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.

B. Employee Permit. Action on the Employee Permit shall be as follows: The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chiefs decision on an Employee permit shall be final, subject to judicial review.

15-96: Suspension and Revocation of Regulatory Permit or Employee Permit.

A. Regulatory Permit. The City Council may suspend or revoke the Regulatory Permit of a Commercial Cannabis Operation when any of the following occur:

1. The Cannabis Operation is conducted in violation of any provision of this section, the terms of the Development Agreement, State Law, or any other applicable State law.
2. The Cannabis Operation is conducted in such a manner as to create a public or private nuisance.
3. A failure to pay the Regulatory Fee required by this Article or other required fees pursuant to this Code or the Development Agreement.

4. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.
 5. A failure to comply with the terms and conditions of the Regulatory Permit issued in connection therewith or the terms of the Development Agreement.
 6. Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.
- B. Employee Permit. The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:
1. Any act which would be considered a ground for denial of the permit in the first instance.
 2. Violates any provision of this section, State Law, or any other applicable law relating to the Cannabis Operation.
 3. Violates or fails to comply with the terms and conditions of the Employee Permit.
- C. Procedures for Revoking Regulatory Permits. For Regulatory Permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a Conditional Use Permit.
- D. Procedures/or Revoking Employee Permits. Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an Employee Permit shall have no appeal rights and the Police Chiefs decision shall be final, subject to judicial review as set forth in this section.
- E. Immediate Suspension. The Police Chief may immediately suspend or revoke a Regulatory Permit and an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
1. The Business Owner or Operator is convicted of a public offense in any court for the violation of any law which relates to the Cannabis Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.

2. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

15-97: Effect of Denial or Revocation.

When the City Council shall have denied a Regulatory Permit or revoked a Regulatory Permit, or the Police Chief shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit and no new application for an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after denying or revoking the Regulatory Permit or Employee Permit.

15-98: Abandonment.

In addition to the suspension or revocation of a Regulatory Permit, a Regulatory Permit shall be deemed abandoned if the Cannabis operation ceases for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90 day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

15-99: Other Licenses, Permits, Taxes or Charges.

Except as expressly provided in this Chapter, nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or Chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or Chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or Chapter of this Code to any permits, licenses, taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the permits, licenses, taxes, fees or charges, or schedule of license fees, provided for in other titles or Chapters of the Porterville City Code unless otherwise expressly provided.

15-100: Violation Deemed Misdemeanor and other Remedies.

Any person who violates any provision of this Chapter or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in Section 1-9 of this Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury. Additionally, the City may avail itself of any remedies or

enforcement provisions provided for in the Code.

15-101: Actions to Collect.

The amount of any tax, fee, penalty and/or interest imposed pursuant to this Chapter shall be deemed a debt owed to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent tax, fees, penalties and interest thereon.

15-102: Severability.

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

15-103: Remedies Cumulative.

All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

15-104: Amendment or Repeal.

This Article may be repealed or amended by ordinance of the Porterville City Council.

15-105: Penalties.

Any entity that fails to pay the taxes and/or fees required by this Code or the Development Agreement within fifteen (15) days after the due date shall pay in addition to those taxes and/or fees a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the fee remains unpaid – up to a maximum of one hundred percent (100%) of the fee payable on the due date. Receipt of the fee payment by the City shall govern the determination of whether the fee is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

SECTION 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is

filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Porterville, or any official, employee or agent thereof.

SECTION 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Porterville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Porterville Municipal Code as amended by this ordinance are substantially the same as provisions in the Porterville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

PASSED, APPROVED AND ADOPTED this _____ day of April, 2019.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

Ordinance No. _____

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 21 (DEVELOPMENT CODE) OF THE PORTERVILLE
MUNICIPAL CODE, CONCERNING CANNABIS LAND USES AND COMMERCIAL
CANNABIS ACTIVITIES**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq. and entitled “The Compassionate Use Act of 1996” referred to herein as the “CUA”);

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program (“MMP”), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need;

WHEREAS, on October 9, 2015, Governor Jerry Brown approved a series of bills commonly referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), effective January 1, 2016, which established a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution and sale of medical cannabis, and which recognized the authority of local jurisdictions to either impose additional restrictions or prohibit certain activities related to the cultivation, manufacture, transportation, storage, distribution and sale of medical cannabis;

WHEREAS, on November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). The AUMA added Division 10 to the California Business and Professions Code, Sections 26000, et seq., which grants State agencies the authority to create, issue, renew, discipline, suspend, or revoke licenses for cannabis businesses. The AUMA provides that the State shall begin issuing licenses to cannabis businesses under Division 10 of the California Business and Professions Code by January 1, 2018. California Business and Professions section 26055(e) provides that a State licensing authority shall not approve an application for a State license for commercial non-medical cannabis activity if approval of the State license will violate the provisions of any local ordinance;

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). The MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether commercial cannabis activity could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local

Ordinance No. _____

ordinances that completely prohibit the establishment or operation of one or more businesses under the State, within that local jurisdiction. Furthermore, the MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a business to engage in commercial cannabis activity if approval of the State license will violate the provisions of any local ordinance or regulation. The MAUCRSA requires that a State licensing authority begin issuing licenses to marijuana businesses beginning January 1, 2018;

WHEREAS, on April 2, 2019, the City Council of the City of Porterville held a public hearing on the proposed Ordinance, at which time all persons interested in the proposed Ordinance had the opportunity and did address the City Council on these matters. Following receipt of public testimony the City Council closed the public hearing; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses that the City adopts this ordinance to amend its cannabis regulations to permit the limited development and establishment of commercial cannabis dispensaries, and remove the restrictions on personal cultivation and related activities and prohibitions smoking and use in public places or on private business properties (provided that those restrictions and prohibitions are relocated to Chapter 18 of the Municipal Code by an Ordinance adopted by the City Council concurrently herewith);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN as follows:

SECTION 1. Table 202.02 is hereby amended as follows:

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Residential Use Classifications										
Single Family Dwelling	See sub-classifications below									
<i>Attached</i>	P(1)	-	-	-	P	P	-	-	-	
Multi-family Residential	P(1)	P(2)	-	P	P	P	P(1)	-	-	
Family Day Care Home	See sub-classifications below									
<i>Small</i>	P	P	-	P	P	P	P	-	-	
<i>Large</i>	-	-	-	P	P	P	-	-	-	Section 301.07 Family Day Care Home, Large
Group Residential	-	-	-	P(3)	P	P	-	-	-	
Mixed Use Development				C						Section 203.04 Supplemental Regulations
Residential Care Facilities, Limited	P	P	-	P	P	P	P	-	-	
Single Room Occupancy Hotels	-	-	-	C(1)	-	-	-	-	-	Section 301.18 Single Room Occupancy Hotels
Public and Semi-Public Use Classifications										
Clubs and Lodges	C(4)	P	P	P	-	-	P(5)	P	-	Section 301.02 Alcoholic Beverage Sales
Colleges and Trade Schools, Public or Private	C(5)	C	C	C	-	-	C	C	P	
Community Center	-	-	-	C	-	-	-	-	P	
Cultural Institutions	C(5)	C	C	C	-	-	P	C	P	
Day Care Centers	C	C	C	C	C	C	P	-	C	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Elderly and Long Term Care	-	-	-	-	P	P	P	-	-	
Government Offices	P	P	P	-	-	-	P	-	P	
Instructional Services	P(5)	P	P	P	-	-	P	P	P	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	P	P	
Religious Facilities	-	-	-	C	C	C	-	-	-	
Residential Care Facilities, General	-	-	-	-	C	C	-	-	-	Section 301.15 Residential Care Facilities, General
Schools, Public or Private	P(4)	P	P	P	-	-	-	-	P	
Social Service Facilities	-	-	-	C	C	C	-	-	-	Section 301.19 Social Service Facilities
Commercial Use Classifications										
Animal Care, Sales, and Services	See sub-classifications below									
<i>Kennels</i>	-	-	C	-	-	-	-	C	-	
<i>Pet Stores</i>	M(6)	P(6)	P(6)	M(6)	-	-	-	P(6)	-	
<i>Veterinary Services, Small</i>	-	-	C	-	-	-	-	P	-	
Artists' Studios	P	P	P	P	-	-	-	P	-	
Automobile/Vehicle Sales and Services	See sub-classifications below									
<i>Automobile/Vehicle Rentals.</i>	-	-	-	-	-	-	-	P	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
<i>Automobile/Vehicle Sales and Leasing.</i>	-	C	C(7)	-	-	-	-	P	-	
<i>Automobile/Vehicle Service and Repair, Major.</i>	-	-	C	-	-	-	-	C	-	Section 301.04 Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Minor.</i>	-	C(7)	C(7)	-	-	-	-	P	-	Section 301.04 Automobile/Vehicle Service and Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Washing.</i>	-	-	-	-	-	-	-	C	-	Section 301.05 Auto Service Stations and Car Washing
<i>Service Station</i>	-	-	-	-	-	-	-	C	-	Section 301.05 Auto Service Stations and Car Washing
Banks and Financial Institutions	See sub-classifications below									
<i>Banks and Credit Unions</i>	P(8)	P(8)	P	P(8)	-	-	P(8)	P	-	
Building Materials and Services	-	-	-	-	-	-	-	P(9)	-	
Business Services	P(10)	P(10)	P(10)	P(10)	-	-	P	P	-	
<i>Cannabis Dispensary</i>	<i>P</i>	<i>P</i>	<i>P(16)</i>	<i>P(16)</i>	-	-	-	<i>P(16)</i>	-	<i>Municipal Code Chapter 15, Article VII</i>
Commercial Entertainment and Recreation	See sub-classifications below									
<i>Cinema/Theaters</i>	C	C	C	C	-	-	-	C	-	Section 301.02 Alcoholic Beverage Sales

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
<i>Downtown Entertainment</i>	-	-	C	C	-	-	-	C	C	Section 301.02 Alcoholic Beverage Sales
<i>Small-scale</i>	C	C	C	C	-	-	-	C	-	Section 301.02 Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments	See sub-classifications below									
<i>Bars/Night Clubs/Lounges</i>	C	C	C	C	-	-	-	C	-	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Coffee Shops/Cafes</i>	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8, 13)	Section 300.08 Outdoor Seating
<i>Restaurants</i>	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8, 13)	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
<i>Tobacco Bars</i>	C	C	C	C	-	-	-	C	-	
Food and Beverage Retail Sales, less than 5,000 square feet	P	P	P	P	-	-	P(11)	P	P(11)	Section 301.02 Alcoholic Beverage Sales
Food and Beverage Retail Sales, more than 5,000 to 50,000 square feet	P	P	P	P	-	-	-	-	-	Section 301.02 Alcoholic Beverage Sales
Hotels and Motels	C	C	C	C	-	-	-	C	-	
Bed and Breakfasts	-	-	-	P(3)	-	P(3)	P(3)	-	-	
Maintenance and Repair Services less than 1,500 square feet	-	-	-	-	-	-	-	P(12)	-	

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Medical Facilities	See sub-classifications below									
<i>Medical Clinic</i>	-	P	P	P	-	-	P	P	P	
<i>Professional/Medical</i>	P(13)	P	P	P	-	-	P	P	P	
Mixed Use Development				C						Section 203.04 Supplemental Regulations
Nurseries and Garden Centers	-	C	C	C	-	-	-	P	-	
Offices	See sub-classifications below									
<i>General Offices</i>	P(13)	P	P	P	-	-	P	P	P	
<i>Walk-In Clientele</i>	P	P	P	P	-	-	P	P	P	
Parking, Public or Private	P	P	P	P	P	P	P	P	P	
Personal Services	P	P	P	P	-	-	P	P	-	
Retail Sales, less than 50,000 square feet	P	P	P	P	-	-	P(11)	P	-	
Retail Sales, more than 50,000 square feet	C	C	C	C	-	-	-	C	-	
Industrial Use Classifications										
Handicraft/Custom Manufacturing	-	-	-	-	-	-	-	P	-	
Industry, Limited	-	-	-	-	-	-	-	C	-	
Recycling Facilities	See sub-classifications below									
<i>Reverse Vending Machine</i>	-	P	P	P	-	-	-	P	P	Section 301.14 Recycling Facilities

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS										
<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
<i>Recycling Collection Facility</i>	-	C	-	-	-	-	-	C	C	Section 301.14 Recycling Facilities
Transportation, Communication, and Utilities Use Classifications										
Communication Facilities	See sub-classifications below									
<i>Antenna and Transmission Towers, camouflage facilities</i>	P	P	P	P	-	-	P	P	P	Section 301.20 Telecommunication Facilities
<i>Antenna and Transmission Towers, non-camouflage facilities</i>	C(14)	C(14)	C(14)	C(14)	-	-	C(14)	C(14)	C(14)	Section 301.20 Telecommunication Facilities
<i>Broadcasting Facility</i>	-	M	M	M	-	-	-	M	-	Section 301.20 Telecommunication Facilities
<i>Call Center</i>	-	-	-	-	-	-	P(5)	P(5)	P	
<i>Recording Studio</i>	-	-	P(6)	P(6)	-	-	-	P(6)	-	
Transportation Passenger Terminals	P(15)	P(15)	P(15)	-	-	-	-	-	-	
Utilities, Minor	P	P	P	P	P	P	P	P	P	
Other Applicable Types										
Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	Section 301.01 Accessory Uses and Structures
Home Occupations	P	P	P	P	P	P	-	-	-	Section 301.09 Home Occupations
Second Dwelling Unit	-	-	-	-	P	P	-	-	-	Section 301.16 Second Dwelling Unit

TABLE 202.02: LAND USE REGULATIONS – DOWNTOWN DISTRICTS

<i>Use Classification</i>	<i>DR-N</i>	<i>DR-S</i>	<i>DR-D</i>	<i>D-MX</i>	<i>DRM-2</i>	<i>DRM-3</i>	<i>D-PO</i>	<i>D-GC</i>	<i>D-PS</i>	<i>Additional Regulations</i>
Nonconforming Use	Chapter 307 Nonconforming Uses, Structures, and Lots									
Temporary Use	Section 301.21 Temporary Uses									

Specific Limitations:

1. Residential units allowed only on upper floors unless approved with a Conditional Use Permit. Common ancillary areas are allowed on the ground floor except on Main Street.
2. On Main Street, residential units are allowed only on upper floors unless approved with a Conditional Use Permit.
3. Limited to no more than two rooms in a dwelling rented to not more than a total of four persons and meals are not provided to more than four boarders.
4. Allowed only on upper floors and limited to 5,000 square feet in size.
5. Limited to 5,000 square feet in size.
6. Provided that such use shall be completely enclosed in a building of soundproof construction.
7. Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.
8. Drive-through facilities are prohibited.
9. Bulk storage of sand, gravel, or cement is not allowed.
10. Wholesale services are not allowed.
11. Permitted only as accessory to a primary use.
12. No outdoor operations or outdoor storage are allowed.
13. Limited to 25 percent of ground floor area unless additional floor area is approved with a Conditional Use Permit. No square footage limitation on upper floors.
14. Shall not be located within 300 feet of any R district.
15. Not allowed on Main Street. No repair or storage of vehicles is allowed.
- 16. Shall not be located within 500 feet of a sensitive use.**

SECTION 2. Table 204.02 is hereby amended as follows:

TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS					
<i>Use Classification</i>	<i>PO</i>	<i>IP</i>	<i>IG</i>	<i>IA</i>	<i>Additional Regulations</i>
Public and Semi-Public Uses					
Colleges and Trade Schools, Public or Private	C	P	-	-	
Correctional Facility	-	P	P	-	
Cultural Institutions	P	-	-	-	
Day Care Centers	P	P(1)	-	-	
Elderly and Long-term Care	P	-	-	-	
Instructional Services	P	P	-	P	
Residential Care Facilities, General	C	-	-	-	Section 301.15 Residential Care Facilities, General
Schools, Public or Private	P	-	-	-	
Commercial Uses					
Aircraft Sales, Services, and Storage	-	-	-	P	
Animal Care, Sales and Services	See sub-classifications below				
<i>Kennels</i>	-	M	M	-	
<i>Veterinary Services</i>	-	P	P	-	
Automobile/Vehicle Sales and Services	See sub-classifications below				
<i>Automobile/Vehicle Repair, Major.</i>	-	P	P	-	Section 301.04 Automobile/Vehicle Service and Repair
<i>Automobile/Vehicle Service and Repair, Minor.</i>	-	P	P	-	Section 301.04 Automobile/Vehicle Service and Repair
<i>Automobile/Vehicle Washing.</i>	-	P	P	-	Section 301.05 Auto Service Stations and Car Washing
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	-	C	P	-	
<i>Service Station</i>	-	C	C	-	Section 301.05 Auto Service Stations and Car Washing

TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS					
<i>Use Classification</i>	<i>PO</i>	<i>IP</i>	<i>IG</i>	<i>IA</i>	<i>Additional Regulations</i>
<i>Towing and Impound.</i>	-	C	P	-	Section 300.09 Outdoor Storage
Banks and Financial Institutions	See sub-classifications below				
<i>Banks and Credit Unions</i>	P	P(1)	P(1)	P(1)	
<i>Check Cashing Businesses</i>	P	-	-	-	
Building Materials and Services	-	P	P	-	
Business Services	P	P(1)	P(1)	-	
<i>Cannabis Dispensary</i>	-	-	-	<i>P</i>	<i>Municipal Code Chapter 15, Article VII</i>
Commercial Entertainment & Recreation	See sub-classifications below				
<i>Large-Scale</i>	-	C	C	C	Section 301.02 Alcoholic Beverage Sales
<i>Small Scale</i>	-	C	-	-	Section 301.02 Alcoholic Beverage Sales
Eating, Drinking, and Smoking Establishments	See sub-classifications below				
<i>Coffee Shops/Cafes</i>	P(2)	P(1)	P(1)	P	Section 300.08 Outdoor Seating
<i>Restaurants</i>	P(2)	P(1)	P(1)	P	Section 300.08 Outdoor Seating; Section 301.02 Alcoholic Beverage Sales
Food and Beverage Retail Sales	P(2)	P(1)	P(1)	-	Section 301.02 Alcoholic Beverage Sales
Funeral Parlors and Mortuaries	-	P	P	-	
Hotels and Motels	-	C	C	-	
Bed and Breakfasts	P(10)	-	-	-	
Light Fleet Based Services	-	P	P	-	
Maintenance and Repair Services	-	P	P	-	
Medical Facilities	See sub-classifications below				
<i>Hospital</i>	P	-	-	-	
<i>Medical Clinic</i>	P	-	-	-	
<i>Professional/Medical</i>	P	-	-	-	
Offices	See sub-classifications below				

TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS					
<i>Use Classification</i>	<i>PO</i>	<i>IP</i>	<i>IG</i>	<i>IA</i>	<i>Additional Regulations</i>
<i>General Offices</i>	P	P	P	P	
<i>Walk-In Clientele</i>	P	-	-	-	
Parking, Public or Private	P(3)	P	P	-	
Personal Services	P(2)	P(1)	-	-	
Retail Sales	P(2)	P(2)	P(2)	-	
Salvage and Wrecking	-	C	C	C	Section 300.09 Outdoor Storage
<i>Salvage and Wrecking conducted wholly within a building</i>	-	P	P	P	Section 300.09 Outdoor Storage
Sexually Oriented Business	-	P	P	-	Section 301.17 Sexually Oriented Businesses
Wholesaling and Distribution	-	P	P	P	
Industrial Uses					
Construction and Material Yards	-	P	P	-	Section 300.09 Outdoor Storage
Handicraft/Custom Manufacturing	-	P	P	P	
Industry, General	-	P	P	P	
<i>Alcohol Manufacture</i>	-	C(4)	C	-	
<i>Hazardous Waste Management Facilities</i>	-	C(6)	C	-	
<i>Manufacture, processing, or treatment of materials which may be obnoxious, offensive or hazardous to health and safety of persons and property</i>	-	-	C	-	
Industry, Limited	-	P	P	P	
Recycling Facilities	See sub-classifications below				
<i>Recycling Collection Facility</i>	-	-	P	-	Section 301.14 Recycling Facilities
<i>Recycling Processing Facility</i>	-	-	P	-	Section 301.14 Recycling Facilities
Warehousing and Storage	See sub-classifications below				
<i>Chemical, Mineral, and Explosives Storage</i>	-	C	C	C	

TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS					
<i>Use Classification</i>	<i>PO</i>	<i>IP</i>	<i>IG</i>	<i>IA</i>	<i>Additional Regulations</i>
<i>Indoor Warehousing and Storage</i>	-	P	P	P	
<i>Personal Storage</i>	-	P	P	P	Section 301.13 Personal Storage
Transportation, Communication, and Utilities Uses					
Communication Facilities	See sub-classifications below				
<i>Antenna and Transmission Towers, camouflage facilities</i>	P	P	P	P	Section 301.20 Telecommunication Facilities
<i>Antenna and Transmission Towers, non-camouflage facilities</i>	M(7)	M(7)	M(7)	M(7)	Section 301.20 Telecommunication Facilities
<i>Broadcasting Facility</i>	-	P	P	P	Section 301.20 Telecommunication Facility
<i>Call Center</i>	P(2)	P	P	-	
Freight/Truck Terminals and Warehouses	-	P	P	P	
Heliports	-	C	C	C	
Transportation Passenger Terminals	-	P	P	P	
Utilities, Major	-	P	P	P	
<i>Renewable Energy Facility</i>		C	C	C	
<i>Solid Waste Collection, Treatment, and Disposal</i>	-	-	P	C	
Utilities, Minor	P	P	P	P	
Agriculture and Extractive Uses					
Crop Cultivation, Commercial	M	P	P	M	Section 301.06 Crop Cultivation
Crop Cultivation, Non-commercial	-	P	P	-	
Mining & Quarrying	-	-	C(6)	-	
Other Applicable Types					
Accessory Uses and Structures	P	P	P	P	Section 301.01 Accessory Uses and Structures
Additional Uses	-	-	-	P(9)	
Caretaker Unit	-	P(8)	P(8)	-	
Nonconforming Use	Chapter 307 Nonconforming Uses, Structures, and Lots				

TABLE 204.02: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS					
Use Classification	PO	IP	IG	IA	Additional Regulations
Temporary Use	Section 301.21 Temporary Uses				
Specific Limitations:					
1. Permitted only as an accessory use that supports industrial uses, business and office parks, and corporate offices. 2. Permitted only as an accessory to a primary office and limited to establishments with a gross floor area less than 5,000 square feet in size. 3. Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone. 4. Alcohol manufacture must be located more than 500 feet from the nearest residential, or commercial zoning designation as shown on the Official Zoning Map. 5. On-site hazardous waste management facilities must be accessory and incidental to a primary use. 6. In areas designated as Mineral Resource Zones in the General Plan 7. Prohibited within 300 feet of any R district. 8. For agricultural employees, when located on farms or ranches containing more than 10 acres. 9. Additional uses may be allowed with City Council approval of a Conditional Use Permit. 10. Limited to no more than two rooms in a dwelling rented to not more than four persons. Meals may not be provided to more than four boarders.					

SECTION 3. Section 301.23 is hereby amended as follows:

301.23 Cannabis Cultivation, Use, and Commercial Activities

A. Purpose and Intent

1. The City Council, based on evidence presented to it in the proceedings leading to the adoption of this chapter, hereby finds that the cultivation, preparation, and distribution of cannabis in the city has caused and is causing ongoing impacts to the community. These impacts include increases in various types of crime due to outdoor grows, damage to buildings containing indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home-invasion robberies and related crimes. Many of these impacts have fallen disproportionately on residential neighborhoods, but nonetheless also negatively impact properties in the commercial districts. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.
2. The City Council finds that the ~~restrictions on personal cannabis cultivation, drying, harvesting, processing, smoking and use, and restrictions and/or prohibitions on non-commercial cultivation~~, commercial marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and

protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council in its Charter and state law.

3. The purpose of this article is to *restrict non-commercial cultivation, and to ~~personal cannabis cultivation, drying, harvesting, processing, smoking, and use, consistent with permitted local regulation under State law, and to expressly restrict and/or~~ prohibit* the establishment of commercial cannabis uses in the City.

B. Interpretation and Applicability

1. Nothing in this section is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
2. Nothing in this section is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.
3. Nothing in this section is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
4. Nothing in this section is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
5. All cultivation activities within city limits shall be subject to the provisions of this section and other applicable provisions of this Code, regardless of whether the cultivation activities existed or occurred prior to adoption of this section. ~~However, all holders of active cultivation permits (who are in full compliance with said permits) issued under this former Section 301.23 shall be allowed to continue to engage in the permitted activity until the expiration of their permits.~~

C. Definitions: For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. ***Accessory Structure.*** A residential accessory structure shall include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, and workshops. Any accessory structure must be compliant with Section 301.01 and any other applicable provisions of the Municipal Code.
2. ***“Cannabis”*** (and/or ***“Marijuana”***) means any or all parts of the plant *Cannabis sativa* linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus of *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not; the seeds thereof; the

resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this Code, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.

3. **“Cannabis accessories”** is defined in Chapter 15, Article VII of this Code.
4. **“Cannabis (or Marijuana) Collective”** or “cooperative or collective” includes any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act) of California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
5. **“Cannabis Dispensary”** is defined in Chapter 15, Article VII of this Code.
6. **“Cannabis product”** is defined in Chapter 15, Article VII of this Code.
7. **“Commercial cannabis activity”** is defined in Chapter 15, Article VII of this Code.
8. **“Concentrated cannabis”** is defined in Chapter 15, Article VII of this Code.
9. **“Personal (Non-commercial) Cultivation”** means any activity involving the growing, planting, harvesting, drying, curing, grading, or trimming, and includes processing of cannabis when done for individual (noncommercial) purposes.
10. **“Delivery”** is defined in Chapter 15, Article VII of this Code.
11. **“Distribution”** is defined in Chapter 15, Article VII of this Code.
12. **“Manufacture”** is defined in Chapter 15, Article VII of this Code.
13. **“MAUCRSA”** means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in Division 10 of the California Business and Professions Code, as the same may be amended from time to time.
14. **“Medical cannabis dispensary”** is defined in Chapter 15, Article VII of this Code.
15. **“Processing”** is defined in Chapter 15, Article VII of this Code.
16. **“Sensitive use”** means any cemetery, religious institution, school, public building regularly frequented by children, public park, or boys’ club, girls’ club or similar organization.

- D. Severability: If any part of Section 301.23 is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.
- E. Personal (Non-commercial) Cultivation and Other Activities: *Personal, non-commercial cultivation and other activities including drying, harvesting, processing, smoking, and use are restricted pursuant to this Section and/or Chapter 18, Article XI of this Code. Nothing shall in this Section shall prohibit a person twenty-one (21) years of age or older from engaging in the cultivation of six (6) or fewer live cannabis plants within a single private residence, or inside an accessory structure located upon the grounds of a private residence. Alternatively, the six or fewer plants may be grown outdoors within a locked space that is not visible by normal, unaided vision from a public place or from the surrounding properties. Additionally, the following requirements apply:*
1. *There shall be no exterior evidence of cannabis cultivation occurring at any property, from the public right of way.*
 2. *Cannabis cultivation lighting shall not exceed one thousand two hundred (1,200) watts.*
 3. *If grown in an accessory structure, the structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes). All required electrical permits must be obtained pursuant to the California Codes and applicable regulations, and proper permits must be obtained from the Building Division prior to performing any work on electrical wiring or rewiring.*
 4. *If required by the California Codes, the wall(s) adjacent to the cultivation area shall be constructed with five-eighths inch (5/8") type X moisture-resistant drywall;*
 5. *Cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;*
 6. *The growing of cannabis outdoors shall comply with setback requirements for the primary residence on the property subject to the zoning classification of the property.*
 7. *Cannabis plants grown outdoors shall be grown in an area enclosed with a solid view obscuring the fence, secured with self-closing and locking gates; and*
 8. *Areas for cultivation of cannabis shall be secured, locked, and fully enclosed, and rendered inaccessible to minors.*
 9. *All restrictions set forth in Chapter 18, Article XI, applicable to cultivation, shall be complied with.*
 1. ~~To the extent that the following activities are permitted by State law, nothing in this~~

article shall prohibit a person 21 years of age or older from:

- ~~a. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;~~
- ~~b. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;~~
- ~~c. Smoking or ingesting cannabis or cannabis products except as prohibited by California Health and Safety Code Section 11362.3 (and as restricted by this Section).~~
- ~~d. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever;~~
- ~~e. Engaging in the cultivation of six or fewer live cannabis plants within a single private residence, or inside an accessory structure located upon the grounds of a private residence, or if grown outdoors within a locked space that is not visible by normal, unaided vision from a public place or from the surrounding properties; or~~
- 2. This Section shall also prohibit any commercial cannabis activity that the city is otherwise required by State law to allow within its jurisdiction pursuant to MAUCRSA.
- 3. The use of gas products or other volatile solvent (e.g., CO₂, butane, etc.) for cannabis cultivation, processing or manufacture is prohibited;
- 4. There shall be no exterior evidence of cannabis cultivation occurring at the property, from a public right of way;
- 5. No distribution of cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Section, or required to be allowed by law;
- 6. Cannabis cultivation lighting shall not exceed 1,200 watts;
- 7. The accessory structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
- 8. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
- 9. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
- 10. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant

drywall;

- ~~11. Cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;~~
- ~~12. The growing of cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;~~
- ~~13. Cannabis plants grown outdoors shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates; and~~
- ~~14. Areas for cultivation of cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.~~

F. Prohibited Uses and Activities

1. *With the exception of Cannabis Dispensaries as set forth further in this Section, and as regulated in Chapter 15, Article VII, Commercial cannabis activity, whether or not for profit, is expressly prohibited in all zones, specific plans areas, and overlay zones of the city. No person shall establish, operate, maintain, conduct, allow or engage in commercial cannabis activity anywhere within the city, unless expressly permitted by this Section or elsewhere in the Porterville Municipal Code. To the extent this prohibition conflicts with any other provisions of this Municipal Code, this prohibition will control.*

2. A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the city, *unless the commercial activity is expressly permitted by this Code, and the activity at that location has been expressly authorized by the City in accordance with applicable City regulations and State laws.* A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in *unauthorized* commercial cannabis activity on any real property owned or controlled by that property owner that is located in the city.

3. *Unless expressly authorized by this Code, Subsection 1 above shall prohibit all activities for which a State license is required pursuant to MAUCRSA, as the same may be amended from time to time. Accordingly, the city shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the MAUCRSA, as the same may be amended from time to time, except for activities expressly authorized and permitted by the City.* The city shall also not issue any local license to a nonprofit entity pursuant to California Business and Professions Code section 26070.5, *except as expressly authorized and permitted by the City.*

4. ~~To the extent not already prohibited by subsection 1 above, all deliveries of cannabis or cannabis products, to or from any location are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. This subsection shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or~~

~~distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.~~

5. ~~The smoking, ingesting, or use of cannabis or cannabis products is prohibited in all public places, in all locations where smoking tobacco is prohibited, and on all business properties or within business facilities within the jurisdictional limits of the city, unless otherwise expressly authorized by city regulation, or required to be allowed by State law.~~

G. *Permitted Use*

1. *Commercial Cannabis Dispensary uses shall be allowed to be established and operated by Business Owners (as defined in Section 15-85 of this Code), that meet all of the requirements specified in this Section and Chapter 15, Article VII of this Code, in the DR-N, DR-S and Airport Industrial zone districts of the City, subject to having a valid State license for the operations, having a Regulatory Permit from the City, obtaining a City Business License, and having entered into a Development Agreement between the Business Owners and the City. Such uses shall also be allowed to be established in the DR-D, D-MX and D-GC zone districts, provided that the dispensary shall not be located within 600 feet of any school (as defined below) or within 500 feet of any other sensitive use, with the distance measurements determined as specified in subsection 3, below. Any cannabis dispensary permitted to be established shall at all times be in compliance with this section and Article VII of Chapter 15 of this Code, as it may be amended from time to time or repealed and replaced by another section governing Cannabis Dispensary operation, but subject to the terms and conditions within the applicable Development Agreement.*

2. *The number of regulatory permits for cannabis dispensaries is limited to no more than one permit, plus an additional permit for every 25,000 residents. The City Council may reserve one of the allowed permits exclusively for a medical cannabis dispensary use, in conformity with the applicable regulations set forth in Chapter 15, Article VII of this Code.*

3. *Distance separation from schools. All Cannabis dispensaries shall comply with the distance separation requirements from schools as required by State law. In addition, a Cannabis Dispensary shall not be located within 600 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.*

4. *All building property requirements set forth in Article VII, Chapter 15 shall also apply and are hereby incorporated by reference as if set forth fully herein.*

5. *Cannabis Dispensary uses are additionally subject to all setback, signage, and other requirements applicable to the zone classifications they are located in, in addition to any applicable requirements set forth in Chapter 21 and this Code, as well as the Downtown Design Guidelines, in applicable zone districts.*

- H. Enforcement. Any violation of this chapter is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations. In any civil action brought pursuant to this article, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in the Porterville Municipal Code, no provision of Section 301.23 or this Code authorizes a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 et seq. or Section 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under this Code and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.

SECTION 4: The Porterville Municipal Code, Section 701.02 is hereby amended as follows:

701.02: LAND USE CLASSIFICATIONS:

Aircraft Sales, Services, and Storage. Uses related to the rental, sales and leasing, storage, repair, and washing of aircraft.

Airports. Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal buildings and parking, and support activities such as airport operations, crew quarters, and air traffic control.

Animal Care, Sales and Services

Kennels. Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide twenty-four (24) hour accommodation of animals receiving medical or grooming services.

Pet Stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Veterinary Services, Small. Medical care for small animals on a commercial basis. This

classification allows twenty-four (24) hour accommodation of animals receiving medical or grooming services but does not include kennels.

Veterinary Services, Large. Medical care for large animals which generally includes agricultural animals, on a commercial basis. This classification allows twenty-four (24) hour accommodation of animals receiving medical or grooming services.

Animal Raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

Artists' Studios. Work space for artists and artisans, including individuals practicing one (1) of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is required.

Automobile/Vehicle Sales and Services

Automobile/Vehicle Rentals. Rental of automobiles, including storage and incidental maintenance.

Automobile/Vehicle Sales and Leasing. Sales or leasing of automobiles, boats, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, and transmission shops, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, auto glass services, tire sales and installation, muffler shops and upholstery shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Emergency Ambulance Services. The location of emergency ambulance service vehicles.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services. (For automobile/dismantling, see Salvage Yards)

Banks and Financial Institutions

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses.

Check Cashing Businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers that cash checks or issue money order incidental to their main purpose or business.

Bed and Breakfast. A small lodging establishment that offers overnight accommodation and inclusive breakfast, where the host lives at the establishment.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Contractors' Yards and hardware stores less than ten thousand (10,000) square feet in floor area (see Retail Sales).

Business Services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building, but excluding vehicle rentals, bulk items, or print shops.

Cannabis Dispensary. See Section 301.23, and the definition for "Dispensary" and "Medical cannabis dispensary" located in Section 15-85 of the Porterville Municipal Code.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Colleges and Trade Schools, Public or Private. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This

classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

Cinema/Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Downtown Entertainment. This classification includes facilities such as amusement and theme parks, amphitheaters, facilities with more than ten thousand (10,000) square feet in building area, including fitness centers, gymnasiums, handball, racquetball, ice or roller skating rinks, swimming or wave pools, miniature golf courses, bowling alleys, or archery or indoor shooting ranges. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with fifty thousand (50,000) square feet or more in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. This classification includes indoor facilities that occupy less than fifty thousand (50,000) square feet of building area, such as billiard parlors, card rooms, health clubs, fitness centers, gymnasiums, handball, racquetball; ice or roller skating rinks; swimming or wave pools; miniature golf courses, bowling alleys, dance halls, small tennis club facilities, poolrooms, indoor shooting ranges, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Community Center. Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers.

Communication Facilities

Antenna and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one (1) or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal

communications systems towers.

Broadcasting Facility. Includes radio or television stations. Transmission towers must comply with Series 301.20 Telecommunication Facilities.

Call Centers. Includes customer support, direct sales, order processing, customer service, surveys, research, credit management, help desk, reservations, billing and accounting, sales and telemarketing. These services are either provided internally by the company for its own use or provided externally by an outsourcing agency which provide these services for several companies.

Recording Studio. Facility for sound recording which can consist of a studio or live room and control room, where sound is recorded and manipulated.

Correctional Facility. A building such as a jail or prison used for the confinement of persons held while awaiting trial or for the confinement of persons convicted of offenses.

Crop Cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries. (see Nurseries and Garden Centers)

Crop Cultivation, Commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.

Crop Cultivation, Non-commercial. Includes orchards and flower and vegetable gardens for personal use.

Cottage Food Operations. A private home food operation where low-risk food products are prepared or packaged for sale to consumers which complies with California Government Code Section 51035.

Cultural Institutions. Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care Home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Eating, Drinking, and Smoking Establishments. Businesses primarily engaged in serving prepared food, beverages, and/or tobacco for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This classification includes establishments that provide dancing or entertainment.

Coffee Shops/Cafes. Establishments that serve nonalcoholic beverages, such as coffee, juices or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

Restaurants. Establishments where meals are served to customers. This classification includes full-service restaurants with table service as well as establishments providing limited table service, such as fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, and delicatessen restaurants. This classification excludes establishments that provide dancing or entertainment (see Bars/Night Clubs/Lounges).

Tobacco Bars. Any business establishment which in whole or in part is dedicated to or includes as part of the business, the smoking of tobacco or other substances. This classification includes cigar lounges, hookah bars/cafes, tobacco cafes/bars, and smoking parlors.

Elderly and Long-term Care. Establishment that provide twenty-four (24) hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Family Day Care Home. A home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home as follows.

Large. A home that provides family day care for seven (7) to fourteen (14) children, including children under the age of 10 years who reside at the home (Health and Safety Code Section 1596.78(b)). A large family day care home may provide care for more than 12 children and up to and including fourteen (14) children, if all of the following conditions are met (Health and Safety Code Section 1597.465):

1. At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.
2. No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for.
3. The licensee notifies a parent that the facility is caring for two (2) additional school-age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time.
4. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

Small. A home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home (Health and Safety Code Section 1596.78(c)). A small family day care home may provide care for more than six (6) and up to eight (8) children, without an additional adult attendant, if all of the following conditions are met (Health and Safety Code Section 1597.44):

1. At least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least six (6) years of age.
2. No more than two (2) infants are cared for during any time when more than six (6) children are cared for.
3. The licensee notifies each parent that the facility is caring for two (2) additional school-age children and that there may be up to seven (7) or eight (8) children in the home at one (1) time.
4. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

Food and Beverage Retail Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, convenient markets, groceries, liquor stores, and retail bakeries.

Freight/Truck Terminals and Warehouses. Facilities for local or worldwide freight, courier, local messenger, and postal services by truck or rail.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (See Utilities, Major).

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, private residential clubs, and residential hotels intended for long-term occupancy (thirty (30) days or more) but excludes Hotels and Motels, Residential Care, Limited or General.

Handicraft/Custom Manufacturing. Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, and similar items using hand tools and small mechanical devices.

Heliports. Facilities for the takeoff and landing of helicopters, as a primary use. Heliports typically contain one (1) or more helipads and may have limited facilities such as fuel, lighting, a windsock, or even hangars.

Hotels and Motels. Establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This

classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive, ship, aircraft, and heavy equipment manufacturing.

Industry, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three (3) or more vehicles with rated capacities less than ten thousand (10,000) lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (See Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two (2) or fewer fleet vehicles on-site (See Business Services).

Maintenance and Repair Services. The on-site maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive Sales and Services) and personal apparel (See Personal Services).

Massage Establishments. Healing arts

Medical Facilities. These classifications exclude veterinary and animal hospitals (see Animal Care, Sales, and Services).

Hospitals. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons.

Medical Clinic. This classification includes facilities for multiple physicians, medical groups, inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees.

Professional/Medical. This classification is for the single practitioner; to include offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including, where affiliated with a medical practitioner, massage therapy.

Mining and Quarrying. The extraction of nonmetallic minerals, including dredging and sand and gravel pit operations. This classification includes surface mining operations.

Mobile Home Parks. Mobile housing in a planned development with common area amenities. Spaces for mobile homes may be rented, leased or owned through a subdivision, cooperative, condominium or other form of resident ownership.

Multi-Family Residential. Two (2) or more dwelling units on a lot. Types of multiple family dwellings include duplexes, garden apartments, senior housing developments, and multi-story apartment buildings.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

Offices

General Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see Banks and Financial Institutions).

Walk-In Clientele. Offices of firms or organizations providing services to the public that rely on heavy pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling, and financial tax services.

Park and Recreation Facilities, Public. Parks, playgrounds, fairgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Parking, Public or Private. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another activity.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, massage therapy, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. A certified recycling facility or certified

processor means a recycling facility certified by the California Beverage Container Recycling and Litter Reduction Act. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. This use type does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. A use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. Facilities that receive, sort, store and/or process recyclable materials.

Religious Facilities. A facility for religious worship and incidental religious education and offices, including churches, temples, and other facilities used primarily for religious services or activities. This classification excludes private schools for primary or secondary education, as defined in this section, which also may be available for temporary use by the general public or civic, cultural, or educational organizations.

Residential Care Facilities, General. Facilities that require a State license or are State licensed and provide twenty-four (24) hour primarily non-medical care and supervision, or skilled nursing services, for more than six (6) persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, skilled nursing facilities, and convalescent facilities. This category excludes transitional housing, foster family homes, community service facilities, and any facilities supervised by or under contract with the State Department of Corrections.

Residential Care Facilities, Limited. Facilities that require a State license or are State licensed and provide twenty-four (24) hour non-medical care and supervision for six (6) or fewer persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living, excluding the licensee or members of the licensee's family or persons employed as facility staff. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices.

Retail Sales. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with ten thousand (10,000) square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo

processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

Swap Meet. Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Schools, Public or Private. Facilities for primary or secondary education, including public schools, charter schools, and private institutions having curricula comparable to that required in the public schools of the State of California.

Sexually Oriented Business. An establishment or concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate. Includes Sexually Oriented Businesses defined in Section 301.17(b), Definitions.

Single Family Dwelling. A dwelling unit designed for occupancy by one (1) household, and located on a separate lot from any other unit (except accessory living quarters, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Detached. A single-family dwelling unit that is not attached to any other dwelling unit.

Attached. A single-family dwelling unit, located singly on a lot, but attached through common vertical walls to one (1) or more dwellings on abutting lots. An attached single-family dwelling unit is sometimes referred to as a “townhome.”

Single Room Occupancy. A residential facility where individual secure rooms, which may or may not include cooking facilities, are rented to one (1) or two (2) person households for a

weekly or monthly period of time. This use type is distinct from a Hotel or Motel, which is a commercial use.

Social Service Facilities. Any noncommercial facility, such as homeless shelters, and emergency shelters, that may also provide meals, showers, and/or laundry facilities. Specialized programs and services related to the needs of the residents may also be provided. This classification excludes transitional housing facilities that provide living accommodations for a longer term.

Transitional and Supportive Housing. As defined in Section 50675.2 and 50675.14, respectively, of the Health and Safety Code

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include airports or heliports.

Utilities, Major. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities accessory to an established use involving only minor structures, such as electrical distribution lines, solar panels and underground water and sewer lines.

Utilities, Renewable Energy Facility. Facilities including solar, wind or other facility utilizing renewable energy.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access.

Chemical, Mineral, and Explosives Storage. Storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. The storage of general merchandise or refrigerated goods within enclosed buildings. Establishments in this classification provide facilities to store commercial goods, but do not sell the goods they handle. They may provide a range of services related to the distribution of goods, including labeling, breaking bulk, inventory control and management, order entry and fulfillment, price marking and ticketing, and transportation arrangement. However, they always provide warehousing or storage in addition to any logistics services.

Personal Storage. Facilities offering storage for individual use, including mini-warehouses and mini-storage.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual

Ordinance No. _____
consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

SECTION 5: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(2) – the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and 15060(c)(3) – the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has not potential for causing a significant effect on the environment.

SECTION 6: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance’s publication and passage.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2019.

By:

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADDING ARTICLE XI TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE,
CONCERNING PERSONAL (NON-COMMERCIAL) CANNABIS ACTIVITIES
INCLUDING DRYING, HARVESTING, PROCESSING, SMOKING, AND USE

WHEREAS, California legislation provides that the City of Porterville has the power to regulate certain cannabis activities, personal use and the drying, harvesting, processing and smoking of cannabis and cannabis products;

WHEREAS, Ordinance No. 1843 was adopted on November 7, 2017, providing for certain restrictions concerning such use, said regulations were set forth in Chapter 21 (Development Code) of the Porterville Municipal Code, and the City Attorney has recommended that personal cultivation regulations remain within Chapter 21, and the regulations concerning other activities not related to Development be moved to Chapter 18 of the Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE
HEREBY ORDAINS as follows:

SECTION 1. Article XI, Sections 18-120 through 18-125 are hereby added to Chapter 18 of the Porterville Municipal Code, as follows:

CHAPTER 18

ARTICLE XI – CANNABIS ACTIVITIES AND USE (NON-COMMERCIAL)

18-120: Purpose and Intent.

1. The City Council finds that restrictions on personal cannabis activities including drying, harvesting, processing, smoking and use are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the Council in its Charter and State law.

2. The purpose of this section is to restrict personal cannabis activities including drying, harvesting, processing, smoking, and use, consistent with permitted local regulation under State law.

3. To the extent not covered in this Article, personal, non-commercial cultivation of cannabis is regulated, consistent with applicable State law, pursuant to Section 301.23 of this Code.

18-121: Definitions.

For the purposes of this Article, "cannabis" and/or "marijuana," "cannabis product,"

“cannabis accessories,” “cultivation,” “distribution,” “manufacture,” “processing,” and “transporting” have the same meanings as defined in Section 301.23 and/or Section 15-85 of this Code.

18-122: Interpretation and Applicability.

1. Nothing in this Article is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.

2. Nothing in this Article is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.

3. Nothing in this section is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and State construction, electrical, plumbing, land use or any other building or land use standards or permitting requirements.

4. Nothing in this section is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.

5. All personal (non-commercial) cultivation activities are also subject to the provisions of Section 301.23 of this Code.

6. Commercial cannabis activities are restricted and regulated under Chapter 15, Article VII, of this Code.

18-123: Severability.

If any part of this Article is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections of this Article.

18-124: Personal Activities/Use Restrictions and Prohibitions.

1. To the extent that the following activities are permitted by State law, nothing in this section shall prohibit a person twenty one (21) years of age or older from:

a. Possessing, processing, purchasing, transporting, obtaining or giving away to persons twenty one (21) years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;

b. Possessing, processing, purchasing, transporting, obtaining or giving away to person twenty one (21) years of age or older, without compensation whatsoever, up to eight grams (8 g) of cannabis in the form of concentrated cannabis;

c. Smoking or ingesting cannabis or cannabis products except as prohibited

by California Health and Safety Code section 11362.3 or other State laws (and as restricted by this section);

d. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons twenty one (21) years of age or older without compensation whatsoever; or

e. Engaging in the cultivation of six or fewer live cannabis plants, as set forth in Section 301.23 of this Code.

2. The use of gas products or other volatile solvent (e.g. CO₂, butane, etc.) for cannabis cultivation, processing or manufacture is prohibited.

3. No distribution of cannabis cultivated or processed for personal use shall be allowed other than as authorized by this Code, or required to be allowed by law.

4. A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the City, unless the commercial activity is expressly permitted by this Code, and the activity at the location has been expressly authorized by the City in accordance with applicable City regulations and applicable State laws.

5. The smoking, ingesting, or use of cannabis or cannabis products is prohibited in all public places, in all locations where smoking tobacco is prohibited, and on all business properties or within business facilities within the jurisdictional limits of the City, unless otherwise expressly authorized by City regulation, or required to be allowed by State law.

18-125: Enforcement.

Any violation of this Article is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This section is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations. In any civil action brought pursuant to this Article, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in the Porterville Municipal Code, no provision of this Article authorizes a criminal prosecution, arrest, or penalty inconsistent with or prohibited by Health and Safety Code section 11362.71 et seq., or section 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under this Code and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.

SECTION 2. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA

under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Porterville, or any official, employee or agent thereof.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Porterville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Porterville Municipal Code as amended by this ordinance are substantially the same as provisions in the Porterville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 6. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2019.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Public Hearing to Consider Transitioning Into Phase III of the City's Water Conservation Plan

SOURCE: Public Works

COMMENT: The City of Porterville's Water Conservation Plan is structured in an effort to provide mandated conservation results, reduce the overall residential consumption, and continue to provide uninterrupted services to the community without compromising the operation of the City's water distribution system. The City has been operating through the winter months in Phase IV of the City's Water Conservation Plan. As part of the Phase IV implementation, the City reduced watering days through the winter months, to a one (1) day per week watering schedule, based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday.

Conservation reduction guidelines presented in past Executive Orders and subsequent regulations adopted by the State Water Resources Control Board encourage conservation as a way of life. Taking into consideration the State Waterboards Self-Certification criteria for the City of Porterville, the City Council approved maintaining a self-imposed conservation standard of 26% less than the production of 2013. The continuation of the current conservation goals keep a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three (3) years of supply under drought conditions, meet the minimum 20% conservation standard defined in the City's Urban Water Management Plan, and assists the City toward meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

In response, the City of Porterville has developed a Conservation Plan that has been effective while still allowing some flexibility throughout the community. The City's Conservation Plan is an Odd/Even watering schedule composed of Five Phases; Phase I, is Voluntary 3-Day Watering week Schedule; Phase II, is Mandatory 3-Day Watering week Schedule; Phase III, is Mandatory 2-Day Watering week Schedule; Phase IV, is Mandatory 1-Day Watering week Schedule; and Phase V, is a No Outdoor Watering schedule.

Through the implementation of mandatory conservation, the City of Porterville has been able to maintain a cumulative GPCD conservation total reduction of 25.1% (June 2015 through March 2019). In order to maintain conservation reductions while providing flexibility to local residents, it is staff's recommendation that the seasonal changes in the temperature be evaluated and

the need to transition from Phase IV to Phase III of the City's Water Conservation Plan (a Mandatory odd/even 2-day watering week schedule). Staff recommends Council conduct a Public Hearing to discuss moving to Phase III of the City's Water Conservation Plan, which adds an additional day to the watering schedule for outdoor landscape. Phase III is a Mandatory odd/even 2-day watering week schedule, odd addresses would be allowed to water on Tuesday & Saturday and even addresses on Wednesday & Sunday. The City's Water Conservation Plan applies to all water users within the City's service area. Recommendation is to commence with Phase III effective June 1, 2019, and continue this watering schedule through the summer and fall months until November 30, 2019. On December 1, 2019, the City would then transition back to Phase IV of the City's Water Conservation Plan (a Mandatory 1-day watering week schedule).

RECOMMENDATION: That City Council:

1. Conduct the Public Hearing to consider transitioning from Phase IV to Phase III of the City's Water Conservation Plan effective June 1, 2019; and
2. Consider directing staff to transition back to Phase IV commencing December 1, 2019.

ATTACHMENTS: 1. Drought Response Phase IV Flyer
 2. Drought Response Phase III Flyer
 3. Monthly Production Status GPCD March 2019

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



DROUGHT RESPONSE Phase IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

**WATERING PROHIBITED
BETWEEN THE HOURS OF
5:00 – 10:00 AM
5:00 – 10:00 PM**

**NO WATERING
MONDAY THROUGH
FRIDAY.**



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering days are Tuesday and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

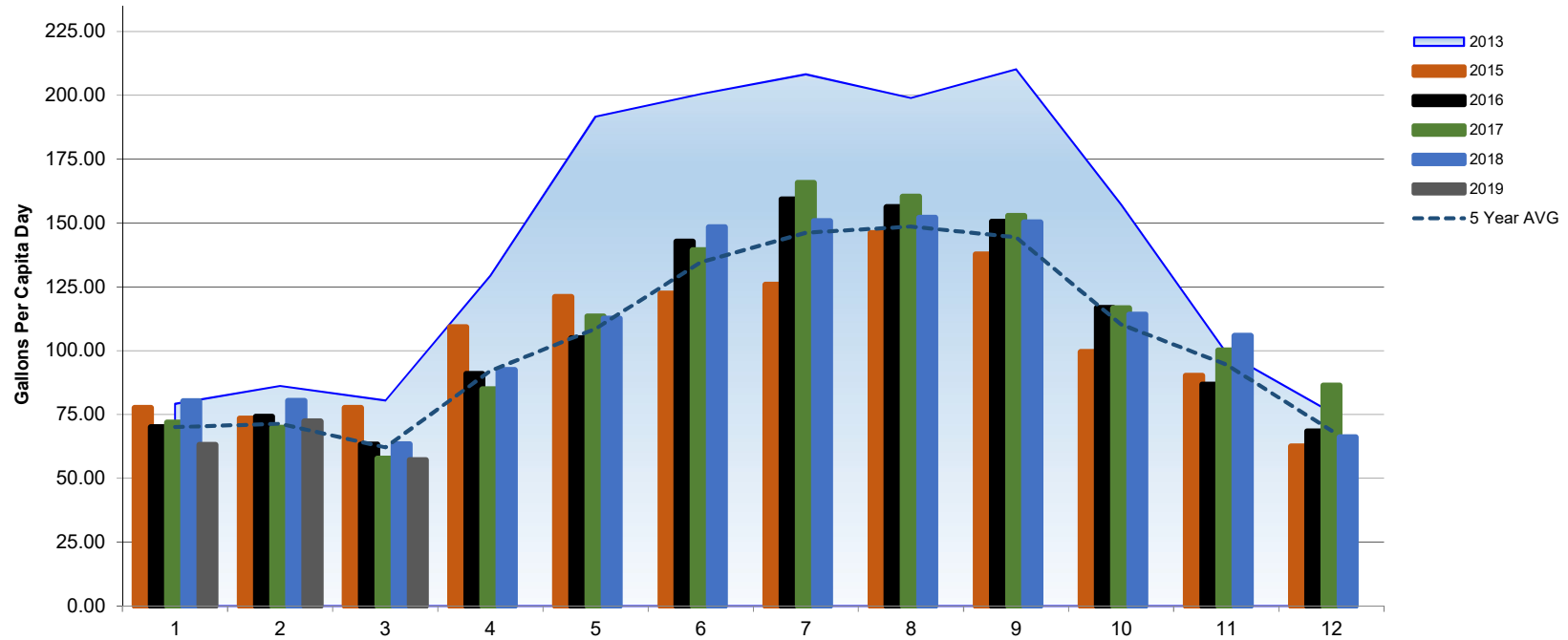
**Vehicles shall only be
washed on designated
watering days and with
hoses equipped with a
shut-off nozzle**

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

**WATERING PROHIBITED
BETWEEN THE HOURS OF
5:00 – 10:00 AM
5:00 – 10:00 PM**

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

**Monthly Production Status & Cumulative Total June 2015 Through
March 2019 Gallon Per Capita Day Comparison to 2013 & 5 Year Average**



GPCD

Cumulative Total 25.3%

	2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
	2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
	2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
	2018	1%	-7%	-21%	-29%	-41%	-26%	-28%	-24%	-29%	-27%	7%	-13%
	2019	-20%	-16%	-29%									

Percent Comparison to 2013 Production



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: 2019-2020 Action Plan and Proposed Use of Community Development Block Grant Funds

SOURCE: Community Development

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year Consolidated Plan. Porterville's 2015 Five-Year Consolidated Plan was adopted by the City Council on June 16, 2015, and subsequently submitted to and approved by HUD. This 2019/2020 Action Plan reflects the fifth and final year investment plan within the scope of the Consolidated Plan. Action Plans need to be submitted to HUD forty-five (45) days before the start of the program year. HUD has sent out a memo informing entitlement jurisdictions that; "Congress has not completed the appropriations process for HUD's FY 2019 appropriation. At this time, HUD cannot predict when its FY 2019 appropriations bill will be enacted and when it will be able to announce FY 2019 allocation amounts. Thus, HUD cannot say how many grantees – or which program year start dates – will be subject to these revised procedures. Similarly, HUD cannot provide estimated FY 2019 allocation amounts for grantees to use for planning purposes in developing annual Action Plans." Despite allocations not being announced yet, the City is still required to go through the mandated process, but may delay submission of its consolidated plan or action plan to HUD until sixty (60) days after the date allocations are announced, or until August 16, 2019 (whichever date comes first). This delay will give a grantee time to revise its action plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

The Action Plan, (Exhibit A to the draft Resolution), identifies activities the City would undertake during the next year to address priority needs of lower income households. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meeting underserved needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year beginning July 1, 2019, through June 30, 2020. Staff has, for estimate purposes, used the 2018/2019 entitlement amount of \$756,441 as the

2019/2020 estimate to implement the Action Plan for a variety of programs and projects accompanied by program income generated by the First-Time Low Income Home Buyer Program, the Owner Occupied Housing Rehabilitation and Public Utility Program, and the Business Assistance Loan Program.

The table below provides an overview of the entitlement funding allocation as presented to the Citizens Advisory and Housing Opportunity Committee.

Section 108 Debt Service	\$ 313,916.40
Administration	\$ 150,000.00
First Time Low Income Homebuyer Program	\$ 120,000.00
City-Operated Youth Center	\$ 100,566.15
Parks Improvement Program	\$ 51,558.45
Shelter plus Care Voucher Program	\$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	\$ 5,000.00
<u>Homebuyer Education Program</u>	<u>\$ 400.00</u>
Total Funding	\$ 756,441.00

Providing ongoing youth activities is a high priority within the community. The City's Parks & Leisure Services Department has been operating the City's Youth Center since 1997 and has been located at the Heritage Center for the past 13 years. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program, inclusive of new program elements within Census Tract 41, is \$100,566.15. The Parks & Leisure Services proposal and budget for operating the Youth Center is included in the Action Plan, Section VIII. Additionally, this is the sixth year of \$15,000 being pledged to be expended as match for the Shelter + Care Program vouchers awarded through the Continuum of Care to address homelessness in the community; and the fourth year that \$5,000 entitlement funds are awarded to the Continuum of Care on Homelessness to assist with Project Homeless Connect and Point in Time Survey and the writing of applications for HUD funding. The First Time Homebuyer Education Program will be allocated \$400. These three (3) programs together will make up the allowed 15% allocation of the annual entitlement for public service projects.

In 2005/2006, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development of the parking lot for the planned future ball fields, utilized the remaining loan funds. Using CDBG-R stimulus funds, along with other grant sources, construction was completed on the Rails to Trails Project that runs adjacent to the Heritage Center. The entitlement allocation for debt payments on the Section 108 loan in 2019/2020 will be \$313,916.40 or 41.5% of the anticipated entitlement allocation. The total debt will be paid in 2023/2024.

Administration of the CDBG program will be allocated \$150,000 which is the allowed 20% of the entitlement, plus an additional 20% of anticipated program income for the year.

The Park Improvement Program will be allocated \$80,000 to add new or improved amenities at Zalud and Murry Parks. Additionally any unexpended entitlement funds will also carry over.

The First Time Low-Income Home Buyer Program (FTHB) will be allocated entitlement funds in the amount of \$120,000 to help low income families to purchase their first home and have an affordable mortgage, in addition to program income received during the year. CalHome and HOME program income as it becomes available will also be leveraged for this program.

Business Assistance Programs, Land Acquisition, Clearance and Disposition Programs will utilize unexpended entitlement and Program Income funds from previous years' allocations.

On February 12, 2019, the first community meeting was held to bring recommendations and comments from the community before the CDBG Citizens' Advisory and Housing Opportunity Committee (Committee). On February 26, 2019, the Committee held the first Public Hearing to consider the proposed projects for the 2019/2020 Action Plan. One public comment was received at the meeting, advocating for increased homelessness funding, to which a Committee member commented that their organization has been serving an increased number of homeless youth. Additionally, another Committee member suggested including an ADA accessible swing as part of the Parks Program. The Committee unanimously recommended approval of the proposed Action Plan, as presented.

Public notices were published both in English and Spanish for the above mentioned Public Hearing. A public notice was also published in English and Spanish announcing the thirty (30) day comment and review period which ends April 16, 2019. Although no written comments were received from the public prior to the publishing of this report, as part of the community outreach, staff additionally circulated a survey requesting input and ideas for new programs. These surveys were made available at all of the public meetings, via internet outreach by email, the city's webpage and through social media posts from the Parks Department, Library, Choose Porterville and Porterville Chamber pages. To date, this resulted in 172 responses. A summary of the survey results is provided as an attachment.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving the 2019/2020 Action Plan; and
2. Direct staff to submit the 2019/2020 Action Plan to HUD.

ATTACHMENTS:

1. CDBG Action Plan Resolution
2. Survey Responses Report

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING THE 2019-2020 ACTION PLAN AND PROPOSED USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby
approve the 2019-2020 Action Plan, attached as Exhibit A, and proposed use of Community
Development Block Grant Funds with a 2019 Program Year Entitlement Allocation as follows:

Section 108 Debt Service	\$ 313,916.40
Administration	\$ 150,000.00
First Time Low Income Homebuyer Program	\$ 120,000.00
City-Operated Youth Center	\$ 100,566.15
Parks Improvement Program	\$ 51,558.45
Shelter plus Care Voucher Program	\$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	\$ 5,000.00
Homebuyer Education Program	\$ 400.00
Total Funding	\$ 756,441.00

PASSED, APPROVED AND ADOPTED this 16th day of April, 2019.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE



COMMUNITY DEVELOPMENT BLOCK GRANT

2019-2020 ACTION PLAN

DRAFT

ENTITLEMENT APPLICATION

30 DAY COMMENT PERIOD

MARCH 15-APRIL 16, 2019

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Porterville (City) is an entitlement jurisdiction that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to invest in local communities. The City receives HUD funding under the Community Development Block Grant (CDBG) Program, which is designed to assist low- and moderate-income (LMI) households.

The primary objective of the CDBG program is to develop viable communities through the provision of decent housing, a suitable living environment, and expanded economic opportunities. CDBG grantees are eligible to use the resources they receive for Planning and Administration, Public Services, Community and Economic Development, Capital Improvement Projects (CIP) Public Facilities/Infrastructure, and CIP Housing Rehabilitation. Planning and Administration costs include staffing, preparation of the Consolidated Plan, general management, oversight and coordination. Public Service projects provide social services and/or other direct support to individuals and households in need of assistance. Community and Economic Development projects are focused on assisting businesses and organizations with small business loans, and other initiatives. CIP Public Facilities/Infrastructure projects are those which aim to improve public facilities and infrastructure. CIP Housing Rehabilitation projects are for housing rehabilitation improvements of single and multi-unit housing. The City anticipates approximately \$756,441 in CDBG funding for FY 2019/2020. All totals were estimated based on last years' allocation as HUD had not announced 2019/2020 allocations at the time of public hearing, totals for programs will be adjusted based on the actual allocation received per contingency descriptions in AP-35.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Action Plan incorporates outcome measures identified in the Consolidated Plan. Activities are selected in accordance with the Federal Register Notice dated March 7, 2006, which require the following Performance Measure Objectives/Outcomes to be associated with each activity funded:

General Objective Categories: Activities will meet one of the following:

Decent Housing (DH)

A Suitable Living Environment (SL)

Economic Opportunity (EO)

Outcome Categories: Activities will meet one of the following:

Availability/Accessibility

Affordability

Sustainability

1	Goal Name	Affordable Housing
	Goal Description	Assist in the creation and preservation of affordable housing opportunities.
2	Goal Name	Homelessness
	Goal Description	Supportive activities to prevent and end homelessness
3	Goal Name	Strengthening Neighborhoods
	Goal Description	Support activities that strengthen neighborhoods. Land Acquisition: General Objective: A Suitable Living Environment Outcome: Sustainability Parks Improvement: General Objective: A Suitable Living Environment Outcome Categories: Availability/Accessibility
4	Goal Name	Economic Development
	Goal Description	Expand economic development and employment opportunity programs.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

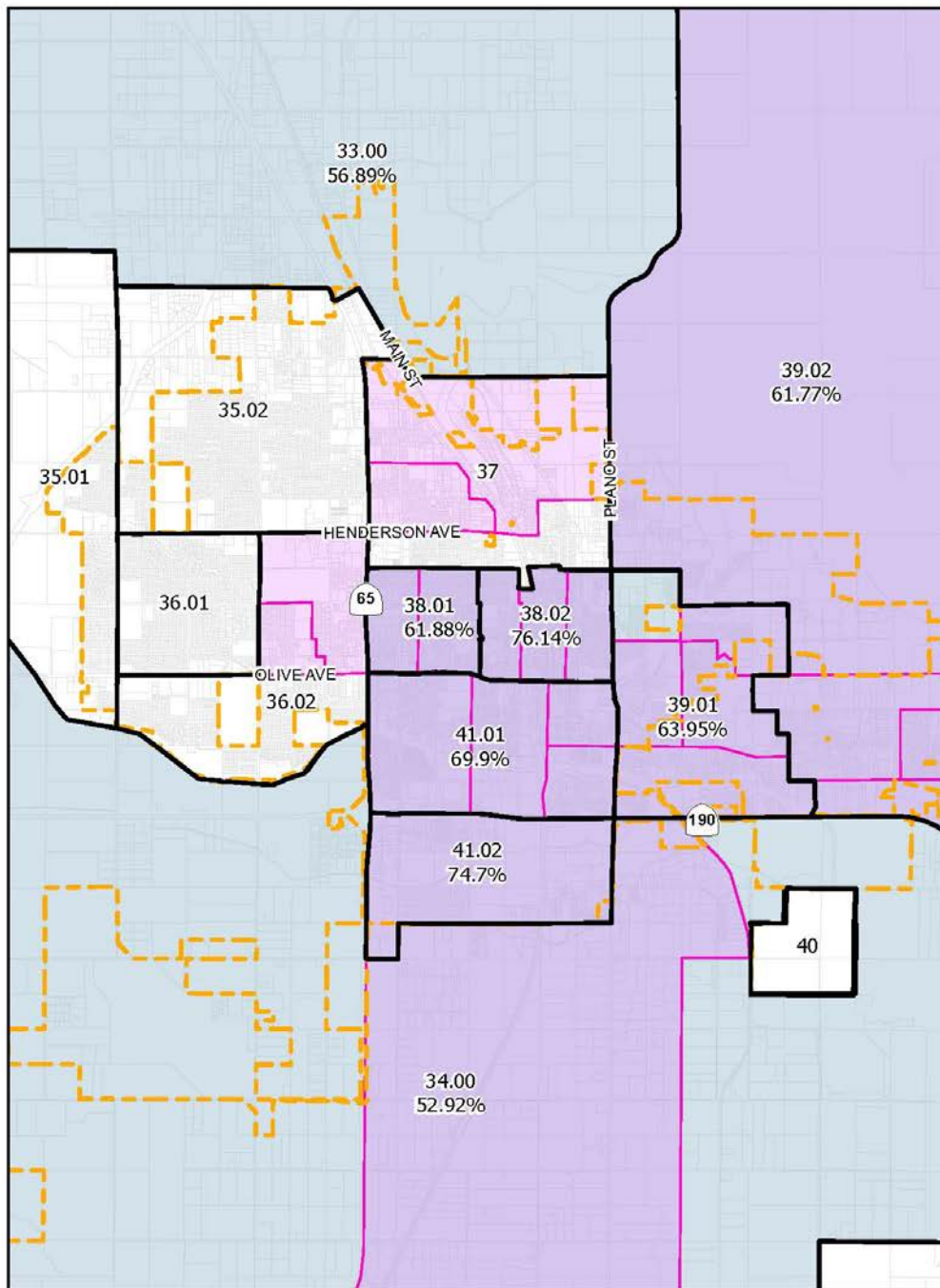
The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant programs. The City's Annual Action Plans and Comprehensive Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City since 1982.

The City recognizes that the evaluation of past performance is critical to ensure the City and its subrecipients are implementing activities effectively and that those activities align with the City's overall strategies and goals. The performance of programs and systems are evaluated annually.

Goals for future projects were set in the 2015-2020 Consolidated Plan, by evaluating the success of existing programs as well as evaluating the needs that exist in the community. With 41.5 percent of entitlement funding received applied to the Section 108 loan, there is a limited amount of discretionary funding available for large projects. The City will continue funding salaries for the Youth Center, and the Shelter-Plus-Care Program, and as more funding becomes available the City will look for ways to improve living conditions, eliminate slum and blight, and improve public facilities.

A City of Porterville Map is included with the overlapping Low Mod Income Areas identified in the Census.

City of Porterville Low/Mod Area



- Low to Moderate Income Greater Than 51% by Block Group
- Low to Moderate Income Greater Than 51% by Census Tract
- City Limits

Income data from the US Department of Housing and Urban Development.
Date Printed: 3/6/2019 by the Community Development Department.



4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

To maximize participation in the preparation of the 2019/2020 Action Plan, the City held a community meeting, designed and administered a community needs survey, will hold two public hearings, will conducted outreach by email, social media and committee meetings. The purpose is to inform and seek input on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2019/2020. Views obtained during this hearing will be considered for the final Action Plan. There was a total of 13 attendees at the community meeting.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Community Meeting February 12, 2019

Community feedback received during the community meeting and surveys prior to the first public hearing, for continued support for Housing Programs, Public Services Programs, Business Assistance Programs, and Community Benefit Programs. Support for new park improvement projects, homeless services, and youth services were also noted in the surveys completed at the meeting. All feedback was gathered and presented to the CDBG Citizens participation and housing advisory committee on February 26, 2019.

CDBG Advisory and Housing Committee Meeting and Public Hearing February 26, 2019

3 comments were received during the meeting: One community member advocated for increased homelessness funding. Another made comment that her organization has served an increase in homeless youth. One suggestion was made to include ADA accessible swing in the parks. No comments were rejected. Committee evaluated all suggestions in making final determinations for funding.

Public Hearing April 16, 2019

Any Public Comment will be updated in this section if received during the meeting.

6. Summary of comments or views not accepted and the reasons for not accepting them

Any Public Comment will be updated in this section. All comments received in the community surveys will be considered for the final Action Plan.

7. Summary

The 2019/20 Action plan follows the established 2015-2020 Goals, and takes into account new comments from the Community Development Block Grant Advisory and Housing Opportunity Committee recommendation to City Council as well as any other public comments received during the development of the plan.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	PORTERVILLE	Community Development Department
CDBG Administrator	PORTERVILLE	Community Development Department
HOME Administrator	N/A	

Table 1 – Responsible Agencies

Narrative (optional)

The City of Porterville (City) is the Lead Agency for the United States Department of Housing and Urban Development (HUD) entitlement programs. The City's Department of Community Development is responsible for administering the funds it receives under the Community Development Block Grant (CDBG).

Consolidated Plan Public Contact Information

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

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City is launching a comprehensive public engagement strategy to consult with stakeholders of the City to prioritize needs, set goals, and inform strategies for the implementation of the 2019/2020 Action Plan. The City's outreach effort focused on engaging community residents, beneficiaries of entitlement funds, and stakeholders of the City. The City held a community meeting to introduce the Annual Action Plan Planning process to meeting participants and gather information regarding the community's top priorities. The City also conducts a Community Survey to gather input from community residents and stakeholders of the City. The survey asks to identify the greatest needs and priorities in the City that could be addressed through entitlement funding programs and to provide feedback on the use of those funds and to comment on existing programs.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

City staff works collaboratively with public officials, City departments, community residents and stakeholders, and beneficiaries of entitlement funds to craft the priorities and strategies included in this Action Plan. The City facilitated a community outreach and engagement effort to further strengthen the dialogue between public and assisted housing providers and private and governmental health, mental health and service agencies that receive federal funding. The City held a community meeting to prompt discussions on the City's top community needs and approaches to addressing them.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Kings and Tulare County Continuum of Care (Alliance) is comprised of a group of service providers, advocates, public agencies, and homeless individuals to address the needs of the homeless population in the Kings and Tulare County regions. The City is an active participant in monthly Alliance meetings, which are intended to enhance coordination, share information on best practices, and develop a better understanding of the needs of the homeless population in jurisdictions across both counties. The Alliance recently implemented Every Door Open, a coordinated entry and assessment system to serve Kings and Tulare counties. Every Door Open is designed to help individuals at-risk of or currently experiencing homelessness. The coordinated entry and assessment system prioritizes the most vulnerable homeless individuals, including the chronically homeless, families with children, veterans, and unaccompanied youth.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Not applicable. The City does not receive Emergency Solutions Grant Funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Agencies will be updated in this section at end of comment period
	Agency/Group/Organization Type	
	What section of the Plan was addressed by Consultation?	
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	

Identify any Agency Types not consulted and provide rationale for not consulting

The City will reach out to many different agencies, groups, and organizations and invited them to participate in the preparation of this Action Plan. They will be provided with a stakeholder flyer that includes information on the community meeting and public hearings. These groups will be asked to share this information with colleagues and mailing lists. They will also be encouraged to complete the community survey.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Kings/Tulare Homeless Alliance	Connecting the Dots is a Ten-Year Plan to prevent and end homelessness in the Kings and Tulare County region. This effort is aligned with the Strategic Plans goal to support activities that prevent and end homelessness.
San Joaquin Valley Fair Housing and Equity Assess	California Coalition for Rural Housing	The FHEA provides an overview of racial and economic segregation patterns in the City and describes its impact on residential mobility. The report also includes a set of recommendations to promote integration in the City and lessen the negative consequences generated as a result of segregation identified within the report. Both plans focus on supporting and promoting the creation of affordable housing opportunities for LMI and special needs households.
City of Porterville General Plan Housing Element	City of Porterville	The Housing Element identifies the housing needs of the community, goals and objectives to address those needs, and outlines the community's efforts to pursue specific policies and programs to achieve its goals and objectives. The Strategic Plan supports the Housing Elements plan to ensure that there is an adequate supply of affordable housing to meet the current and future needs of the population.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

Many organizations will be consulted at community meetings or by email to engage them in providing feedback. Comments are accepted as anonymous to encourage participation, while others attended the community meeting and/ or public hearings.

AP-12 Participation – 91.105, 91.200 (c)

13. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

To maximize participation in the preparation of the 2019/2020 Action Plan, the City held a community meeting, designed and administered a community needs survey, will hold two public hearings, will conducted outreach by email, social media and committee meetings. The purpose is to inform and seek input on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2019/2020. Views obtained during this hearing will be considered for the final Action Plan. There was a total of 13 attendees at the community meeting.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
1	Public Meeting	Non-targeted/broad community	13 Participants attended	Feedback included reinforcement of the need for affordable housing programs, youth programs, parks programs, economic development, and homeless programs.	Summary of comments attached in Appendices No comments were rejected.	
2	Public Hearing	Non-targeted/ broad community	1st public hearing there were 4 public members, 5 CDBG Advisory Board Members and 6 City of Porterville Staff members. 2nd Public hearing, scheduled City Council Meeting for April 16, 2019 will be updated after it takes place.	1 st Public hearing comment summary: The Committee was presented with community feedback from the community meeting and they discussed continuation of current programs as well as funding allocations. 2 nd Public hearing comments will be updated after it takes place	No comments were rejected at 1 st Public hearing.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
3	Newspaper Ad	Non-targeted/broad community	A total of 4 newspaper adds were sent to notify about public hearings and community meetings as well as timeline for Action Plan development. 2 in English and 2 in Spanish.	Comments will be updated if any are received	will be updated at end of 30 day comment period	
4	Internet Outreach	Non-targeted/broad community	Internet outreach was done by email, City webpage, and social media posts on Parks, Library, Choose Porterville and Porterville Chamber pages.	Summary of survey responses received as a result of this outreach will be attached in appendices at the end of 30 day comment period.	will be updated at end of 30 day comment period	
6	Flyers and Printed Media	Non-targeted/broad community	Flyers and printed material were distributed and posted on public counters within City Hall, Public Library and Porterville Chamber.	will be updated at end of 30 day comment period	will be updated at end of 30 day comment period	
7	Partner Meetings/ Presentations	Non-targeted/broad community	Flyers and printed material and paper surveys will be distributed at partner meetings and presentations will be given about the Action Plan to request feedback and new program ideas in the development of the Action Plan.	will be updated at end of 30 day comment period	will be updated at end of 30 day comment period	
			Additional Outreach will be added after 30 day comment period to include all outreach efforts			

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation:\$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	756,441*	65,551*	347,234*	1,168,394*	1,168,394*	CDBG funds will be used for public improvements, economic development, and public services that benefit low income and special needs households.

Table 5 - Expected Resources – Priority Table* these are estimates based on projected PI and program expenditures and anticipated HUD grant that has not been announced

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The amounts in Priority Table for Expected Amount Available are estimates based on expenditure projections through 6/30/2019 and of anticipated grant from HUD.

The City of Porterville is proactive in prioritizing the needs of the community. Staff continues to dedicate time, collaborating with non-profit agencies through the Homeless Alliance whose main target is to house homeless individuals. The City uses \$15,000 in CDBG funds to contribute to the hiring of a social worker for the Shelter-Plus-Care Program administered by Family Services of Visalia. When available, funds will also be allocated to the Alliance to continue the efforts to end homelessness. Staff works closely with local non-profit agencies using an active referral system where a pool of resources is made available to those in need. City staff continuously promotes the housing programs through various methods as well as within several faith-based organizations. When available, the City uses state funding, such as HOME and CalHome in conjunction with CDBG funds to create safe and suitable living environments for the low- and moderate- income members of the Porterville community.

Leverage, in the context of entitlement funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's HUD Programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources

of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

As previously discussed, in addition to its annual CDBG entitlement, the City anticipates HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. HOME funding is intended to be used for various housing-related programs and activities. HOME funds are generally used to address the housing needs of jurisdictions through the preservation or creation of affordable housing. New construction, housing rehabilitation, assistance to homebuyers, and tenant-based rental assistance are all eligible uses of HOME funds. The City's HOME dollars come from program income and a new HOME Grant received in FY 2016/17. These funds will be used to meet affordable housing needs. HOME PI is a result of payments received by the City for First Time Homebuyer Loans made in the past with State HOME grants. The First Time Homebuyer Loan Program be allocated New CDBG Entitlement funds, in amount of \$120,000 as the PI and HOME Grant awarded have been expended. The City will continue to pursue additional funding from HOME to match CDBG and continue to offer the program.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

During Fiscal Year 2014-2015 the Successor Agency to the Porterville Redevelopment Agency acquired a property located at the corner of Olive Avenue and Main Street in downtown Porterville. The property was the former site of the Porterville Hotel; a fire destroyed the abandoned building, and the land is now vacant. The Agency's intent is to market the property and find a developer willing to create new retail and office space in the downtown business corridor. The desired outcome of the project would be retail opportunities leading to job creation. In May 2018 this property was sold, and currently permits have been pulled for development of retail, however construction has not started. The desired outcome continues unchanged.

The City also owns approximately seven acres of property located at the Jaye Street Industrial Complex. These properties are marketed in cooperation with the Tulare County EDC for recruitment of manufacturing and industrial uses to Porterville. The desired outcome of these projects is job creation.

Discussion

Below is a list of potential financial resources considered a part of the City's overall financial plan to address priority needs and specific objectives identified in the Consolidated Plan. The number and availability of these programs to assist cities is limited, and funding for new projects is unpredictable. The following programs are local, state, and federal programs. None of these are managed locally by the City through funds accessed directly from HUD:

- Housing Authority of Tulare County (HATC): HATC is a public housing authority with jurisdiction within the City and the County. It administers federal and state funds for its public housing projects and government-assisted housing units, such as the Section 8 Housing Choice Voucher Program and Veterans Affairs Supportive Housing (VASH) vouchers.

- Low-Income Housing Tax Credit Program (LIHTC): The LIHTC program provides federal and state tax credits for private developers and investors who agree to set aside all or an established percentage of their rental units for low-income households for no less than 30 years. Tax credits may also be utilized on rehabilitation projects, contributing to the preservation program. The program begins when developers and investors apply for an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis at varying times. Compliance is monitored according to Internal Revenue Service (IRS) rules and regulations. Multi-Family Housing Program: If California's Housing and Community Development Department awards Multi-Family Housing Program loans to assist rental housing developments affordable to low-income households in the City, the City will assist the developers with identifying local funding.
- National Housing Trust Fund (HTF): States and state-designated entities are eligible grantees for the HTF. HUD will allocate HTF funds by formula annually. A State must use at least 80 percent of each annual grant for rental housing; up to 10 percent for homeownership; and up to 10 percent for the grantee's reasonable administrative and planning costs.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2015	2019	Affordable Housing	Citywide	Affordable Housing Community Services, Public Facilities, Public	CDBG: \$341,977.61	Public service activities for Low/Moderate Income Housing Benefit: 60 Households Assisted Homeowner Housing Added: 1 Household Housing Unit Homeowner Housing Rehabilitated: 4 Household Housing Unit Direct Financial Assistance to Homebuyers: 1 Households Assisted
2	Homelessness	2015	2019	Homeless	Citywide	Homelessness	CDBG: \$20,000	Public service activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 2 Households Assisted
3	Strengthening Neighborhoods	2015	2019	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services, Public Facilities, Public	CDBG: \$466,041	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 15415 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 100 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Economic Development	2015	2019	Non-Housing Community Development	Citywide	Economic Development	CDBG: \$340,376.09	Jobs created/retained: 1 Jobs Businesses assisted: 1 Businesses Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	Assist in the Creation and preservation of affordable housing opportunities
2	Goal Name	Homelessness
	Goal Description	Supportive activities to prevent and end homelessness
3	Goal Name	Strengthening Neighborhoods
	Goal Description	Support activities that strengthen neighborhoods.
4	Goal Name	Economic Development
	Goal Description	Expand economic development and employment opportunity programs.

Projects

AP-35 Projects – 91.220(d)

Introduction

The Consolidated Plan goals below represent high priority needs for the City and serve as the basis for the strategic actions the City will use to meet these needs. The goals, listed in no particular order are:

1. Assist in the creation and preservation of affordable housing opportunities
2. Support activities to prevent and end homelessness
3. Support activities that strengthen neighborhoods.
4. Expand economic development and employment opportunity programs.

Projects

#	Project Name
1	2019-2020 Planning and Administration
2	City-Operated Youth Center
3	Shelter Plus Care Program for the Homeless
4	First Time Low Income Homebuyer Program
5	Homebuyer Education
6	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program
7	Business Assistance Programs
8	Section 108 Loan Repayment
9	Parks Improvement Program
10	Land Acquisition
11	Continuum of Care
12	Clearance
13	Disposition

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocations are based on community needs assessment established in the Five Year Consolidated Plan 2015-2020. Additionally, public comment is sought annually for any other community needs or for support of current allocations.

AP-38 Project Summary

Project Summary Information

1	Project Name	2019-2020 Planning and Administration
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$159,526
	Description	A portion of the CDBG entitlement allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the housing department, legal services from the City Attorney's Office, and environmental reviews. The actual amount is based on an estimated amount dependent on anticipated Program Income for FY 2019/20. Contingency Allocation Language Used in Public Comment and Public hearing: up to 20% of Grant allocation plus up to 20% of current years' expected PI. Carry Over: \$0 is anticipated carryover from PY 2018/19, however if there is any carryover, it shall remain in Administration.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	291 N Main St. Porterville CA
2	Planned Activities	CDBG Planning and Administration
	Project Name	City-Operated Youth Center
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$100,566
	Description	A Portion of the CDBG entitlement allocation will be used for the Heritage Center. Youth services and the provision of youth activities is a high priority for the City. The Youth Center is a free, drop-in recreation program that meets this need within the City's lowest income areas. The program prevents and diverts youth ages 10-18 from negative behavior and surrounds them in a positive and productive environments.

		The actual amount is based on an estimated amount dependent on anticipated Program Income for FY 2017/18. Contingency Allocation Language Used in Public Comment and Public hearing. Allocation amount not to exceed the sum of: up to 15% of Grant allocation plus 15% of prior year (18/19) PI. (Excluding \$20,000 which will be allocated to other Public Service Programs: Shelter + Care program for the Homeless, Kings Tulare Continuum of Care and \$400 for Homebuyer Education) \$100,566.15 is estimated using this formula, based on last years' CDBG Entitlement Grant. However if PI received exceeds estimate this amount can increase to reflect the final PI received at the end of 6/30/2019. Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 it shall be allocated to First Time Low Income Homebuyer Program.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 Households Assisted
	Location Description	256 E. Orange Ave, Porterville CA 93257 (or new location TBD)
	Planned Activities	A few program objectives include: enhancing self-esteem, building leadership skills, and learning teamwork and the ability to cooperate with others. A sample of the activities for the youth include: participation in City athletic leagues, homework tutoring, arts & crafts, cooking classes, community service projects, and an assortment of video and traditional games. If building is purchased, this activity may change location, and Action Plan will be updated once that takes place.
3	Project Name	Shelter Plus Care Program for the Homeless
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$15,000

	Description	A portion of the CDBG entitlement allocation will be used for the S+C voucher program. It functions like a Section 8 voucher; the clients pays 30% of their income towards housing, and the remaining balance of the Fair-Market rent is paid by the voucher. All of the units in the program are existing scattered site market rate apartments. The program requires a dollar for dollar match of supportive services for each dollar of housing provided through the S+C voucher, and Family Services has committed to providing the balance of the services. Contingency Allocation Language Used in Public Comment and Public hearing: \$15,000 granted it does not exceed the 15% public service Cap. Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 it shall be allocated to First Time Low Income Homebuyer Program.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	At least two very low or extremely low income families/individuals will benefit from this program in FY 2018-192019-20. Five vouchers are assigned to each of the participating cities, and the remaining vouchers will be available based on need.
	Location Description	Citywide
	Planned Activities	The City of Porterville executed a subrecipient agreement with Family Services of Tulare County to administer this voucher program that provides services within the City of Porterville with the City funding up to \$15,000 annually for the case manager services.
	Project Name	First Time Low Income Homebuyer Program
4	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$137,800
	Description	CDBG program income funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. Contingency Allocation Language Used in Public Comment and Public hearing: \$120,000 shall be added from New Entitlement, \$17,800 is anticipated New PI from debt repayment of home loans that will be returned to the RL fund to continue to operate the CDBG FTHB loan program. Carry Over: \$20,846.90 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 or PI for PY 2019/20 exceeds anticipated amount, it shall remain or be added to the in the RL fund to continue the First Time Low Income Homebuyer Program FTHB Loan Program.
	Target Date	6/30/2020

5	Estimate the number and type of families that will benefit from the proposed activities	1
	Location Description	Citywide
	Planned Activities	Using CDBG program income, the City plans to assist in the purchase of newly constructed or existing homes.
	Project Name	Homebuyer Education
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$400
	Description	CDBG new entitlement funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City's First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. Contingency Allocation Language Used in Public Comment and Public hearing: \$400 will be allocated for PY 2019/20 Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 it shall be allocated to First Time Low Income Homebuyer Program. This program continues, however it will be mostly funded with HOME Admin funds; unless there is additional CDBG funds available from the public services cap that can be allocated to this project. In that case no more than \$2000 will be allocated.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	60 Households Assisted
	Location Description	291 N. Main St. Porterville CA 93257

6	Planned Activities	The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead base paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons.
	Project Name	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$230,000
	Description	No new Entitlement will be added. Using old entitlement and Program Income (PI) funds the City will participate in a meaningful and effective housing rehabilitation program including connection to City water and/or sewer service, to assist low- and moderate-income homeowners and to supplement previous funding allocated over the past 30 years to Housing Rehabilitation Loan Program (HRLP). Contingency Allocation Language Used in Public Comment and Public hearing: Old Entitlement Balance of \$212,000 plus \$18,000 from anticipated PI, will be allocated for PY2019/20. Carry Over:\$212,000 is anticipated carryover from PY 2018/19, if any remaining carryover on 6/30/2019 it shall be carried over into the RL fund to continue funding the Owner Occupied Housing Rehabilitation Program.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	4 Households
	Location Description	Citywide

7	Planned Activities	Once an applicant is income qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead-based paint mitigations, and zoning violations. For water and/or sewer connection feasibility, verification will be performed by the City's Engineering Department. The applicant is then counseled as to the extent and cost of the work covered by a rehabilitation loan, the process of selecting a contractor, and maintaining an equity reserve after rehabilitation construction. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to assure that abuses of the program do not occur. Final payment is held until the City Chief Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.
	Project Name	Business Assistance Programs
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$340,376.09
	Description	Program Income and Old Entitlement will be used for the Business Assistance Programs. Large Business Assistance Program (LBAP) Revolving Loan Fund: The main objective of this program is to provide financing options to industrial/commercial businesses for the retention and expansion of the job market within the City of Porterville. Small Business Assistance Program (SBAP) Revolving Loan Fund: The main objective of this program is to provide "gap" funding for small businesses that are either just starting business in Porterville or are trying to expand their business. Contingency Allocation Language Used in Public Comment and Public hearing: \$0 will be allocated for PY 2019/20 Carry Over: \$340,376.09 is anticipated carryover from PY 2018/19, any carryover remaining on 6/30/2019 and new PI received during the year shall be added into the RL fund to continue funding the Business Assistance Loan Programs as the City continues to accept and review applications for those programs.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	One small and one large business
	Location Description	Citywide

8	Planned Activities	Large Business Assistance Program (LBAP), Commercial and Industrial Development. This program will provide financial assistance in the amount of \$50,000 or greater. The goal of the LBAP is to encourage businesses to expand which will lead to increase business activity, job sustainability, and job creation. Small Business Assistance Program (SBAP): SBAP assistance is a minimum of \$1,000 and a maximum of \$50,000 and will be directed towards businesses that have the greatest potential for long-term job creation.
	Project Name	Section 108 Loan Repayment
	Target Area	
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$313,916.40
	Description	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center. Contingency Allocation Language Used in Public Comment and Public hearing: Debt repayment, this will be paid before any other allocations are made to meet the debt agreement. Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 it shall be moved to the First Time Low Income Homebuyer Program.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	The center is located in Census Tract 41
9	Planned Activities	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center.
	Project Name	Parks Improvement Program
	Target Area	
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$51,558.45

	Description	The main objective of this program is to add or increase access to amenities and improve infrastructure at both Murry Park, Zalud and Fallen Heroes Parks in addition to the Tule river Parkway trail adjacent to Fallen Heroes Park in order to continue to keep the park as a safe, clean, and attractive recreation facility. Contingency Allocation Language Used in Public Comment and Public hearing: Remaining amount from all other 2019/20 Entitlement allocations shall be added to the Parks Improvement program currently estimated at \$51,558.40 based on last HUD allocation. This number shall be modified once HUD announces the actual allocations for FY 2019/20 Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019, it shall remain in this project to continue funding park improvement projects at the designated parks.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	15415
	Location Description	Murry Park, Zalud Park, Fallen Heroes Park, and Tule River Parkway are in Census Tracts 39.01, 37, 41.01 and 41.01 respectively, but also serve 38.01 and 38.02
	Planned Activities	Using entitlement and Program income the City plans to continue making improvements to Murry Park and Zalud Park and will also include Fallen Heroes Parks in addition to the Tule River Parkway trail adjacent to Fallen Heroes Park
	Project Name	Land Acquisition
10	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$3,026.61

	Description	The City may utilize CDBG funds for acquisition of real property to be used for the purpose of Low/Mod Housing Benefit. The property was donated last year to a non-profit which currently has a program for rehabilitation, or construction of homes to be purchased by Low/Mod households. Using old entitlement, the city will utilize CDBG funds for acquisition of real property which its primary purpose will be to provide Low/Mod Housing. This funding was obligated in FY 15/16 and is a carry over to FY 18/19. Contingency Allocation Language Used in Public Comment and Public hearing: \$0 will be allocated for PY 2019/20 Carry Over: \$3,026.61 is anticipated carryover from PY 2018/19, as no new land acquisition project has been secured and it shall remain available for this purpose as the City continues to secure a new project. At the end of FY 2019/20, this activity shall be closed and remaining funds will need to be allocated to another activity to be determined by new priorities set in new Consolidated plan.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	One Low/Mod Income family
	Location Description	Citywide
	Planned Activities	The intent of acquiring real property is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing if the current building cannot be rehabilitated
	Project Name	Continuum of Care
11	Target Area	
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$5,000
	Description	The Kings/Tulare Homeless Alliance (formerly Kings/Tulare Continuum of Care on Homelessness) is a consortium of partners working to address the housing and supportive service needs of the homeless population located in the Kings and Tulare County region, through the annual Project Homeless Connect and the Point-In-Time survey. Contingency Allocation Language Used in Public Comment and Public hearing: \$5,000, granted it does not exceed the 15% public service cap. Carry Over: \$0 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 it shall be allocated to First Time Low Income Homebuyer Program.
	Target Date	6/30/2020

12	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	No specific location has been set at this time.
	Planned Activities	Project Homeless Connect, is a homeless resource fair that brings services to the homeless and at risk of homelessness in one location as a one stop shop. A few years ago it was paired to coincide with the Point In Time (PIT) Census time frame, in order to allow the Continuum of Care to collect more data to help address the homeless needs in a more efficient way. Although the PIT is completed during the resource fair, it is not mandatory for attendees to partake in it, as the main focus of the event is to bring the needed resources to the homeless community in one location.
	Project Name	Clearance
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$20,000
	Description	The City may utilize CDBG funds for clearance of real property to be used for the purpose of Low/Mod Housing Benefit. Contingency Allocation Language Used in Public Comment and Public hearing: \$0 will be allocated for PY 2019/20 Carry Over: \$20,000 is anticipated carryover from PY 2018/19, any carryover remaining on 6/30/2019 shall remain in this project to continue funding Clearance projects for future Land Acquisition Projects. Since clearance activity took place before 6/30/2018, the \$20,000 is to be allocated to either Parks Improvement or Housing Rehabilitation, per 2018/19 Action plan, however City will wait until 6/30/2019 to evaluate if no further Acquisition projects are completed. At the end of FY 2019/20 this activity shall be closed and remaining funds will need to be allocated to another activity to be determined by new priorities set in new Consolidated plan.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 Low/Mod Family
	Location Description	87 S. G St, Porterville CA 93257
	Planned Activities	The intent of clearance activity is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing.

	Project Name	Disposition
13	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$2,831.54
	Description	The City may utilize CDBG funds for disposition of real property to be used for the purpose of Low/Mod Housing Benefit. Contingency Allocation Language Used in Public Comment and Public hearing: \$0 will be allocated for PY 2019/20 Carry Over: \$2,831.54 is anticipated carryover from PY 2018/19, however if any carryover remains on 6/30/2019 this activity shall be closed and remaining funds will need to be allocated to another activity to be determined by new priorities set in new Consolidated plan.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 Low/Mod Family
	Location Description	87 S. G St, Porterville CA 93257
	Planned Activities	The intent of disposition activity is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City has not established specific target areas to focus the investment of entitlement funds.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not Applicable

Discussion

Please see discussion above

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Although entitlement resources are limited, the City does anticipate expending a significant portion of its CDBG entitlement on the preservation and provision of affordable housing. A detailed discussion of how HUD entitlements will be used to support community and economic development needs within the City is provided in AP-35, with the number of households to be assisted itemized by goal.

One Year Goals for the Number of Households to be Supported	
Homeless	2
Non-Homeless	6
Special-Needs	0
Total	8

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	2
The Production of New Units	1
Rehab of Existing Units	4
Acquisition of Existing Units	1
Total	8

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

Please see discussions above.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of Tulare County of Tulare (HATC) was established in 1945 and is committed to providing rental housing assistance to LMI households, seniors, the disabled, and special-needs populations throughout the region. The agency administers various housing assistance programs, including the public housing program, housing choice voucher program, farm labor program, and senior housing program. HATC currently provides affordable and well-maintained rental housing to over 5,000 households countywide.

Additionally, HATC is a participant of HUD's Moving to Work (MTW) demonstration program, which grants participating public housing authorities (PHAs) the ability to test innovative approaches to delivering housing assistance to households in need. MTW is a HUD effort to build and support innovative programs that enhance the efficacy of PHAs. HATC has capitalized on the organizational and procedural flexibility it has gained through MTW to become a more efficient agency.

Actions planned during the next year to address the needs to public housing

HATC will continue to own and manage 110 units in the City of Porterville. According to HATC, there is no plan to purchase additional public housing units, nor is there a plan to remove any units from its inventory. In the Fiscal Year 2019 - 2020, HATC projected to invest a total of \$166,565 in Capital Fund improvements for its Public Housing Stock located in the City of Porterville. The noted expenditures will cover maintenance and rehabilitation in public-housing units within the City of Porterville. Capital Fund expenditures will cover a large range of projects, including roofing replacement, landscaping improvements, carpet replacement along with Air Conditioning and Heating unit improvements.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HATC is proactive in the inclusion of public-housing residents in the policy making process. An equitable and transparent policy making process that includes the opinions of public housing residents is achieved through the participation of two tenant commissioners on the HATC Board. Furthermore, HATC has installed a Resident Counsel, which is made up of five residents from all of HUD funded programs (Multifamily Housing, LIHTC, HOME, Section 8 Housing Choice Vouchers and public-housing). The Resident Counsel works with HATC staff on evaluating the effectiveness and efficiency of HATC rental assistance programs. This provides members the opportunity to provide input on necessary program modifications.

A vital driving factor in the implementation of HATC programs is the promotion of tenant self-sufficiency. HATC views the goal of homeownership for program participants as one of the long term goals for all of our clients. HATC staff works with tenants to effectively provide them with the necessary resources to achieve homeownership and its Annual Re-Examination Notice provides public-housing participants with an extensive referral list that provides assistance with homeownership. This list includes programs managed by: CSET, City of Porterville, Habitat for Humanity, CalHFA, and Self Help Enterprises. HATC's program coordinator works with any interested public housing tenant in order to effectively inform them of all the different programs that are available to them. Effective collaboration between the agency and

other public and nonprofit agencies is imperative to help promote homeownership among all of its tenants.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Please see discussions above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Porterville (City) is closely involved with the Kings/Tulare Homeless Alliance (Alliance), which serves as the local Continuum of Care. When possible, the City's programs designed to serve homeless persons are coordinated with the Alliance.

There are several ongoing efforts that the City and Alliance are involved in as collaborative partners. These collaborations include:

- Monthly Alliance Membership Meetings
- Tulare County Task Force on Homelessness
- Emergency Shelter/Bridge Housing Project

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City will continue targeted outreach efforts of unsheltered homeless persons through collaborative efforts with the Alliance Housing Navigators and Kings View PATH Team. These teams canvas the city to conduct outreach to people experiencing homelessness. When an unsheltered person is identified, they are assessed and connected to services. Client information is included in the local Homeless Management Information System (HMIS) so that outreach teams can remain apprised of client status on the housing priority list and other community referrals.

The City will also continue to support the Alliance's outreach efforts to persons experiencing homelessness through the Project Homeless Connect (PHC) event in conjunction with 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.

PHC is a national best practice that is a one-stop-shop of comprehensive support services for people experiencing homelessness. Guests attending the event are partnered with volunteers who assist in identifying and accessing necessary resources. The 2020 event will be held on January 24, 2020.

The City will provide \$5,000 in FY 19/20 to the Alliance for public services related to Project Homeless

Connect.

Addressing the emergency shelter and transitional housing needs of homeless persons

Although the City's CDBG funding is limited to public services for applicable programs, a high priority is given to the need of providing permanent support housing, emergency shelters and transitional housing, as well as, substance abuse treatment, case management, mental health care, life skills training, etc. through collaboration with the Alliance and its members. Being an active participant in the Alliance, the City plays an important part in the strategic planning for the organization and for applications for funding resources. The City will continue to support the efforts of the Alliance and will continue cooperating with the operators of the Central Valley Family Crisis Center, Salvation Army, Red Cross, the PAAR Center, Porterville Area Coordinating Council and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness.

Due to the influx of one-time funding issued through the State of California's Homeless Emergency Aid Program (HEAP) and California Emergency Solutions and Housing (CESH) Program, the City of Porterville has begun working with local providers to develop a pilot emergency shelter/housing navigation center. The center will serve approximately 30 people at any given time. The center will be designed as a low-barrier center that will serve individuals, couples, and pets. It is expected to open in 2019/2020.

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

The City of Porterville supports and collaborates with local service providers, through the Alliance, to assist homeless individuals and families. Funding priorities include supporting existing high performing housing first rapid rehousing and permanent supporting housing projects.

Furthermore, the City continues their efforts of providing CDBG funds in the amount of \$15,000, to Family Services as matching funds, for case management (public services) to support the Tulare Housing First Shelter Plus Care project. This project provides case management services to 5 households at any point in time.

In all Continuum and City-funded projects, persons experiencing homelessness are assessed for housing opportunities and are prioritized based on their acuity. Several projects focus on sub-populations such as youth ages 18-24, veterans, and/or chronic homelessness. All projects within the Continuum- emergency, transitional and permanent housing- include supportive services for their clients. Each project designs and implements supportive services based on their target population and partnerships leveraged within the community. The overarching goal of the supportive services offered is to link individuals and/or families with mainstream benefits and income support, education and employment services, as well as

health and life skills services. These linkages are a critical component to assisting clients in self-sufficiency, reducing episodes of homelessness, and preventing recidivism.

Projects that serve these vulnerable subpopulations include:

CSET Permanent Supportive Housing and Rapid Rehousing, Family Services Permanent Supportive Housing, Turning Point and Tulare County HHSA provide PSH projects for chronically homeless individuals and families and/or families with children. The Veterans' Administration, in conjunction with the Housing Authority of Tulare County, operates the VASH project and Westcare operates the SSVF project that serves eligible veterans and their families. Uplift Families operates a Transitional Housing project for transitioning age youth.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: 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); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City recognizes that homeless prevention programs, employment opportunities and affordable housing are critical components in deterring homelessness. The City will support prevention efforts through its partnership with the Alliance. A Diversion Specialist position has recently been added to the Coordinated Entry System. This position will be responsible for developing and strengthening referral sources for people at-risk of becoming homeless. Additionally, the Diversion Specialist will work with clients that present at any of the Coordinated Entry points to assist in diverting clients from homelessness.

Another important component of prevention/diversion is assisting households with income supports and connections to mainstream benefits. The SSI/SSDI Outreach, Access and Recovery (SOAR) model is designed to increase access to SSI/SSDI for eligible homeless adults who are and have a mental illness and/or a co-occurring substance use disorder. Staff from all CoC-funded agencies is required to assist clients in obtaining these mainstream benefits. Participation by these agencies provides an efficacious method of assisting households who may otherwise pursue homelessness assistance.

Discussion

Please see discussion above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The disparity between income and housing costs stand as the greatest barriers for households seeking to obtain affordable housing in the City. Other barriers to affordable housing in the City may include permit and development impact fees, building codes, and off-street parking standards, as these public policies may negatively affect the development of affordable housing and residential investment in jurisdictions across the state.

Permit and Development Impact Fees: As with many other jurisdictions across California, the City collects permit and development impact fees to offset the administrative and service costs generated from these projects, such as processing permits and building inspections. California law requires that City-enforced fees be reasonable and relative to the cost of providing specific services. These fees, however, may limit the supply of affordable housing produced due to the additional costs associated with housing construction. However, Porterville's Impact Fees are significantly less than neighboring jurisdictions.

Building Codes: Building codes set guidelines that identify minimum standards to ensure that building and non-building structures protect the health and safety of the community. Local building codes, however, often mandate that costly improvements be made to meet regulation requirements. The City adopted the 2016 California Building Code (CBC), which is grounded on the International Building Code. The City's building codes prove to be in line with those of other California jurisdictions and do not have significant negative consequences on the development of affordable housing in the City.

Off-street Parking Standards: Parking standards for housing units may stand as a limitation to the development of affordable housing, as these requirements increase development costs and diminish the availability of land for additional units. According to Development Ordinance Section 304.04, the City Council shall have the authority to allow a reduction in the number of required multi-family parking spaces, if a developer can demonstrate that the project will not generate a need for as much parking as such a project designed for a general market.

Actions it planned 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

The City through its Certificates of Participation, California Infrastructure loans, and other funding sources strives to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing.

Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of LMI housing. Specifically, the 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." [1] To accomplish this goal, zoning ordinances have been adopted to ensure that the City is compliant with second unit law and global warming solutions and will include green

building material incentives or alternative to construction materials.

Additionally, the Development Ordinance addresses the following:

- Minimum lot sizes and densities consistent with the Plan's land use classifications;
- Development standards that permit townhouses and zero-lot line attached or detached single-family dwellings on sites designated for low-medium, medium, or medium-high densities;
- Development standards that permit second units, small family daycares, and residential care homes in neighborhoods in accordance with State law;
- Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets;
- Provisions for emergency shelters, transitional housing, supportive housing, and residential care facilities for six or fewer persons;
- Provisions for Single-Room Occupancy units; and
- Provisions for farmworker housing

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

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the greatest barriers to affordable housing, namely the need for a substantial down payment. It is the City's intent to continue this program with program income funds during the FY 2019/2020. The City will apply for future grant opportunities as they arise.

Discussion:

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 lower-cost dwelling units compared to other 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.
- Expedited permit processing times. In 2008, the City of Porterville updated the 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 the previous process took at least three weeks.
- City fees are relatively low, and there are minimal 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; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-

income first-time home buyers.

AP-85 Other Actions – 91.220(k)

Introduction:

This section discusses the City's efforts in addressing the underserved needs, expanding and preserving affordable housing, reducing lead-based paint hazards, and developing institutional structure for delivering housing and community development activities.

Actions planned to address obstacles to meeting underserved needs

Please see activities in AP-35 to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to foster and maintain affordable housing

Please see AP-15 for actual and potential housing resources available, and AP-35 for activities that will be funded to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to reduce lead-based paint hazards

While the City of Porterville currently does not directly oversee a lead based paint (LBP) eradication program unless it is in conjunction with CDBG, HOME, or CalHome funded owner occupied housing rehabilitation projects. All properties being rehabilitated or acquired for affordable housing are inspected for LBP. No federally funded rehabilitation is allowed to occur without due screening for LBP hazards. The City conducts visual assessment, paint testing or risk assessment on all of its projects. Lead hazard reduction activities include paint stabilization, interim controls, standard treatments, lead abatement, safe work practices and clearance to confirm that no LPB hazards remain when work is complete.

Actions planned to reduce the number of poverty-level families

The City, in its continuing effort to reduce poverty, is implementing the following goal in an effort to increase family self-sufficiency through economic development:

- Expand economic development and employment opportunity programs.

Additionally, the City has identified areas that must be addressed to achieve long-term economic prosperity, which include the following:

- Responding to and preventing any issues that could be raised as a result of the drought, which has affected many households in the City and surrounding areas.
- Ensuring that land within the City is "shovel ready" and available for development.
- Educating and training the City's workforce to continue to fill any new jobs that may be coming

into the City.

Actions planned to develop institutional structure

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless and LMI populations. The City will continue to participate in the Kings/Tulare Continuum of Care to ensure coordination and implementation of the strategic plan. Coordination with local lending institutions assisting lower income first time homebuyers will be continued through public meetings and periodic Housing Fairs and/or Workshops. The City will also be working with the lenders to research various lending programs for approval to use with the City's assistance programs. Additionally, Community Development Department staff will continue to work closely with the Parks and Leisure Services Department to administer the ongoing youth recreational programs. The provision of youth activities is a high priority within the community. The Youth Center is a free, drop-in recreation program that meets this need within the City's lowest income areas. The program prevents and diverts youth ages 10-18 from negative behavior and surrounds them in a positive and productive environment. A few program objectives include: enhancing self-esteem, building leadership skills, and learning teamwork and the ability to cooperate with others. A sample of the activities for the youth include: participation in City athletic leagues, homework tutoring, arts & crafts, cooking classes, community service projects, and an assortment of video and traditional games.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City's LMI population. The City will also be working closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City. Additionally, Community Development Department staff will continue to work closely with the Economic Development Division to administer the CDBG-funded Business Assistance Program and Small Business Revolving Loan Fund.

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made. The City anticipates that at least one (1) household will qualify for the purchase of a home under the City's First Time Low-Income Homebuyer Program funded with CDBG, HOME or CalHome funds.

Discussion:

Please see discussions above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

AP-35 describes how current and new PI will be allocated.

Appendix 1

Citizen's Participation Plan and Public Hearing Notices

CITY OF PORTERVILLE

2019/20 CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE PARTICIPATION PLAN

Citizen Participation Plan

Introduction

The City of Porterville (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD).

The City receives federal entitlement grant funding for the following programs:

- Community Development Block Grants (CDBG)
- Home Investment Partnership Act (HOME)

As an entitlement jurisdiction, the City is required to prepare:

- A Five Year Consolidated Plan (Consolidated Plan) that includes a Citizen Participation Plan (CPP)
- An annual Action Plan (Action Plan)
- An annual Consolidated Annual Performance Evaluation Report (CAPER)

Under HUD's Code of Final Regulations for the Consolidated Plan (24 CFR Part 91 Sec. 91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Action Plans, and CAPER. This CPP provides guidelines for the City to provide and encourage public participation by residents, community stakeholders, and grant beneficiaries in the process of drafting, implementing, and evaluating the Consolidated Plan and related documents. The citizen participation process includes outreach, public hearings, community forums, and opportunities for comment.

Definitions

- **Action Plan (Action Plan):** The Action Plan summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to meet the goals outlined in the Consolidated Plan. The Action Plan also identifies the federal and non-federal resources that will be used to meet the goals of the approved Consolidated Plan.
- **Citizen Participation Plan (CPP):** The CPP provides guidelines by which the City will promote engagement in the planning, implementation, and evaluation of the distribution of federal funds as outlined in the Consolidated Plan, Action Plan, and CAPERs.
- **Community Development Block Grant (CDBG):** HUD's CDBG program provides communities with resources to address a wide range of housing and community development needs that benefit very low and low income persons and areas.
- **Consolidated Annual Performance Evaluation Report (CAPER):** The CAPER assesses the City's annual achievements relative to the goals in the Consolidated Plan and proposed activities in the Action Plan. HUD requires the City to prepare a CAPER at the end of each fiscal year.

- **Department of Housing and Urban Development (HUD):** HUD is the federal government agency that creates and manages programs pertaining to federal home ownership, affordable housing, fair housing, homelessness, and community and housing development.
- **Displacement:** Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.
- **Eligible Activity:** Activities that are allowable uses of the CDBG funds covered by the CPP as defined in the Code of Federal Regulations Title 24 for HUD.
- **Entitlement Jurisdiction:** A city with a population of at least 50,000, a central city of a metropolitan area, or a qualified urban county with a population of at least 200,000 that receives grant funding from HUD.
- **Five Year Consolidated Plan (Consolidated Plan):** HUD requires entitlement jurisdictions to prepare a Consolidated Plan every five years. The Consolidated Plan is a strategic plan that identifies housing, economic, and community development needs and prioritizes funding to address those needs over a five-year period.
- **Low and Moderate Income (LMI):** As defined annually by HUD, Low and Moderate Income (LMI) is 0-80 percent of area median family income (AMI) for a jurisdiction, with adjustments for smaller or larger families. This includes those individuals presumed by HUD to be principally LMI (abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers). HUD utilizes three income levels to define LMI households:
 - o Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - o Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - o Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)
- **Public Hearing:** Public hearings are designed to provide the public the opportunity to make public testimony and comment. Public hearings related to the Consolidated Plan are to be advertised in local newspapers and made accessible to non-English speakers and individuals with disabilities.
- **Substantial Amendments:** Amendments are considered “Substantial” whenever one of the following is proposed:
 - o A change in the allocation priorities or a change in the method of fund distribution
 - o A substantial change which increases or decreases the amount allocated to a category of funding within the City’s entitlement grant programs by 25 percent
 - o To implement an activity using CDBG funds for new programs that were not described in the Consolidated Plan

- o To change the purpose or intended beneficiaries of an activity approved for CDBG funding, e.g., instead of primarily benefitting lower income households the activity instead proposes to benefit mostly moderate income households

Roles, Responsibilities, and Contact Information

The City is a federal entitlement jurisdiction and is a recipient of grant funding from the federal government.

The City's Charter established a council and manager form of government. Porterville's City Council is the elected legislative body of the City and is responsible for approving its Consolidated Plan, Action Plans, Substantial Amendments, and CAPERs prior to their submission to HUD.

It is the intent of the City to provide for and encourage citizen participation, with particular emphasis on participation by lower income persons who are beneficiaries of, or impacted by, entitlement-funded activities. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

In general, hearings will be held at City Hall due to its central location, convenient access, and disability accessibility. Translation services will be provided when there is an indication that non-English speaking persons will be attending. Other reasonable accommodations will be provided on a case-by-case basis.

The General Contact Information for the City's HUD Entitlement Programs is:

Jenni Byers
Community Development Director
jbyers@ci.porterville.ca.us
291 N. Main Street
Porterville, CA 93257

Citizen Participation Policies

Public Hearings

The City will hold public hearings for Consolidated Plans, Annual Action Plans, CAPERs, amendments made to the CPP, and Substantial Amendments.

The Consolidated Plans, Annual Action Plans, CPP amendments, and Substantial Amendments require two public hearings. One required hearing is a City-staffed community meeting and one required hearing is before City Council for document adoption. The CAPER requires one hearing before City Council for document adoption.

Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Requests 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.

Notice of Hearings and Review Periods

To allow the public time to provide comments prior to the submission of approved documents to HUD, the City will hold a minimum 30-day public review and comment period for the Consolidated Plan, Action Plan, and Substantial Amendment. The City will establish a public review period of at least 15 days for each CAPER and amendments to the CPP. Copies of the draft plans will be available to the public at the Community Development Department, 291 N. Main Street, Porterville, CA 93257.

The City will place public notices at City Hall (291 N. Main Street), the Porterville Library (41 W. Cleveland Avenue), online through the City's website (www.ci.porterville.ca.us), and through advertisement in a local newspaper of general circulation in advance of a 30-day public review and comment period.

To ensure that the public, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and LMI residents are able to participate in the public review process, the City will provide residents, public agencies, and other stakeholders with notices on applicable public review periods and public hearings that adhere to the following:

- The notices will be published prior to the start of the public comment period and at least fifteen (15) days before the final public hearing and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- The notices will be distributed to persons and agencies on the contact list maintained by the City for those parties expressing interest in receiving information and updates related to the City's Consolidated Plan, Action Plan, CAPER, Substantial Amendments and CPP. Interested parties may request to be added to this contact list by sending an email to housing@ci.porterville.ca.us, by calling (559) 782-7460 or by writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257.
- The notices will be distributed through a variety of methods, including e-mail, newspaper publications and the City's website at www.ci.porterville.ca.us. The notices will include information on how to obtain a copy of the draft documents and scheduled hearing dates, times, and locations.

The public may file comments on draft plans in writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257; via email to Jenni Byers at jbyers@ci.porterville.ca.us or Claudia Calderon at ccalderon@ci.porterville.ca.us; or by phone at (559) 782-7460. Comments may also be submitted in person at the Community Development Department, 291 N. Main Street, Porterville, CA 93257, Monday through Friday during business hours, and during the Council adoption hearing.

When necessary or applicable, the City may combine notices complying with several individual requirements into one comprehensive notice for dissemination and publication.

Comments/Complaints on Adopted Plans

Comments or complaints from residents, public agencies, and other stakeholders regarding the adopted Consolidated Plan or related amendments and performance reports may be submitted in writing or verbally to the General Contact at the Community Development Department, 291 N. Main Street, Porterville, CA 93257. Written comments or complaints will be referred to appropriate City staff for consideration and response. The City will attempt to respond to all comments or complaints within fifteen (15) business days and maintain a correspondence file for this purpose.

Availability of Draft and Approved Documents

The draft and final versions of the Consolidated Plan, Action Plan, CAPER, all related amendments, records, and regulations will be available online at the City's website: www.ci.porterville.ca.us. Hard copies of all documents will be available at the Community Development Department, 291 N. Main Street, Porterville, CA 93257 and upon written request. If the City is unable to provide immediate access to the documents requested, it will make every effort to provide the documents and reports within 15 business days from the receipt of the request.

During the 30-day public review and comment period, copies of the document will be available to the public for review at City Hall (291 N. Main Street), the Porterville Library (41 W. Thurman Avenue), and through the City's website at www.ci.porterville.ca.us.

Displacement Policy

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

The City's rehabilitation programs may also incur relocation issues when they provide minor additions to existing dwellings in order to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

Technical Assistance

The City will, to the extent feasible, respond to requests for technical assistance from entities representing LMI groups who are seeking federal entitlement funding in accordance with grant

procedures. This may include, but is not limited to, providing information regarding how to fill out applications, other potential funding sources, and referrals to appropriate agencies within and outside the City. "Technical assistance," as used here, does not include the provision of funds to the entities requesting such assistance. Assistance will also be provided by Community Development Department staff to interested individuals and resident groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

This plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low- and moderate-income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP), and other worthwhile projects under CDBG Entitlement Cities and Home Programs which have benefitted low- and moderate-income households within the city of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Public Utilities Revolving Loan Fund (merged in 2012 with HRLP), the First Time Low-Income Homebuyer Program and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, and inventory of Industrial Land Resources, the Low-Income Residential Smoke Detector Installation Program, and the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glenwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter Sidewalk, and Street Light, Neighborhood Improvement Projects, Lime Street Park Improvement Project, and Santa Fe Facility Improvement Project. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park

Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park and in 2013, the Extension of Murry Park was included and is currently underway.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities criteria. The City places particular emphasis on obtaining representation of low- and moderate-income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for the citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to Martha A. Flores, Porterville Mayor and/or Community Development Department, located in City Hall, 291 N. Main Street, or by telephone, (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan more sensitive to local needs and realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings are typically held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, which is predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing or orally at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons, therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally, at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

- 1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;
- 2) To carry out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the consolidated plan; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days, in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The Annual Action Plan includes noticing and public hearings. All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Specifically the Action Plan includes community meetings, public noticing for 30 days, and a public hearing. The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Method of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of the program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the Plan, the Performance Report, or the Citizen Participation Plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to: Martha A. Flores, Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. Ms. Flores shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 1 Sansome Street, Suite 1200,

San Francisco, CA 94104, requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by City staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- The public noticing pertaining to the community meetings, Council work session and public hearing are published in both English and Spanish. Public notices of all public hearings will be published in the *Porterville Recorder* and *Noticiero Semanal* at least ten (10) days before the scheduled hearing and fifteen (15) days prior to the final public hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoke within the city. Additionally efforts will be made by providing notices to our local non-profit partners to share and publish for public viewing, and publishing on the City website which includes the Agenda and meeting minutes.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall (291 N. Main Street) or at the City Library (41 W. Thurman Avenue). A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible

activities and those previously funded in the community; the planning process and the schedule of meetings and hearings, the role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.

- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the Consolidated Plan, Environmental Review Record, the Citizen Participation Plan, and the Consolidated Annual Performance Evaluation Report. Other program documents are also available for citizen review on request at City Hall, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.

[Unverified Sender] Re: Public Notices for CDBG Action Plan

Recorder Legals

Tue 2/5/2019 1:28 PM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO.	19-3025-21		
NET AMT.	\$280.90		
AUTH	DEPT.	P.A.	PIN.
1/8			
DATE			

Hi Christina,
 Confirm, Scheduled and cost for Recorder is \$280.90 and for the
 Noticiero Semanal is \$324.57. Thank-you

On 2/5/19, Christina Tank <ctank@ci.porterville.ca.us> wrote:

- > Good morning,
- >
- >
- > Attached are the two word documents for the two notices I faxed over. Please
- > reply with cost, broken down by English cost and Spanish cost, and
- > confirmation of date. Thanks!
- >
- >
- > Christina Tank, Administrative Assistant
- >
- > Community Development Department
- >
- > City of Porterville
- >
- > 291 N. Main Street
- >
- >
- > Porterville, CA 93257
- >
- > (559) 782-7460
- >
- > (559) 781-6437 fax
- >
- > ctank@ci.porterville.ca.us
- >
- >
- > This e-mail (and attachments, if any) may be subject to the California
- > Public Records Act, and as such may therefore be subject to public
- > disclosure unless otherwise exempt under the Act.
- >

<https://outlook.office365.com/owa/?path=/mail/inbox/rp>

2/6/2019

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*Teresa (Terry) Jasso Classified, Legal, Obituary Advisor The Porterville
Recorder(559) 784-5000 ext. 1031*

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may
therefore be subject to public disclosure unless otherwise exempt under the Act.

11/11/18



**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: February 5, 2019

DATE(S) TO BE PUBLICIZED: February 8, 2019

PUBLIC MEETING DATE: February 26, 2019

AUTHORIZED BY: *[Signature]*

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

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
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

NOTICE OF PUBLIC HEARING
Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville Community Development Block Grant (CDBG) Citizens' Advisory and Housing Opportunity Committee (Committee) will hold a public hearing on February 26, 2019 at 5:30 p.m., in the Coleman Conference Room of City Hall, 291 N. Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2019/20 and review of program performance conducted during Fiscal Year 2018/19.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its CDBG Program to prepare an Action Plan for the next fiscal year. It identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year.

The City anticipates receiving an Entitlement Grant of approximately \$756,000.

This is the opportunity for the Committee and the Public to have input on the development of the draft Action Plan that will then be brought to City Council at a second Public Hearing in April. At this time, the Committee will make recommendations to the City Council for approval and submittal to HUD.

Views obtained during this hearing will be considered for inclusion in the Action Plan to be presented to the City Council. The schedule for developing the Action Plan is:

February 12, 2019	Conduct a Community and Stakeholder Meeting, seeking public input for 2018/2019 Action Plan.
February 26, 2019	CDBG Committee meeting and 1 st public hearing.
March 15, 2019	Publication of a summary of the proposed Action Plan and notice of a second public hearing before the City Council. This initiates a 30-day time frame for submission of comments regarding the activities and funding allocations identified in the proposed Action Plan.
April 16, 2019	Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.
April 16, 2019	Conduct the second public hearing identified above before the City Council. During this meeting, the City Council will consider incorporating any comments received.
May 15, 2019	The final Action Plan will be submitted to HUD after the April 16, 2019 public hearing.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where CDBG Program activities are proposed are particularly encouraged to attend.

For more information about the Action Plan, please contact Jennifer Byers at (559) 782-7460.

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 the agenda or the documents, please contact the Deputy City Clerk, (559) 782-7442. 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, including oral interpretation services. For persons with hearing impairments, please call TTY: 1-800-735-2929 or 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973 and implementing regulations at CFR 8.4 and 8.6)

DATED: February 5, 2019
Jennifer M. Byers
Community Development Director

Send Result Report

MFP

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CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: February 5, 2019

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AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	02/05/19 10:48	Porterville Recorder	0'00'29"	FAX	OK	200x100 Normal/On

Annual Action Plan
2019

60

In the Superior Court of the State of California In and for the County of Tulare

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville Community Development Block Grant (CDBG) Citizens' Advisory and Housing Opportunity Committee (Committee) will hold a public hearing on February 26, 2019 at 5:30 p.m., in the Coleman Conference Room of City Hall, 291 N. Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2019/20 and review of program performance conducted during Fiscal Year 2018/19.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its CDBG Program to prepare an Action Plan for the next fiscal year. It identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year.

The City anticipates receiving an Entitlement Grant of approximately \$756,000.

This is the opportunity for the Committee and the Public to have input on the development of the draft Action Plan that will then be brought to City Council at a second Public Hearing in April. At this time, the Committee will make recommendations to the City Council for approval and submittal to HUD.

Views obtained during this hearing will be considered for inclusion in the Action Plan to be presented to the City Council. The schedule for developing the Action Plan is:

February 12, 2019
Conduct a Community and Stakeholder Meeting, seeking public input for 2018/2019 Action Plan.

February 26, 2019
CDBG Committee meeting and 1st public hearing.

March 15, 2019
Publication of a summary of the proposed Action Plan and notice of a second public hearing before the City Council. This initiates a 30-day time frame for submission of comments regarding the activities and funding allocations identified in the proposed Action Plan.

April 16, 2019 Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.

April 16, 2019 Conduct the second public hearing identified above before the City Council. During this meeting, the City Council will consider incorporating any comments received.

May 15, 2019 The final Action Plan will be submitted to HUD after the April 16, 2019 public hearing.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where CDBG Program activities are proposed are particularly encouraged to attend.

State of California

SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE in said newspaper, Feb 8, 2019 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra thereof). I declare under penalty of perjury that the forgoing is true and correct. Executed Feb. 8, 2019 at Porterville, California.

Declarant

For more information about the Action Plan, please contact Jennifer Byers at (559) 782-7460.

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 the agenda or the documents, please contact the Deputy City Clerk, (559) 782-7442. 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, including oral interpretation services. For persons with hearing impairments, please call TTY: 1-800-735-2929 or 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973 and implementing regulations at CFR 8.4 and 8.6)
DATED: February 5, 2019
Jennifer M. Byers
Community Development
Director

00074314
Feb 8 1-T

[Unverified Sender] Re: Public Notices for CDBG Action Plan

Recorder Legals

Tue 2/5/2019 1:28 PM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO. 19-3025-21			
NET AMT. \$325.57			
DATE	DEPT.	P.A.	PIN.
2/5/19			

Hi Christina,

Confirm, Scheduled and cost for Recorder is \$280.90 and for the Noticiero Semanal is \$324.57. Thank-you

On 2/5/19, Christina Tank <ctank@ci.porterville.ca.us> wrote:

- > Good morning,
- >
- >
- > Attached are the two word documents for the two notices I faxed over. Please
- > reply with cost, broken down by English cost and Spanish cost, and
- > confirmation of date. Thanks!
- >
- >
- > Christina Tank, Administrative Assistant
- >
- > Community Development Department
- >
- > City of Porterville
- >
- > 291 N. Main Street
- >
- >
- > Porterville, CA 93257
- >
- > (559) 782-7460
- >
- > (559) 781-6437 fax
- >
- > ctank@ci.porterville.ca.us
- >
- >
- > This e-mail (and attachments, if any) may be subject to the California
- > Public Records Act, and as such may therefore be subject to public
- > disclosure unless otherwise exempt under the Act.
- >

<https://outlook.office365.com/owa/?path=/mail/inbox/rp>

2/6/2019

Annual Action Plan

2019

63

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*Teresa (Terry) Jasso Classified, Legal, Obituary Advisor The Porterville
Recorder(559) 784-5000 ext. 1031*

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therefore be subject to public disclosure unless otherwise exempt under the Act.



**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: February 5, 2019

DATE(S) TO BE PUBLICIZED: February 8, 2019

PUBLIC MEETING DATE: February 26, 2019

AUTHORIZED BY: *J. Byn*

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
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

AVISO DE REUNIÓN PÚBLICA
Plan de CDBG Anual de Acción

Por este medio se notifica que el Comité de Desarrollo Comunitario del Programa de Beca (CDBG) Consejero de la Ciudad de Porterville y Comité de Oportunidad de Viviendas (Comité) tendrá una reunión pública el 26 de Febrero de 2019 a las 5:30 p.m. en el Salón de Conferencias Coleman del Ayuntamiento, situado en la calle 291 N. Main, para obtener los puntos de vista de los ciudadanos, agencias pública y otras grupos interesadas en las necesidades de las viviendas de la ciudad y el desarrollo de la comunidad, así como el uso propuesto de los fondos para alcanzar los objetivos, las prioridades y acciones y para enfrentar las necesidades de casas durante el año fiscal de 2019/20 y reevaluar la los programas de este año fiscal de 2018/19.

El Departamento de Casas y Desarrollo Urbano (HUD) requiere que cada jurisdicción que recibe becas de formula a través del programa CDBG, prepara un Plan de Acción para el próximo año fiscal. Este identifica las actividades que la jurisdicción ejercerá separadamente, o en conjunción con otras agencias públicas y privadas, durante el próximo año.

La Ciudad anticipa recibir aproximadamente una beca CDBG por la cantidad de \$756,000.

Esta es la oportunidad para que el Comité y el Público den su opinión para el desarrollo del borrador del Plan de Acción que será presentado al Concilio de la Ciudad en una reunión pública Abril para considerar su aprobación del Plan de Acción y entregarlo a HUD.

Los puntos de vista obtenidos durante este aviso serán incluidos en el Plan de Acción. El programa para desarrollar el Plan de Acción es:

- | | |
|-----------------------|--|
| 12 de Febrero de 2019 | Reunión para la comunidad y partes interesadas, para obtener la contribución del público para el Plan de Acción 2019/2020 |
| 26 de Febrero de 2019 | Reunión pública del Comité CDBG |
| 15 de Marzo de 2019 | Publicación de un borrador del Plan de Acción propuesto y aviso de la reunión pública delante del Concilio de la Ciudad. Esto inicia un plazo de 30 días para entregar comentarios respecto a las actividades y asignaciones de fondos presentados en el propuesto Plan de Acción. |
| 16 de Abril de 2019 | Último día para recibir comentarios que deban ser incorporados en el Plan de Acción que se presentará al Concilio de la Ciudad. |
| 16 de Abril de 2019 | Conducir un segunda reunión pública, como se indica anteriormente, ante el Concilio de la Ciudad. Durante esta reunión, el Concilio de la Ciudad considerará la incorporación de cualquier comentario recibido. |
| 15 de Mayo de 2019 | El Plan de Acción será entregado a HUD después de la reunión del 16 de Abril de 2019. |

Las personas interesadas en pueden presentarse y ser escuchadas en las audiencias. Las personas de bajos y moderados recursos, personas con discapacidades, personas mayores, miembros de grupos minoritarios y personas residentes en las áreas donde las actividades del programa CDBG, están especialmente invitados a participar.

Para más información sobre el Plan de Acción, por favor póngase en contacto con Jennifer Byers al (559) 782-7460.

En conformidad con la Ley de Americanos con Discapacidades, y la ley de California Ralph M. Brown, si usted necesita asistencia para participar en esta reunión, o si quiere acceso a la agenda y/o los documentos, por favor llame a Patrice Hildreth, Chief Deputy City Clerk al teléfono (559) 782-7442. Si le notifica con 48 horas, (dos días), de anticipación a la fecha de la reunión, la Ciudad hará los arreglos más razonables para asegurarle la accesibilidad a dicha reunión incluyendo servicios auditivos, por favor llame a TTY: 1-800-735-2929 o 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Orden Ejecutiva 13166, Sección 504 del la Ley de Rehabilitación de 1973 e implementación de regulaciones de CFR 8.4 y 8.6)

FECHA: 5 de febrero de 2019

Jennifer M. Byers

Directora de Dpto. de Desarrollos Comunitarios

Send Result Report



MFP

TASKalfa 5501i

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02/05/2019 10:50
[2N7_1000.008.001] [2N4_1100.001.002] [2N4_7000.006.209]

Job No.: 084895

Total Time: 0'00'30"

Page: 003

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Document: scan20190205104830



CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: February 5, 2019

DATE(S) TO BE PUBLICIZED: February 8, 2019

PUBLIC MEETING DATE: February 26, 2019

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	02/05/19 10:49	Porterville Recorder	0'00'30"	FAX	OK	200x100 Normal/On

[Unverified Sender] Re: Public Notice - CDBG Action Plan
(English & Spanish)

Recorder Legals

Tue 3/12/2019 3:24 PM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO.	19-3025-21		
NET AMT.	440.23		
AUTH.	DEPT.	P.A.	PIN.
A/P DATE			

Confirm for the English run on Friday 15th cost is \$440.23. Thank you
Will get back to you on the Spanish one.

On Tue, Mar 12, 2019 at 10:31 AM Christina Tank <ctank@ci.porterville.ca.us> wrote:

Hiya. Here are the two word documents for the requests faxed over. One for the Recorder and one for the Noticiero Semanal. Please reply with final cost for both, split between English and Spanish, and confirmation of dates. Thanks!

Christina Tank, Administrative Assistant
Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
(559) 781-6437 fax
ctank@ci.porterville.ca.us

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--

Teresa (Terry) Jasso
Classified, Legal, Obituary Advisor
The Porterville Recorder
(559) 784-5000 ext. 1031

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**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: March 12, 2019

DATE(S) TO BE PUBLICIZED: March 15, 2019

PUBLIC MEETING DATE: April 16, 2019

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG 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

NOTICE OF PUBLIC HEARING
Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville will hold a second public hearing during the regularly scheduled City Council Meeting on April 16, 2019 at 6:30 p.m. or as soon thereafter, in the Council Chambers of City Hall, 291 North Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2019/2020.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its Community Development Block Grant (CDBG) Program to prepare an Action Plan (AP) for the next fiscal year. It identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year.

HUD has not announced the Entitlement Grant for 2019/2020. However, based on prior year allocations the City anticipates receiving an Entitlement Grant of approximately \$756,441. Funding recommendations are as follows for ongoing and proposed CDBG funded programs and the Draft AP has incorporated contingencies which take into consideration a decrease or increase in this amount:

Section 108 Debt Service	\$ 313,916.40
Administration	\$ 150,000.00
First Time Low Income Homebuyer Program	\$ 120,000.00
City-Operated Youth Center	\$ 100,566.15
Parks Improvement Program	\$ 51,558.45
Shelter plus Care Voucher Program	\$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	\$ 5,000.00
Homebuyer Education Program	\$ 400.00

Business Assistance Programs, Housing Rehabilitation & Public Utilities Loan Program, Land Acquisition, Clearance and Disposition Programs will utilize unexpended entitlement and Program Income funds from previous years' allocations.

Views obtained during this hearing will be considered for inclusion in the AP to be presented to the City Council. The remaining schedule for developing the AP is:

March 15, 2019	Publication of the Draft Action Plan and notice of the public hearing before the City Council. This initiates a 30-day time frame for submission of comments regarding the activities and funding allocations identified in the proposed Action Plan.
April 16, 2019	Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.
April 16, 2019	Conduct the public hearing identified above before the City Council. During this meeting, the City Council will consider incorporating any comments received.
May 15, 2019	Final Action Plan will be submitted to HUD after the April 16, 2019 public hearing, if HUD has announced the Entitlement Grant, otherwise submission will take place as soon as Entitlement Grant is announced.

The proposed AP will be available for examination for 30 days commencing March 15, 2019 and concluding on April 16, 2019, at 5:00 p.m., at the following locations:

Porterville City Hall Community Development Department 291 N. Main Street Porterville, CA 93257	Porterville City Library 41 West Thurman Street Porterville, CA 93257
--	---

The AP will also be available on the City website, www.porterville.ca.us under Community Development Department.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where CDBG

Program activities are proposed are particularly encouraged to attend.

For more information about the AP, please contact Jennifer Byers at (559) 782-7460.

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 the 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)

DATED: March 12, 2019

Jennifer M. Byers

Community Development Director

Send Result Report

MFP

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03/12/2019 10:49

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Job No.: 086100

Total Time: 0°00'34"

Page: 003

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CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: March 12, 2019

DATE(S) TO BE PUBLICIZED: March 15, 2019

PUBLIC MEETING DATE: April 16, 2019

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	03/12/19 10:49	Porterville Recorder	0°00'34"	FAX	OK	200x100 Normal/On

Annual Action Plan
2019

74

[Unverified Sender] Re: [Unverified Sender] Re: Public Notice -
CDBG Action Plan (English & Spanish)

Recorder Legals

Wed 3/13/2019 7:59 AM

To: Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO.	19-2025-21		
NET AMT.	\$ 382.50		
AUTH. DEPT.	P.A.	PIN.	
A/P	DATE		

Spanish confirm, and the cost is \$382.50. Thank-you

On Tue, Mar 12, 2019 at 4:39 PM Recorder Legals <recorderlegals@portervillerecorder.com> wrote:
Yes, it will be in the spanish paper. I will confirm, tomorrow. Thank you

On Tue, Mar 12, 2019 at 4:32 PM Christina Tank <ctank@ci.porterville.ca.us> wrote:
Can you let me know if our Spanish notice made the Spanish paper, please?

Christina Tank, Administrative Assistant
Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
(559) 781-6437 fax
ctank@ci.porterville.ca.us

From: Recorder Legals <recorderlegals@portervillerecorder.com>
Sent: Tuesday, March 12, 2019 3:23 PM
To: Christina Tank
Subject: [Unverified Sender] Re: Public Notice - CDBG Action Plan (English & Spanish)

Confirm for the English run on Friday 15th cost is \$440.23. Thank you
Will get back to you on the Spanish one.

On Tue, Mar 12, 2019 at 10:31 AM Christina Tank <ctank@ci.porterville.ca.us> wrote:
Hiya. Here are the two word documents for the requests faxed over. One for the Recorder and one for the Noticiero Semanal. Please reply with final cost for both, split between English and Spanish, and confirmation of dates. Thanks!

<https://outlook.office365.com/owa/?path=/mail/inbox/rp>

3/13/2019

Christina Tank, Administrative Assistant
Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
(559) 781-6437 fax
ctank@ci.porterville.ca.us

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--

Teresa (Terry) Jasso
Classified, Legal, Obituary Advisor
The Porterville Recorder
(559) 784-5000 ext. 1031

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--

Teresa (Terry) Jasso
Classified, Legal, Obituary Advisor
The Porterville Recorder
(559) 784-5000 ext. 1031



**CITY OF PORTERVILLE
ADVERTISING REQUEST**

DATE: March 12, 2019

DATE(S) TO BE PUBLICIZED: March 15, 2019

PUBLIC MEETING DATE: April 16, 2019

AUTHORIZED BY: [Signature]

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
and cost to Christina Tank at
ctank@ci.porterville.ca.us**

City of Porterville
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291 N. Main St.
Porterville, CA 93257

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Send Result Report

MFP

TASKalfa 5501i

Firmware Version 2N9_2000.007.106 2018.05.25



03/12/2019 10:50
[2N7_1000.009.001] [2N4_1100.001.002] [2N4_7000.007.104]

Job No.: 086101

Total Time: 0'00'36"

Page: 003

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Document: scan20190312104850



CITY OF PORTERVILLE ADVERTISING REQUEST

DATE: March 12, 2019

DATE(S) TO BE PUBLICIZED: March 15, 2019

PUBLIC MEETING DATE: April 16, 2019

AUTHORIZED BY: [Signature]

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECH
001	03/12/19 10:50	Porterville Recorder	0'00'36"	FAX	OK	200x100 Normal/On

**AVISO DE REUNIÓN PÚBLICA
PLAN ANUAL DE ACCIÓN CDBG**

SE HA DADO A LA PRESENTE que la Ciudad de Porterville tendrá una segunda audiencia pública durante la reunión programada del Consejo de la Ciudad el 16 de abril de 2019 a las 6:30 p.m. o poco después, en las Cámaras del Consejo del Ayuntamiento, 291 North Main Street, para obtener las opiniones de los ciudadanos, las agencias públicas y otras partes interesadas sobre las necesidades de vivienda y desarrollo comunitario de la Ciudad y el uso propuesto de fondos para lograr objetivos, prioridades y acciones para atender esas necesidades durante el año fiscal 2019/2020.

El Departamento de Vivienda y Desarrollo Urbano (HUD) requiere que cada jurisdicción que reciba subvenciones de fórmula a través de su Programa de Subsidios Globales para el Desarrollo Comunitario (CDBG) prepare un Plan de Acción (AP) para el próximo año fiscal. Este identifica las actividades que la jurisdicción llevará a cabo por separado, o en conjunto con otras agencias públicas y privadas, durante el próximo año.

HUD no ha anunciado la Subvención de Derecho para 2019/2020. Sin embargo, según las asignaciones del año anterior, la Ciudad anticipa recibir una Subvención de Derecho de aproximadamente \$756,441. Las recomendaciones de financiamiento son las siguientes para los programas financiados por CDBG en curso y propuestos y el Borrador del AP ha incorporado contingencias que tienen en cuenta una disminución o un aumento en esta cantidad:

Sección 108 Servicio de la deuda	\$ 313,916.40
Administración	\$ 150,000.00
Programa para compradores de vivienda por primera vez	\$ 120,000.00
Centro Juvenil Operado por la Ciudad	\$ 100,566.15
Programa de Mejoramiento de Parques	\$ 51,558.45
Programa de Vales para Shelter plus Care	\$ 15,000.00
Kings / Tulare Continuum of Care on Homelessness	\$ 5,000.00
Programa de Educación para Compradores de Vivienda	\$ 400.00

Los Programas de Asistencia Empresarial, Programas de Rehabilitación de Viviendas y Préstamos de Servicios Públicos, Adquisición de Tierras, Programas de Despeje y Disposición utilizarán fondos con derecho no gastado e Ingresos del Programa de las asignaciones de años anteriores.

Las opiniones obtenidas durante esta audiencia se considerarán para su inclusión en el AP que se presentará al Concejo Municipal. El calendario restante para desarrollar el AP es:

15 de marzo de 2019	Publicación del borrador del Plan de Acción y notificación de la audiencia pública ante el Concejo Municipal. Esto inicia un plazo de tiempo de 30 días para presentar comentarios sobre las actividades y las asignaciones de fondos identificadas en el Plan de Acción propuesto.
16 de abril de 2019	Último día para recibir comentarios que se incorporarán en el borrador del Plan de Acción que se presentará al Concejo Municipal.
16 de abril de 2019	Se conducirá la audiencia pública identificada anteriormente, ante el Concejo Municipal. Durante esta reunión, el Consejo considerará incorporar cualquier comentario recibido.
15 de mayo de 2019	El Plan de Acción final se presentará a HUD después de la audiencia pública del 16 de abril de 2019, si HUD ha anunciado la Subvención de derecho, de lo contrario, la presentación se realizará tan pronto como se anuncie la Subvención de derecho.

El AP propuesto estará disponible para su examen durante 30 días a partir del 15 de marzo de 2019 y concluirá el 16 de abril de 2019 a las 5:00 p.m. en las siguientes ubicaciones:

Ciudad de Porterville
Departamento de Desarrollo Comunitario
291 N. Main Street
Porterville, CA 93257

Biblioteca de Porterville
41 West Thurman Street
Porterville, CA 93257

El AP también estará disponible en el sitio web de la Ciudad www.porterville.ca.us bajo Departamento de Desarrollo

Comunitario (Community Development Department).

Las personas interesadas en este asunto pueden presentarse y ser escuchadas en la audiencia. Las personas de ingresos bajos y moderados, personas con discapacidad, personas mayores, miembros de grupos minoritarios y personas que residen en las áreas de las actividades del programa CDBG, están alentados particularmente a asistir.

Para obtener más información sobre el AP, comuníquese con Jennifer Byers al (559) 782-7460.

En conformidad con la Ley de Americanos con Discapacidades, y la ley de California Ralph M. Brown, si usted necesita asistencia para participar en esta reunión, o si quiere acceso a la agenda y/o los documentos, por favor llame a la oficina de la secretaria del ayuntamiento al (559) 782-7464. Si le notifica con 48 horas, (dos días), de anticipación a la fecha de la reunión, le dará a la Ciudad tiempo para hacer los arreglos más razonables para asegurarle la accesibilidad a dicha reunión incluyendo servicios auditivos. (28 CFR 35.102 - 35.104 ADA Title II)

FECHA: 12 de Marzo de 2019

Jennifer M. Byers

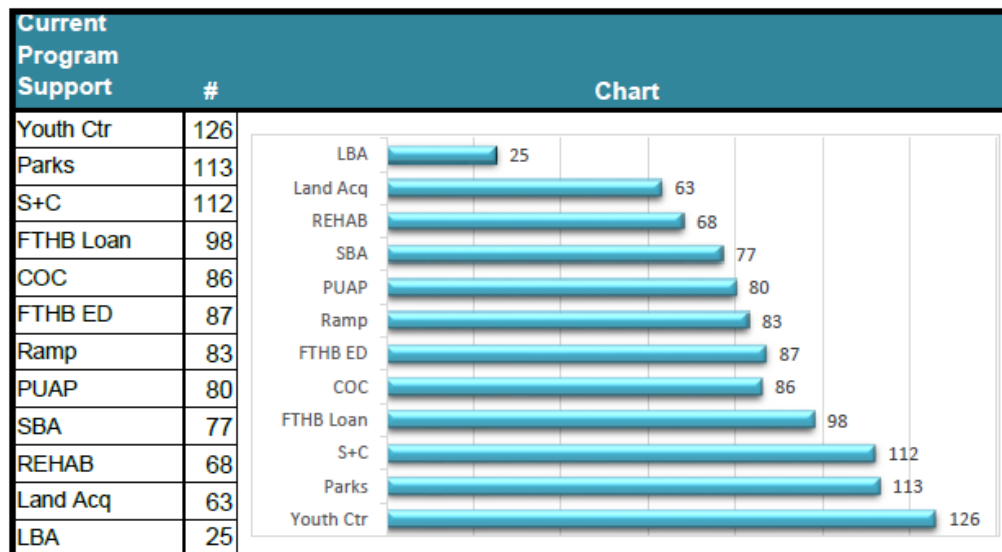
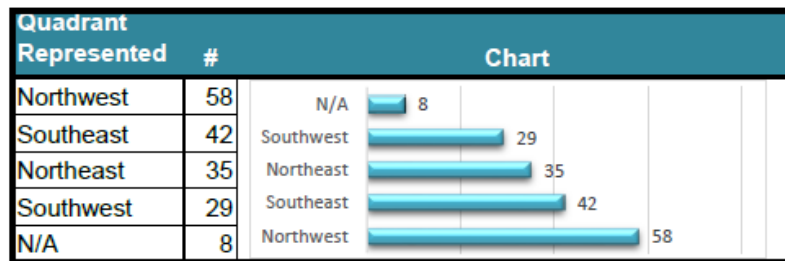
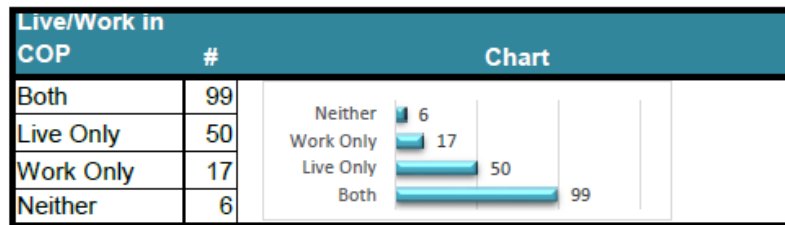
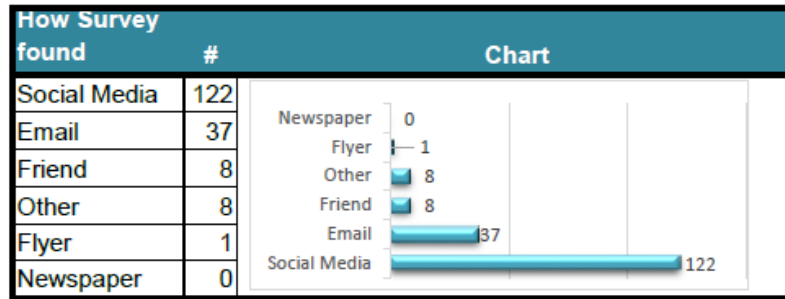
Directora de Dpto. de Desarrollo Comunitario

Appendix 2

Summary of Comments at Community Meeting and Survey Responses



Survey Question Responses



Summary of New Program Suggestions by category and comments

Housing
middle class homebuying assistance
FTHB guideline changes
Affordable Housing
Shelter
Short term rental assistance
homelessness
Rehab for non low mod
SF Development
SRO's Homelessness
Seniors
Tiny Homes
SF Housing Development
Businesses
increase variety
homelessness jobs
SBA
Job Creation
Slum Blight
Clean up various areas of City
Parkways
Riverbed
Homelessness
Code Compliance
Public Facilities
Indoor Youth Activities
Indoor recreation facility
Youth activities
Park improvements
Recreation
Animal shelter-No Kill
MISC
More Police
More information on city programs

Public Services
Youth Activities
Homelessness
At risk youth
Low income Youth Activities
Life Skills classes
Family education
Home Repair Ed
Water efficiency Ed
Transportation vouchers
Youth Employment
Mental Health
Transportation Vouchers
Add a Youth Center
Parks Activities
Employment for homeless
Seniors
Public Improvements
Roads
Curb and Gutter
Street parking
Neighborhood improvement funding
Sidewalks
Water access to outlining areas
lighting
ADA Improvements
Transportation
Infrastructure
Water Park
Walkable paths
Bus Stop shelter
Graffiti Removal
Beautify downtown & entry points

How Survey found			Summary of New Program Suggestions by Category and Comments															
#	Chart																	
Social Media	115	<table><caption>How Survey found</caption><thead><tr><th>Method</th><th>Count</th></tr></thead><tbody><tr><td>Social Media</td><td>115</td></tr><tr><td>Email</td><td>37</td></tr><tr><td>Friend</td><td>8</td></tr><tr><td>Other</td><td>8</td></tr><tr><td>Flyer</td><td>1</td></tr><tr><td>Newspaper</td><td>0</td></tr></tbody></table>	Method	Count	Social Media	115	Email	37	Friend	8	Other	8	Flyer	1	Newspaper	0		
Method	Count																	
Social Media	115																	
Email	37																	
Friend	8																	
Other	8																	
Flyer	1																	
Newspaper	0																	
Email	37																	
Friend	8																	
Other	8																	
Flyer	1																	
Newspaper	0																	
Represent Business			#	Agency/Business Represented														
No	146	Tulare County HHSA, Mental Health Branch	Housing Rehabilitation for Non-low/mod Families		Home Repair Ed													
Yes	19	City Of Porterville	SF Development		Water efficiency Ed													
		Central California Family Crisis Center	SRO's Homelessness		Transportation vouchers													
		Omni Family Health	Seniors		Youth Employment													
		Breakfast Lions	Tiny Homes		Mental Health													
		Eagles	SF Housing Development		Transportation Vouchers													
		Citrus Farmer	Businesses		Add a Youth Center													
		Witt Hardwoods	Increase Variety of Businesses		Parks Activities													
		Business	Homelessness Jobs		Employment for homeless													
		Westcare	SBA		Seniors													
		Staffords	Job Creation		Public Improvements													
		Kings/Tulare Homeless Alliance	Slum Blight		Roads													
		Family Services of Tulare County	Clean-up Various Areas of City		Curb and Gutter													
		Full House Property Management	Parkways		Street parking													
		United Way of Tulare County	Riverbed		Neighborhood improvement funding													
		PUSD	Homelessness		Sidewalks													
		Tule River Parkway Association	Code Compliance		Water access to outlining areas													

Live/Work in COP			Summary of New Program Suggestions by Category and Comments											
#	Chart													
Both	95	<table><tr><td>Neither</td><td>6</td></tr><tr><td>Work Only</td><td>17</td></tr><tr><td>Live Only</td><td>47</td></tr><tr><td>Both</td><td>95</td></tr></table>	Neither	6	Work Only	17	Live Only	47	Both	95		Public Improvements		
Neither	6													
Work Only	17													
Live Only	47													
Both	95													
Live Only	47	Public Facilities	Lighting											
Work Only	17	Indoor Youth Activities	ADA Improvements											
Neither	6	Indoor recreation facility	Transportation											
			Youth activities	Infrastructure										
			Park improvements	Water Park										
Represented	#	Chart	Recreation	Walkable paths										
Northwest	54	<table><tr><td>N/A</td><td>8</td></tr><tr><td>Southwest</td><td>27</td></tr><tr><td>Northeast</td><td>35</td></tr><tr><td>Southeast</td><td>41</td></tr><tr><td>Northwest</td><td>54</td></tr></table>	N/A	8	Southwest	27	Northeast	35	Southeast	41	Northwest	54	Animal shelter-No Kill	Bus Stop shelter
N/A	8													
Southwest	27													
Northeast	35													
Southeast	41													
Northwest	54													
Southeast	41	MISC	Graffiti Removal											
Northeast	35	More Police	Beautify downtown & entry points											
Southwest	27	More information on city programs												
N/A	8													

Program	#	Chart
Youth Ctr	123	
Parks	109	
S+C	108	
FTHB Loan	94	
COC	84	
FTHB ED	83	
Ramp	79	
PUAP	77	
SBA	74	
REHAB	64	
Land Acq	61	
LBA	24	



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Consideration for Support of an Application for Funding to the Integrated Pool for Homeless Initiatives Locally to Establish a Navigation Center

SOURCE: Community Development

COMMENT: On September 4, 2018, the City Council reviewed funding opportunities the State of California was proposing to assist with the homeless situation and affordable housing shortage. The funds would be directed through Continuum of Care's and Counties throughout the state.

On February 13, 2019, the Kings/Tulare Homeless Alliance and the Tulare County Health and Human Services Agency released a joint Notice of Funding Availability (NOFA) of the Integrated Pool for Homeless Initiatives Locally (PHIL). The NOFA includes four (4) state grant programs: Emergency Solutions Grant (ESG), California Emergency Solutions and Housing Program (CESH), Homeless Emergency Aid Program (HEAP), and Homeless Mentally Ill Outreach and Treatment Program (HMIOT). The ESG grant has a bi-county allocation for Tulare and Kings Counties, HMIOT has funds available for Tulare County, and the CESH and HEAP grants have an allocation for each jurisdiction in Tulare and Kings Counties based on the 2018 Point in Time count (PIT). The PIT is a count of sheltered and unsheltered homeless persons on a single night in January. The 2018 PIT count was held on the night of January 24, 2018. Tulare County had a total of 965 people experiencing homelessness, with 195 people experiencing homelessness in Porterville. The NOFA makes \$113,733.71 available from the CESH grant and \$506,718.40 available from the HEAP grant to Porterville, and \$309,000 available through the HMIOT grant county-wide.

Staff has been working with Turning Point of Central California, Kings View Behavioral Health System, the County of Tulare, Kings/Tulare Homeless Alliance, and Porterville Unified School District (PUSD) on a project to establish a navigation center with up to thirty (30) beds in Porterville to assist people experiencing homelessness. Staff has been in conversations with PUSD on the use of the former Vine Street School, located at 140 South C Street, to be used the site for the navigation center. The site is approximately 1.37 acres and currently has three (3) temporary classrooms and a small storage building on-site. The draft plan includes converting two (2) of the classrooms to dormitory style housing allowing for up to fifteen (15) beds for each building to be used for emergency and bridge housing. The third building would be utilized as an office space for service providers, such as County of Tulare Mental Health,

CSET, Turning Point, housing navigators, Porterville Library, case workers, as well as for the management of the facility. The facility is proposed to be a 24-hour facility offering meals, daytime activities and training opportunities to assist the guests prepare for and obtain permanent housing and employment.

Turning Point has taken the lead on the project utilizing their experience and expertise in operating programs to assist people experiencing homelessness. Turning Point intends to submit an application for HEAP, CESH, and HMIOT funding for the operation of a navigation center in Porterville. Kings View has agreed to partner for the outreach component of the navigation center to assist those experiencing homelessness in Porterville being transported to the center. The County of Tulare and Community Services Employment Training (CSET) have expressed interest in leasing office space to have staff on site to provide services.

Turning Point is planning on applying for the maximum amount for HEAP and CESH funding available to Porterville, which is approximately \$607,815, to operate the navigation center. They will also be applying for HMIOT funding to acquire a restroom, shower, and laundry trailer as well as provide for the expense of connecting the trailer to the municipal sewer and water systems. The trailer system may require ongoing maintenance of periodic pumping to prevent a backup. The ongoing maintenance of pumping would not occur with the building, but the cost of the structure would be considered a capital expense and require financial match. There is another option of acquiring a prefabricated shower and restroom building. Additional costs are proposed to be included in the HMIOT grant application to retrofit the existing buildings with fire sprinklers and install hard surface flooring. The grant requires a 20 percent (20%) match if grant funds are used for capital expense. The match for retrofitting the buildings and the expense of connecting the trailer to the City's water and sewer system is categorized as a capital expenditure. The match for the capital expenditure is estimated to not exceed \$50,000.

Staff is proposing that due to the significant increase in the local population of people experiencing homelessness, that the situation be considered an emergency. Porterville experienced a 48 percent (48%) increase in the population of people experiencing homelessness from 2017 to 2018, an increase of 63 people for a total population of 195. The numbers from the 2018 Point in Time count reflect a dramatic increase of 75% in the homeless population that is unsheltered, an increase of 65 people for a total of 152. The data reflects that it is not only adults that are experiencing homelessness, but that 26 children are considered homeless in Porterville.

On April 3, 2012, the City Council Adopted Ordinance 1787, establishing a Catastrophic/Emergency Reserve Fund. The Fund was established to be used for the purpose to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Staff is proposing that Catastrophic/Emergency Reserve Fund be utilized for the match requirement and associated costs of establishing the navigation center not to exceed \$50,000.

RECOMMENDATION:

That the City Council:

1. Consider the draft Resolution in support of partnering with Turning Point of Central California and agencies throughout the region in opening a navigation center to assist individuals experiencing homelessness; and if approved
2. Adopt the draft Resolution authorizing the appropriation of up to \$50,000 from the General Fund “Catastrophic/Emergency” Reserve Fund to fulfill the match requirement and associated costs for the establishment and operation of the Navigation Center.

ATTACHMENTS:

1. Draft Resolution in Support of Grant Application and Project
2. Draft Resolution to utilize Emergency Fund Appropriation
3. Notice of Funding Availability PHIL
4. 2018 Point in Time Report

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
SUPPORTING THE APPLICATION OF FUNDS FROM THE INTEGRATED POOL FOR
HOMELESS INITIATIVES LOCALLY FOR THE ESTABLISHMENT AND OPERATION
OF A NAVIGATION CENTER TO SERVE INDIVIDUALS EXPERIENCING
HOMELESSNESS

WHEREAS: On April 16, 2019, the City Council of the City of Porterville is in support of Turning Point of Central California applying for grant funds from the Integrated Pool For Homeless Initiatives Locally funded through the Kings/Tulare Homeless Alliance and the Tulare County Health and Human Services Agency; and

WHEREAS: The Kings/Tulare Homeless Alliance and the County of Tulare have been designated by the State of California to administer the California Emergency Solutions and Housing Program, Homeless Emergency Aid Program, and Homeless Mentally Ill Outreach & Treatment Program for the Tulare County; and

WHEREAS: The 2018 Point in Time count totaled 195 persons experiencing homelessness, and of those counted, 152 were identified as people unsheltered; and

WHEREAS: The Navigation Center project would provide up to 30 beds and provide services to individuals experiencing homelessness, including but not limited to assisting individuals with finding permanent housing. TPOCC provides accompanying comprehensive supportive services that enable participants to increase their capacity for self-sufficiency with the goal of obtaining permanent housing. Services would include case management, counseling, life skills, transportation, and coordination to services provided by partner agencies.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of is in support of Turning Point of Central California applying for grant funds from the Integrated Pool For Homeless Initiatives Locally funded through the Kings/Tulare Homeless Alliance and the Tulare County Health and Human Services Agency; and
2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of up to \$50,000 from the "Catastrophic/Emergency" Reserve Fund to fulfill the match requirement for the establishment and operation of the Navigation Center.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2019.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE CITY COUNCIL'S
"CATASTROPHIC/EMERGENCY" RESERVE FUND FOR THE NAVIGATION CENTER
PROJECT

WHEREAS: On April 16, 2019, the City Council of the City of Porterville has adopted a resolution in support of the establishment of a navigation center to provide assistance to people experiencing homelessness in Porterville to be operated by Turning Point of Central California; and

WHEREAS: The City of Porterville Municipal Code Section 2-31.2, established the "Catastrophic/Emergency" Reserve Fund for the purpose of mitigating costs associated with unforeseen emergencies; and

WHEREAS: The 2018 Point in Time count totaled 195 persons experiencing homelessness, and of those counted, 152 were identified as people unsheltered; and

WHEREAS: The Navigation Center project would provide up to 30 beds and provide services to individuals experiencing homelessness, including but not limited to, assisting individuals with finding permanent housing. TPOCC provides accompanying comprehensive supportive services that enable participants to increase their capacity for self-sufficiency with the goal of obtaining permanent housing. Services would include case management, counseling, life skills, transportation, and coordination to services provided by partner agencies.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville make a finding that the Resolution of Support of Turning Point of Central California to apply for grant funds to further address housing solutions for chronically homeless individuals is within the intent and purpose of the "Catastrophic/Emergency" Reserve Fund; and
2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of up to \$50,000 from the "Catastrophic/Emergency" Reserve Fund to fulfill the match requirement for the establishment and operation of the Navigation Center.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2019.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



INTEGRATED POOL FOR HOMELESS INITIATIVES LOCALLY

Notice of Funding Availability

February 13, 2019

Revised March 18, 2019

A jointly-funded opportunity through:

**Kings/Tulare Homeless Alliance &
Tulare County Health & Human
Services Agency**



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FUNDS AVAILABLE

The Kings/Tulare Homeless Alliance and Tulare County Health and Human Services Agency are pleased to announce the availability of an integrated pool for homeless initiatives locally (PHIL) through this Notice of Funding Availability (NOFA). This NOFA makes available funding through four recent state programs: [Emergency Solutions Grant \(ESG\)](#), [California Emergency Solutions and Housing program \(CESH\)](#), [Homeless Emergency Aid program \(HEAP\)](#), and [Homeless Mentally Ill Outreach & Treatment program \(HMIOT\)](#). HMIOT is available only to projects serving Tulare County jurisdictions, as Kings County had previously committed its HMIOT allocation

The table below outlines the amount of funding available to projects in each jurisdiction. **Applicants may draw from the allocations of multiple jurisdictions so long as the project benefits each jurisdiction from which an applicant seeks funding.** For example, an applicant can apply for a bridge housing project drawing the funding available for both Visalia and Tulare projects, so long as it can demonstrate the project benefits the homeless populations in both Visalia and Tulare. The amounts made available are based on the 2018 Point-in-Time Count.

Jurisdiction	ESG ¹	CESH	HEAP	HMIOT ²
Kings County	-	\$ 123,620.51	\$ 450,627.72	
<i>Corcoran</i>	-	\$ 2,825.61	\$ 10,300.06	
<i>Hanford</i>	-	\$ 118,675.69	\$ 432,602.52	
<i>Lemoore</i>	-	\$ 2,119.21	\$ 7,725.04	
Tulare County	-	\$ 460,767.35	\$ 2,022,859.17	\$ 309,000.00
<i>Dinuba</i>	-	\$ 5,832.50	\$ 25,985.56	-
<i>Earlimart</i>	-	\$ 583.25	\$ 2,598.56	-
<i>Exeter</i>	-	\$ 583.25	\$ 2,598.56	-
<i>Farmersville</i>	-	\$ 1,749.75	\$ 7,795.67	-
<i>Ivanhoe</i>	-	\$ 583.25	\$ 2,598.56	-
<i>Lindsay</i>	-	\$ 583.25	\$ 2,598.56	-
<i>Orosi</i>	-	\$ 583.25	\$ 2,598.56	-
<i>Porterville</i>	-	\$ 113,733.71	\$ 506,718.40	-
<i>Tulare</i>	-	\$ 67,073.73	\$ 298,833.93	-
<i>Visalia</i>	-	\$ 269,461.41	\$ 1,170,532.83	-
Bi-County Region	\$ 376,146.00			
Total Amount Available	\$ 376,146.00	\$ 584,387.86	\$ 2,473,486.80	\$ 309,000.00

¹ Funds can be used in any jurisdiction(s) within Kings and Tulare Counties.

² Funds can be used in any Tulare County jurisdiction(s).

TIMELINE

NOFA Release	February 13, 2019
Technical Assistance Workshop	March 19, 2019 1:00 – 2:30 PM KTHA 1900 N. Dinuba Boulevard, Ste B Visalia, CA 93291
Applications Due	April 17, 2019
Rating & Ranking³	May 8, 2019
KTHA Board Review of Rating & Ranking Results	May 9, 2019
KTHA Membership Approval	May 23, 2019
Award Announcements	May 23, 2019
Contracting	June 2019
Programs Launch	July 2019

For specific program questions, please contact:

HEAP/CESH/ESG

Machael Smith
Executive Director
Kings/Tulare Homeless Alliance
Email: msmith@kthomelessalliance.org

HMIOT, Kings County

Erinn Reinbolt
Program Manager
Kings County Behavioral Health
Email: erinn.reinbolt@co.kings.ca.us

HMIOT, Tulare County

Chaz Felix
Homeless Initiatives Program Coordinator
Tulare County Health & Human Services Agency
Email: cfelix@tularehhsa.org

³ Applicants to be on call for questions.

INTRODUCTION

Overview

The Kings/Tulare Homeless Alliance and the Tulare County Health & Human Services Agency are pleased to announce the inaugural Integrated Pool for Homeless Initiatives Locally (PHIL). PHIL makes available funds from a number of new state homeless programs through a one-stop application for interested stakeholders.

The purpose of an integrated approach is to allow for applicants to easily access a range of sources for funding in order to build more robust and comprehensive homeless and housing projects. Federal and state priorities highlight the need to coordinate and align opportunities and resources in order to create more meaningful and impactful projects. PHIL advances this objective by encouraging applicants to conceptualize projects that integrate funding sources, project components, and community partners that can better serve the needs of individuals experiencing homelessness and the bi-county region.

PHIL is comprised of funds from the [Emergency Solutions Grant \(ESG\)](#), [California Emergency Solutions and Housing program \(CESH\)](#), [Homeless Emergency Aid program \(HEAP\)](#), and [Homeless Mentally Ill Outreach & Treatment program \(HMIOT\)](#). While funds from each program will be awarded through this single NOFA, funding is subject to state and federal program requirements for each individual program. Consequently, applicants are strongly advised to read the individual program requirements outlined in each of the following sections.

General Requirements

Grant recipients will be required to comply with the following:

Coordinated Entry System (CES)

CES is a process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred, and connected to housing and assistance based on their strengths and needs.

Homeless Management Information System (HMIS)

HMIS is a bi-county data management tool designed to facilitate data collection on programs serving homeless individuals and families in order to improve human service delivery throughout region. Participation in HMIS is required of all agencies receiving funding through this program.

Racial Equity

Racial minorities comprise a disproportionate share of the total homeless population. In an effort to promote equity within the local homeless system, awarded applicants will be required to attend a Racial Equity 101 training provided by a partner agency.

Assurances

Project applicants will be required to sign an agreement to the following:

- For Applicants seeking ESG funds, applicant will complete the HCD Project Application with the same information as contained in the PHIL application unless there were adjustments made during the rating/ranking process. Those adjustments will be included in your project ranking letter and will supersede the original application submitted.
- Applicant agrees to participate fully in KTHMIS, the local Homeless Management Information System (HMIS).
- Applicant agrees to fully participate in the Coordinated Entry System for Kings/Tulare Counties.
- If awarded funding through Homeless Mentally Ill Outreach & Treatment program, applicant agrees to expend half of the award by December 31, 2019, and the remaining by May 31, 2020, and to submit a report detailing 2019 expenditures by January 15, 2020.
- If awarded funding through Homeless Emergency Aid Program, applicant agrees to expend half of the award by June 30, 2020, and the remaining by June 30, 2021.
- Applicant understands that if funding is awarded they are responsible to inform the Alliance when:
 - o Changes to an existing project or change in sub-population served that is significantly different than what the funds were originally approved for
 - o Increase/decrease of other funding to the project that could affect projected numbers of participants served, program staffing, performance, etc.
 - o Delays in the start-up of a new project
 - o Program is having difficulty in meeting projected numbers served or performance outcomes
- Applicant agrees to execute the following documents and submit as a part of their application to the Rating & Ranking Committee:
 - o Kings/Tulare Homeless Alliance Applicant “Hold Harmless” Agreement; and
 - o Memorandum of Understanding for PHIL Funding

EMERGENCY SOLUTIONS PROGRAM (ESG)

Introduction

The State of California Department of Housing and Community Development (HCD) [Emergency Solutions Grant \(ESG\)](#) program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents; (5) rapidly re-house homeless individuals and families; and (6) prevent families and individuals from becoming homeless.

This NOFA is for HCD Federal ESG funding only. For non-entitlement areas such as Kings and Tulare Counties, the ESG program will be administered by HCD under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act through the Balance of State (BoS) Allocation.

Program Requirements

It is the responsibility of each applicant applying for ESG funding to become familiar with the HUD ESG regulations (Federal register Vol. 76, No. 233, Dated Monday, December 5, 2011). These regulations can be found on the HUD Exchange web site at <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>. In addition to Federal regulations, applicants must familiarize themselves with the State ESG regulations which can be found at <http://www.hcd.ca.gov/grants-funding/active-funding/esg.shtml>. Direct service activities must also follow the local coordinated entry system written standards, [Every Door Open](#).

Amount Available

The total available is estimated at \$376,146 for this funding opportunity. Applicants in the Kings and Tulare County service area may apply for projects in the Noncompetitive Rapid Rehousing Set-Aside and/or Regional Competition as described below. At least 50% of the available funding must be spent on Rapid Re-Housing projects. The remaining 50% may be spent on Emergency Shelter, Rapid Re-Housing, or Street Outreach projects.

A. Noncompetitive Rapid Rehousing Set-Aside

Approximately \$188,073 will be available through the Noncompetitive Rapid Rehousing Set-Aside. Within this allocation pool, the Alliance will select up to two projects to receive these funds. These funds are exclusively for Rapid Rehousing (RR) projects. HCD will administer these contracts directly with providers. The minimum amount for grants is \$75,000 and maximum is \$188,073.

B. Regional Competition

Remaining funds within the BoS Allocation will be divided into three regional allocations pursuant to 8404 (a) (3). Projects within the Kings and Tulare County service area will compete for funding through the Central and Imperial Valley Region of the HCD Regional Competition. The Alliance will recommend

up to two projects to compete for funds in the regional competition. The minimum amount for grants is \$75,000 and maximum is \$200,000.

Funding Priorities

The Kings/Tulare Homeless Alliance has established the following local housing priorities for 2018-2019 Emergency Solutions Grant funding. In addition to meeting one of the identified housing priorities in the table below, all projects seeking funding must:

Maximize the use of mainstream benefits, including:

- Coordinate with existing mainstream resources to enroll participants in eligible programs and connect them to community based services
- Actively enroll participants in healthcare and/or assist participants in understanding and accessing expanded services available through the Affordable Care Act changes
- Secure funding for services through mainstream resource programs and other partnerships

Work to remove barriers to local resources by:

- Prioritizing those most in need of services through the use of the VI-SPDAT and Housing Priority List
- Actively participating in Every Door Open, the Kings/Tulare coordinated assessment system
- Working to reduce the number of people exiting for unknown reasons or negative reasons

The funding priorities are:

- Existing emergency shelter projects (High priority)
- New emergency shelter projects that dedicate all beds to referrals from the Coordinated Entry System (High priority)
- Rapid Re-housing projects for up to 50% of ESG allocation (High priority)
- All other projects (Medium priority)

CALIFORNIA EMERGENCY SOLUTIONS & HOUSING PROGRAM (CESH)

Introduction

The California Department of Housing and Community Development, through the California Emergency Solutions and Housing Program (CESH), has made funding available to provide grants to assist persons who are currently experiencing homelessness or are at risk of homelessness. The use of CESH funds is governed by policies set by the State of California Housing and Community Development Department through [SB 850](#).

Program Requirements

Eligible uses of CESH funding include rental assistance, housing relocation and stabilization services; operating subsidies; flexible housing subsidy funds; operating support for emergency housing interventions; systems support; and development of a homeless plan. Refer to the [CESH 2018 Notice of Funding Availability](#) (NOFA) for a complete description of eligible uses.

Direct service activities must be carried out in accordance with the federal regulations outlined below and the local coordinated entry system written standards, [Every Door Open](#).

Component Type	Regulation
Navigation Centers	24 CFR 576.102
Housing Location/ Stabilization Services	24 CFR 576.105
Homelessness Prevention	24 CFR 576.103

Component Type	Regulation
Rental Assistance	24 CFR 576.106
Housing Search and Placement	24 CFR 576.105(1)

Amount Available

CESH funding in the amount of \$584,387.86 is available to be awarded to recipients with an anticipated grant start date of July 1, 2019. Grant terms can be for a period of up to two years. Funds will be distributed on a cost reimbursement basis.

Kings County	Rental Assistance, Housing Relocation, Stabilization	Emergency Shelter Interventions	Total Amount Available
Corcoran	\$ 1,798.12	\$ 1,027.50	\$ 2,825.61
Hanford	\$ 75,520.89	\$ 43,154.80	\$ 118,675.69
Lemoore	\$ 1,348.59	\$ 770.62	\$ 2,119.21

Tulare County	Rental Assistance, Housing Relocation, Stabilization	Emergency Shelter Interventions	Total Amount Available
Dinuba	\$ 648.06	\$ 5,184.44	\$ 5,832.50
Earlimart	\$ 64.81	\$ 518.44	\$ 583.25
Exeter	\$ 64.81	\$ 518.44	\$ 583.25
Farmersville	\$ 194.42	\$ 1,555.33	\$ 1,749.75
Ivanhoe	\$ 64.81	\$ 518.44	\$ 583.25
Lindsay	\$ 64.81	\$ 518.44	\$ 583.25
Orosi	\$ 64.81	\$ 518.44	\$ 583.25
Porterville	\$ 12,637.08	\$ 101,096.63	\$ 113,733.71
Tulare	\$ 7,452.64	\$ 59,621.09	\$ 67,073.73
Visalia	\$ 29,940.16	\$ 239,521.25	\$ 269,461.41

Funding Priorities

The Alliance facilitated a local planning process to incorporate input from cities, counties, service providers, health care professionals, law enforcement, faith-based organizations, and stakeholders to establish local priorities. On October 25, 2018, the Alliance Membership approved the following priorities for each county.

For projects operating in Kings County, the priorities are:

- Homeless Prevention/Diversion
- Housing Support Center

For projects operating in Tulare County, the priorities are:

- Navigation Center/Bridge Housing
- Homeless Prevention/Diversion

HOMELESS EMERGENCY AID PROGRAM (HEAP)

Introduction

The [Homeless Emergency Aid Program \(HEAP\)](#) is a one-time funding allocation authorized by SB 850 (2018) through the State of California Homeless Coordinating and Financing Council in conjunction with the Business, Consumer Services and Housing Agency. HEAP funding is designed to provide immediate emergency assistance to people experiencing homelessness in alignment with [California's Housing First policy](#). The parameters of the program are intentionally broad to allow local jurisdictions to be creative and develop programs that meet the needs of the local community.

Program Requirements

The use of HEAP funds is governed by policies set by the Homeless Coordinating and Financing Council and Senate Bill 850. Eligible uses of HEAP funding include, but are not limited to emergency shelters/navigation centers, street outreach, housing location/stabilization, homeless prevention, rental assistance, acquisition, and capital improvements. These activities must be carried out in accordance with the federal regulations outlined below and the local coordinated entry system written standards, [Every Door Open](#).

Component Type	Regulation
Emergency Shelter/ Navigation Centers	24 CFR 576.102, 570.201(c)
Street Outreach	24 CFR 576.101
Supportive Services Only	24 CFR 578.53
Leasing	24 CFR 578.49

Component Type	Regulation
Housing Location/ Stabilization Services	24 CFR 576.105
Homelessness Prevention	24 CFR 576.103
Rental Assistance	24 CFR 576.106
Housing Search and Placement	24 CFR 576.105(1)

Administrative costs are not an eligible activity. This does not include staff costs directly related to carrying out program activities.

Capital, acquisition and rehabilitation projects require a twenty percent (20%) cash match.

Grant recipients will be required to participate in the CES as an Entry Point is required for project types including but not limited to emergency shelter, navigation centers, street outreach, and pre-housing, stand-alone supportive service activities. For rental assistance, flexible housing subsidy pools, permanent housing, and capital housing projects, all referrals will come through CES per the prioritization, matching, and referral processes outlined in the CES Written Standards.

Amount Available

One-time HEAP grant funding in the amount of \$2,473,486.80 is available to be awarded to recipients for the anticipated grant period of July 1, 2019 - June 30, 2021 and distributed on a cost reimbursement basis. Fifty percent (50%) of funds must be spent by June 30, 2020. The Alliance will monitor spending rates and will redistribute funds if a project is not on track to use all funds on eligible activities prior to the expenditure deadline. At least five percent of HEAP funds must be used to establish or expand services meeting the needs of homeless youth or youth at risk of homelessness.

Kings County	Youth	Rental Assistance	Capital Improvements	Services	Total Amount Available
Corcoran	\$ 542.11	\$ 3,252.65	\$ 3,252.65	\$ 3,252.65	\$ 10,300.06
Hanford	\$ 22,768.55	\$ 136,611.32	\$ 136,611.32	\$ 136,611.32	\$ 432,602.52
Lemoore	\$ 406.58	\$ 2,439.49	\$ 2,439.49	\$ 2,439.49	\$ 7,725.04
Tulare County	Youth	Rental Assistance	Capital Improvements	Services	Total Amount Available
Dinuba	\$ 1,367.66	-	\$ 13,676.61	\$ 10,941.29	\$ 25,985.56
Earlimart	\$ 136.77	-	\$ 1,367.66	\$ 1,094.13	\$ 2,598.56
Exeter	\$ 136.77	-	\$ 1,367.66	\$ 1,094.13	\$ 2,598.56
Farmersville	\$ 410.30	-	\$ 4,102.98	\$ 3,282.39	\$ 7,795.67
Ivanhoe	\$ 136.77	-	\$ 1,367.66	\$ 1,094.13	\$ 2,598.56
Lindsay	\$ 136.77	-	\$ 1,367.66	\$ 1,094.13	\$ 2,598.56
Orosi	\$ 136.77	-	\$ 1,367.66	\$ 1,094.13	\$ 2,598.56
Porterville	\$ 26,669.39	-	\$ 266,693.90	\$ 213,355.12	\$ 506,718.40
Tulare	\$ 15,728.10	-	\$ 157,281.02	\$ 125,824.81	\$ 298,833.93
Visalia	\$ 63,185.94	-	\$ 631,859.39	\$ 475,487.51	\$ 1,170,532.83

Funding Priorities

The Alliance facilitated a local planning process to incorporate input from cities, county staff, service providers, health care professionals, law enforcement, faith-based organizations, and stakeholders to establish local priorities. On October 25, 2018, the Alliance Membership approved the following priorities for each county.

For projects operating in Kings County, the priorities are:

- Acquisition/Capital Improvements of Low-Barrier Shelter or Permanent Housing units
- Rental Assistance
- Operating Support for Emergency Housing Interventions

For projects operating in Tulare County, the priorities are:

- Acquisition/Capital Improvements for Low-Barrier Shelter or Bridge Housing
- Operating Support for Emergency Housing Interventions or Bridge Housing

HOMELESS MENTALLY ILL OUTREACH & TREATMENT PROGRAM (HMIOT)

Introduction

The Homeless Mentally Ill Outreach & Treatment (HMIOT) program is a one-time allocation authorized through SB 840 (2018) that provides funding for outreach and treatment of individuals experiencing homelessness with severe mental illness. The program is intended to provide *flexibility* to the unique homelessness and mental context within local communities. Consequently, applicants are encouraged to submit innovative approaches that meet acute local outreach and treatment needs for this target population.

Because Kings County Behavioral Health had already allocated its HMIOT funding prior to the issuance of this NOFA, HMIOT may only fund projects within Tulare County.

Program Requirements

Awarded applicants are required to:

- Expend the entire amount awarded by June 30, 2020, and prepare a spending report showing at least 50% of award expended by December 31, 2019
- Report to Tulare County Health & Human Services Agency the services provided and number of individuals who received services no later than 90 days after expending all of the award
- Provide a six-month progress report to Tulare County Health & Human Services Agency on services provided and number of individuals who received services

Amount Available

\$309,000 is available for projects and activities in any jurisdiction in Tulare County.

Funding Priorities

HMIOT funding priorities are based on external feedback collected from local stakeholders, as well as needs internally identified by Tulare County Health & Human Services Agency. Submitted projects will be more likely to be awarded HMIOT money if they include/demonstrate:

- Integration with project also funded by CESH or HEAP
- Meeting gaps in transportation needs for homeless community
- Multidisciplinary teams for homeless outreach efforts
- Dedicated intensive mental health services located on-site at housing projects or shelters
- Outreach strategies to prioritize connecting racial minorities experiencing homelessness with community resources

APPLICATION INSTRUCTIONS

APPLICATION FORMAT

- A. All Applicants must use the PHIL Application template and Budget Workbook, which can be found at <https://www.kthomelessalliance.org/phil>.
- B. FOR ESG APPLICANTS - Please note that this NOFA serves as the local CoC rating and ranking process. Applicants selected for the State of California ESG NOFA Competition **will also need to complete the HCD ESG FY 2019-20 application and follow all HCD NOFA requirements and deadlines.**
- C. Please be succinct in all responses and observe word limits wherever noted.
- D. No supplemental and/or supporting materials will be accepted, unless noted in the application.
- E. Submit one (1) electronic copy (PDF format) of all application materials to Machael Smith at msmith@kthomelessalliance.org by April 17, 2019 at 11:59 pm. You will receive an email receipt for your submission. If a receipt is not received within two (2) business days of submission, you must follow up to ensure you receive a submission receipt.

SCORING CRITERIA

Project Ranking Policy

The Alliance and Tulare County HHSA will assign a unique rank to each project submitted for PHIL funding. Each project will be comprehensively reviewed using the scoring criteria and selection priorities below, to determine the extent to which each project fulfills the requirements of funding sources, and contributes to improving system performance. Funds for projects that do not meet threshold or are determined to be underperforming, obsolete, or ineffective will be reallocated to new projects that meet a community priority and contribute to improving system performance.

Project Scoring Policy

A. Threshold Review

A preliminary, quantitative review of each application submitted will be completed by the Alliance. This review will:

- o Confirm that application was submitted on time
- o Confirm that all required attachments were submitted
- o Confirm that the application meets certain local threshold requirements
- o Confirm matching requirements are met for capital improvement projects

B. Contribution to System Performance

One of the most important factors in the local scoring process will be a review of a project's contribution to the improvement of overall system performance. Annual Performance Reports, HMIS data and other measurement tools will be reviewed carefully to ensure that all projects recommended for funding contribute to the improvement of system performance.

All complete, timely, and eligible applications will be scored by the PHIL Rating and Ranking Committee, using the scoring criteria located in the Exhibit C.

Applications received within 24 hours after the due date/time will receive a 5-point score reduction. Late submissions received between 24-48 hours after the due date/time will receive a 10-point score reduction. Late submissions received later than 48 hours after the due date/time will receive 0-points for the local competition. It is the applicant's responsibility to ensure documents are delivered and received on time.

Total scores for each project are determined by adding up points in each section and then adding any bonus points, if applicable.

Once the committee completes the rating and ranking, the committee may consider the Alliance's/HHSA's priorities, whether the initial scoring is likely to result in any critical service gaps, whether grantees have a history of failing to maximize grant funding for homeless and housing programs, and may make adjustments to budgets and produce the final ranking of projects to be included in the collaborative application. The recommendation of

the Rating & Ranking Committee will go to the Alliance's Board of Directors and Membership for review and final approval.

Applicants will be notified in writing no later than May 23, 2019 of whether they will be awarded funding from PHIL. This information will also be posted on the Alliance website at www.kthomelessalliance.org no later than 5:00 pm on May 23, 2019.

Using all Available Funds

If there are a lack of eligible project applications compared to the amount of funding available, additional project applications will be sought from the community. The Alliance will send out a public announcement of undersubscribed funds through its listserv, posting on the website, and sending out via social media portals.

The application deadline for these additional projects will be due as soon as possible upon notification to the public.

Rating and Ranking Members

The Alliance/HHSA recruits qualified, non-conflicted Rating & Ranking Committee members who are knowledgeable about homelessness and housing in the area and who are broadly representative of the relevant sectors, subpopulations, and geographic areas. The Rating & Ranking Committee will be composed of representatives from a cross-section of groups which might include: Faith-based and non-profit providers of homeless services and housing; housing developers; city representatives; Kings and Tulare County employees; mental health; substance abuse; veteran's services; and consumers.

Complete guidelines regarding the policies and selection process of Rating and Ranking Members can be found in the Alliance's Policy and Procedure Manual located on the Alliance's website at www.kthomelessalliance.org.

Appeals Process

If an applicant organization feels it has been unfairly eliminated from the competition, that a decision made by the Rating and Raking Committee regarding the ranking, rejection, or funding of their project was prejudicial, unsubstantiated by project performance, or in violation of the 2018 Rating & Ranking Guidelines, the applying lead agency and sponsor if any may file an appeal according to the process outlined in the Alliance's Policy and Procedure Manual, which can be found on the Alliance's website at <https://www.kthomelessalliance.org/>.

Any agency desiring to appeal must contact the Alliance via email at msmith@kthomelessalliance.org by **May 29, 2019 at 5:00 pm** to state its intent to appeal. All appeals must be based on the information submitted by the application due date. No new or additional information will be considered. Omissions to the application cannot be appealed.

EXHIBIT A: MODEL PROJECTS

Pool for Homeless Initiatives Locally (PHIL): 2019 NOFA Model Projects

A Housing First system orientation recognizes that people experiencing homelessness—like **all people**—need the safety and stability of a home in order to best address challenges and pursue opportunities. The Housing First approach connects people back to a home as quickly as possible, while making readily available the services that people may need to be stable and secure.

The Pool for Homeless Initiatives Locally (PHIL) requires that all awarded projects adhere to Housing First. Core components of a Housing First system include:

- Street outreach providers, emergency shelters, and other parts of the crisis response system are working closely with housing providers to connect people to permanent housing as quickly as possible.
- The community has a data-driven coordinated assessment system for matching people experiencing homelessness to the most appropriate housing and services based on their needs.
- The community has a unified and streamlined process for applying for rapid re-housing, supportive housing, and/or other housing interventions.
- Community leaders work collaboratively to ensure that a range of affordable and supportive housing options and models are available to meet local needs.
- Policies and regulations related to supportive housing, social and health services, benefit and entitlement programs, and other essential services do not create needless barriers to housing.
- Communities work to ensure that people are not evicted back into homelessness whenever possible.

Homelessness Prevention

Homelessness Prevention aims to reduce the number of people who experience homelessness through financial assistance and case management supports to keep people in housing from experiencing homelessness. Targeting prevention resources is critical to ensuring the most effective use of funding to truly reduce the number of people newly becoming homeless.

A. Eligibility Requirements

Prevention resources must be used to assist those who are housed but at imminent risk of becoming homeless if they do not receive prevention supports.

B. Eligible Use of Funds

- Short-term or one-time rental assistance
- Rental/utility arrears
- Utility assistance

C. Recommended Staff Roles

- Assess for level and type of assistance needed
- Create Housing Stability Plans

- Assist with household budgeting
- Make connections and referrals
- Work directly with landlords

D. Core Components/Best Practices

- Crisis resolution/mediation
- Participant choice and empowerment
- Progressive engagement
- Connection with mainstream services
- Effective targeting strategies

Diversion

Diversion is a flexible short-term intervention that assists households experiencing homelessness with innovative solutions to overcome their housing crisis and avoid entering the shelter system whenever possible, moving quickly from homelessness to housing. Diversion is typically offered at the point households are seeking shelter or emergency housing options.

A. Eligibility Requirements

Eligible households are currently homeless and seeking entry into shelter or housing and have not yet accessed homeless services. This includes individuals sleeping outside or in a place not meant for human habitation, or actively fleeing domestic violence (DV) who are not connected with DV emergency shelter system. There are no other criteria or preconditions to diversion services other than homeless status.

B. Eligible Use of Funds

Diversion funds can be used in a variety of ways provided they directly result in a housing solution.

Eligible financial assistance includes, but is not limited to:

- Payment for background and credit checks
- Costs associated with moving
- Utility assistance
- Rental/utility arrears
- Transportation
- Grocery cards
- Fees for securing documentation or certifications
- Work or education related assistance

C. Recommended Staff Roles and Staffing Levels

Crisis resolution is an essential component of diversion. Staffing ratio needs to support case management that focuses on partnering with participants to creatively problem- solve their housing situation. Problem-solving includes referrals to mainstream resources, and assisting participants with housing-related mediation and conflict resolution.

D. Core Components/Best Practices

- Services are flexible and tailored to the unique needs of each household.
- Diversion assists with identifying immediate, alternative housing arrangements and, if necessary, provides short-term services and assistance to help secure housing.
- Households are connected with safe, stable, creative housing solutions outside of the homeless housing and shelter system.
- Diversion relies on participant choice, respect, and empowerment and utilizes crisis resolution and mediation to navigate stable housing options.

Outreach and Engagement

Outreach & Engagement services are coordinated, person centered, and persistent, bringing services directly to the people experiencing homelessness who might not seek out services and connecting them to permanent housing and necessary supports.

A. Eligibility Requirements

Eligibility for street-based outreach includes people living in places not meant for human habitation.

B. Eligible Use of Funds

Eligible costs vary, but primarily include meeting immediate needs (ex. transportation, food assistance), and connections with supportive services (ex. documentation replacement).

C. Recommended Staff Roles and Staffing Levels

Staffing ratio needs to support relationship development and housing-focused services. Case management services should be tailored to meet the needs of people where they are, both their level of need and geographically. The role of the outreach staff is to develop relationships, engage in creative solutions to identify housing opportunities, and support movement to stable housing.

D. Core Components/Best Practices

1. Assessment and Service Provision Competency

- Able to establish a trusting relationship with the individual experiencing homelessness
- Qualified to conduct and document a reliable needs assessment which includes: behavioral health; substance use, treatment status, and harm reduction measures; physical health; disability; housing; employment; household composition; and geographic considerations
- Establish connections to community services that meet their needs, including providing intensive and ongoing support to navigate processes and systems that are often complex
- Dedicate adequate resources to ensure staff can walk with participants through the referral process, as needed, including following up on referrals to confirm a successful connection and ensure the participant is receiving appropriate services.
- Secure shelter/housing services based on what the participant wants, without prerequisites such as sobriety, project completion, or medication compliance

2. Housing System Competency

- Ability to access the housing system in order to support participants to exit homelessness
- Housing First: Coordinated Entry for All (CEA); By Name List coordination efforts; low barrier

shelters; sanctioned encampments; motels; diversion funds

- Housing navigation/Case management services

3. Behavioral and Physical Health Competency

- Directly refer participants to licensed behavioral health and/or physical health care services, verify services are provided either where the individual resides or at the behavioral health provider's location, and coordinate care with any existing provider working with the individual.
- Trained in harm reduction practices including: providing information on rights related to drug overdose (e.g. Good Samaritan Law); drug treatment options, including Medication Assisted Treatment (Buprenorphine and Methadone); and focusing on minimizing physical, social, and legal harms.
- Execute harm reduction practices where needed and in accordance with the standards set forth by the National Health Care for the Homeless Council

4. Training, Supervision and Safety Competency

- Trained in best practices, including: Engaging in person centered approach, trauma informed care, motivational interviewing, skill based assessments, stages of change/engagement; Clarity general training, Coordinated Entry housing assessor training, and Diversion.
- Perform duties in pairs to practice adequate safety and backup for outreach workers when providing street-based services, DMHPs, and WSDOT.
- Trained in self-care practices related to secondary trauma and burn out.

5. Cultural Competency

A provider must have a policy for how they will work with the following groups in compliance with City non-discrimination laws and racial equity principles: Those affected by domestic violence; physical disabilities; intellectual disabilities; LGBTQIA community and resources; immigrants/refugees.

E. Performance Indicators (Performance targets and minimum standards)

- Moving people into shelter, transitional, or permanent housing
- Completing, or confirming the completion of, a Coordinated Entry assessment
- Linking people to outpatient mental health, and physical health treatment, (e.g., confirmed attendance at a clinical visit).
- Supporting participants, once in housing, with six months of aftercare support.
- Referrals to substance use treatment
- Placement in employment
- Obtaining IDs
- Securing financial assistance, such as public benefits
- Participant-centered goal setting related to physical or behavioral health.

Emergency Services

Emergency Services projects provide immediate and low barrier access through a Housing First approach. Emergency services will be provided through basic and enhanced overnight and daytime shelter (including up to 24-hour shelter), basic day centers, and basic hygiene services. Enhanced hours can be provided through a single-site project operated by one agency, or through two projects (such as an overnight shelter and daytime

shelter) operated by one agency or operated jointly by two agencies in a partnership. Emergency services should be housing-focused and are not intended to provide a long-term living situation. Services can be provided through either a basic or enhanced model, and more detail can be found below.

Populations include households fitting the HUD definition of literal homelessness including families, individuals, youth, young adults, or individuals fleeing domestic violence. Projects should primarily serve people coming from an unsheltered situation.

Projects should provide appropriate accommodations for the population to be served, including meeting the needs of couples, young adults, intergenerational families, families of choice, and families with adult children.

A. Eligibility Requirements

Eligibility varies and depends on the funding sources supporting the project. In general, projects should operate under a housing first, low barrier model with minimal or no requirements for entry.

Projects should clearly describe the method of access to the project, including specifics on how the project will ensure a seamless transition from the referral source, and ongoing coordination with services the participant may be co-enrolled in (ex. Rapid Re-Housing), as appropriate.

Emergency Shelters: Emergency Shelters should prioritize access in this order:

- Right of return
- Outreach referral (if no other funder-designated set asides)
- Other referral (hospital discharge, etc.)
- Self-referral

B. Eligible Use of Funds

The costs of project operations, personnel services, light-touch information and referral, and flexible funding to meet participant needs are eligible expenses.

For Enhanced Projects, eligible expenses are the costs listed above as well as intensive supportive services, including housing navigation, mental/behavioral health, etc.

C. Recommended Staff Roles and Staffing Levels

1. Basic Projects

- Basic operations staffing, to ensure safety
- Diversion – front-door diversion for people prior to entering the shelter, for those where an appropriate alternative can be identified.

2. Enhanced Projects

- Staffing identified in Basic projects, above
- Case management: Services appropriate to the identified shelter model which support rapid transitions to housing. Services can be either funded through the proposed project or leveraged through another project.

- Housing Navigation: Facilitate housing search and placement, either directly or in partnership with another housing project (such as RRH), appropriate to the level of participant need.

D. Core Components/Best Practices

1. Basic health and safety needs are addressed including food, clothing, and personal hygiene. In addition, some level of amenities such as locking storage, access to kitchen facilities, showers, and laundry are provided.
2. Rules are minimal and are designed to promote the physical and emotional safety of participants and staff in the least restrictive manner possible. When rules are not followed, participants are offered additional support to adjust their behavior and be successful in the program.
3. Participation in services is not required.
4. Housing-focused services are provided, connecting participants with CES and alternative housing options as appropriate and assisting individuals with gathering needed documentation to assist with access to housing.
5. Projects should have a clear vision around how they fit within the homeless service system, including where participants come from prior to entry, where they will exit to, and what supportive services are needed while in shelter. This includes how projects will coordinate with other service providers (such as RRH) to coordinate care for participants, avoid duplication of services, and support exits to permanent housing.
6. Shelter models vary and may have either fixed or flexible-capacity.
7. Shelters are indoors and range from bunks in a common space to beds in individual units. Some shelters operate only overnight while others operate extended hours up to 24/7.
8. Offer right of return, without the need to line up, for all or a high percentage of beds.

BASIC SERVICES

Basic Shelters: tend to be overnight-only, mats on the floor. They tend to offer access to limited on-site amenities (hygiene, laundry, storage, meals), and provide limited to no case management services (information & referral).

Basic Day Services: can include day and/or hygiene centers. They tend to provide supports that meet people's immediate needs for daytime respite, provide showers, laundry, storage, meals.

ENHANCED SERVICES

It is strongly recommended that day and hygiene services be integrated with daytime and evening shelter projects and include services that support exits to permanent housing.

Enhanced Shelters: tend to be 24-hours or have extended overnight hours, provide bunks, offer full amenities, and have a low to medium case manager to participant ratio. Projects will provide intensive services that focus on housing search and placement.

Enhanced Day Services: can include day and/or hygiene centers. Projects should provide intensive services that focus on housing search and placement, and access to full amenities.

Rapid Re-Housing

Rapid Re-Housing (RRH) is designed to help households quickly exit homelessness and return to permanent housing. The core components of RRH are 1) Housing identification, 2) Move-in and rental assistance, and 3) Case management services and supports. RRH projects should view all households as 'housing ready' immediately upon entry into the project and not require sobriety, employment, mental health stability or any other pre-condition to housing search and placement.

A. Eligibility Requirements

Households must meet the HUD definition of literal homelessness. There are no other criteria or preconditions to enrollment in RRH other than homeless status.

B. Eligible Use of Funds

RRH costs include the costs of case management supports and direct financial assistance. Allowable financial assistance may include:

- Costs associated with moving
- Deposits and application fees
- Rental assistance
- Utility assistance
- Rental/utility arrears
- Financial assistance is based on a progressive engagement approach of initially offering the minimum amount of assistance needed to achieve housing stability and increasing incrementally if necessary.

C. Recommended Staff Roles and Staffing Levels

Intensive case management is essential to RRH. Services should be home-based and tailored to the needs of each household. Staffing supports housing-focused services assisting in gathering documentation, removing barriers to housing, housing search, and negotiating and mediating with landlords to support successful housing placement. Case management may continue up to 60 days after financial assistance ends.

D. Core Components/Best Practices

The three core components of RRH are:

- Case management services and supports
- Housing identification
- Move-in and rental assistance

Best practices include:

- Low barrier, housing first intervention offered with no preconditions to enrollment other than homeless status
- Services and financial support tailored to the unique needs of the household through a progressive engagement approach where the minimum amount of services is provided before increasing support to meet the needs of the household
- Pairing with Critical Time Intervention (CTI). CTI is a time-limited, evidence-based practice

designed to support people with mental illness as they discharge from institutions into the community.

- Affordable housing, meaning the tenant pays no more than 30% of income towards rent
- Tenants hold a lease, just as in non-supportive housing, with no limits on length of tenancy as long as lease terms and conditions are met
- Proactive engagement with residents to offer a comprehensive array of flexible services which are NOT required as a condition of tenancy such as medical and wellness, mental health, substance abuse, vocational/employment, and life skills
- Coordination with key partners to address issues resulting from substance use, mental health and other crises, focused on housing stability
- Support tenants in connecting with community-based resources and activities while building strong social support networks
- May be facility-based or scattered-site

EXHIBIT B: SCORING MATRIX

PHIL: 2019 NOFA SCORING MATRIX					
Scoring Factor		Scoring Criteria	Max	Self-Score	Actual
Applicant Experience	1.	Length of experience implementing the proposed project activities or activity similar to proposed project.	10		
	Subtotal		10		
Program Design	2.	Quality of the proposed program in delivering activities to participants. Items such as housing first, reasonableness of program staffing, budget relative to program design, services offered, connection to mainstream resources and collaboration with community partners will be considered.	20		
	Subtotal		20		
Impact & Effectiveness	3.	Current projects will be evaluated based on performance outcomes from prior year. New projects will be evaluated on proposed performance outcomes, along with a reasonable plan to support proposed outcomes.	20		
	Subtotal		20		
Contribution to System Performance	4.	Extent to which the applicant: ▪ Demonstrates an understanding of the needs of the people to be served ▪ Proposes an appropriate mix of people to be served through the program ▪ Shows a clear relationship between the type of housing provided and needs of the population to be served ▪ Shows a clear relationship between the type of supportive services provided and the needs of the population to be served ▪ Supports Housing First where the client is housed regardless of their involvement in services they do not believe will help them achieve their stated goals ▪ Gains access to mainstream (non-CoC) resources ▪ Establishes performance measures for housing and income that are measurable, objective, and meet or exceed HUD and CoC benchmarks ▪ Commitment to quickly place households in permanent housing	20		
	5.	Extent to which the applicant provides a sound plan to ensure that homeless people will be assisted to both OBTAIN and REMAIN in permanent housing and only terminate clients based on lease violations.	15		
	6.	Extent to which there is a sound plan to ensure that participants will be assisted to both increase their INCOMES and to maximize their ability to LIVE INDEPENDENTLY.	15		
	7.	Project is in alignment with local funding priorities.	5		
	Subtotal		35		

Project & Client Accessibility	8.	Extent to which the applicant conducts outreach in all areas of the community, such as emergency shelters, places not meant for human habitation, etc., to locate potentially eligible homeless people.	10		
	9.	Adheres to Fair Housing regulations for having in place or agreeing to implement specific outreach to identify and engage homeless individuals and families, including meaningful outreach to persons with disabilities and limited English proficiency, and measures to market those least likely to access services.	10		
	10.	Project does not present barriers to entry (e.g. sobriety, income, criminal background, number of children, LGBTQ status, etc.).	15		
	Subtotal		35		
Project Feasibility	11.	Applicant clearly describes a viable plan for rapid implementation of the program, documenting how the project will begin expending funds within 30 days.	20		
	12.	Project is cost-effective and is similar in cost to like-kind projects.	10		
	13.	Match is appropriate for project type and supports eligible activities 20% Match Required for capital improvement projects - Non-capital improvement projects will receive full points	10		
	Subtotal		40		
Alliance Participation	14.	Applicant's organization participates in Alliance governance through (score all that apply): - Regular attendance at Alliance Meetings or - Participates in one or more Alliance committees - Participates in monthly case management round table	10		
	Subtotal		10		
HMIS Participation	16.	HMIS Participation - Currently participating in HMIS or a comparable database = 10 points - Prior HMIS experience, but doesn't currently participate = 5 points - No HMIS experience = 0 points	10		
Total Points Available			200		
Bonus Categories	17.	Project integrates funding from 2 or more sources in the PHIL funding pool.	5		
	18.	Project is supported by funding sources outside of the PHIL funding pool.	5		
	19.	Project demonstrates a commitment to advancing racial equity through the submission of a Racial Equity Assessment, as detailed in the provided toolkit.	5		
	Total Points After Bonus		215		

EXHIBIT C: PERFORMANCE MEASURES

Pool for Homeless Initiatives Locally (PHIL): 2019 NOFA Performance Measures

Goal	Purpose	Systems	Program Outcome Targets	Outcomes Calculation
Housing Stability	Indicates program/system level success in ending homelessness as measured by those who retain permanent housing or attain other permanent housing.	– Permanent Supportive Housing	75% of persons will remain in the permanent housing program or exit to permanent housing.	Number of Stayers in the program PLUS the number of Leavers who exited to a permanent housing destination / the total number of Stayers and Leavers.
		– Rapid Re-Housing	67% of persons will exit to permanent housing.	Number of Leavers who exited to a permanent housing destination / the total # of Leavers.
		– Transitional Housing – Emergency Shelter	45% of persons will exit to permanent housing.	
	Indicates successful placement from street outreach.	– Street Outreach	40% of persons will exit to permanent or temporary housing.	Number of Leavers who exited to a permanent or temporary housing destination / the total # of Leavers.
Increased Income (Stayers)	Indicates that program is assisting households to obtain sufficient income to attain housing. A higher rate is considered positive.	– Permanent Supportive Housing	30% of persons age 18 and older will increase their total income (from all sources) at most recent assessment.	The # of adults whose amount of cash income from any source increased based on the persons income at intake and most recent assessment / by the total # of adult Stayers.
Increased Income (Leavers)	Indicates that program is assisting households to obtain sufficient income to attain housing. A higher rate is considered positive.	– Permanent Supportive Housing – Rapid Re-Housing	30% of persons age 18 and older will increase their total income (from all sources) at program exit.	The # of adults whose amount of cash income from any source increased based on the persons income at intake and then at exit / by the total # of adult Leavers.
		– Transitional Housing	15% of persons age 18 and older will increase their total income (from all sources) at program exit.	

Goal	Purpose	Systems	Program Outcome Targets	Outcomes Calculation
Average Length of Stay	A reasonably short length of stay indicates efficiency related to turnover of beds, which is essential to meet system demand for emergency shelter.	– Emergency Shelter	Track for data and information.	SUM [exit – entry]/ # of clients served during the report period.
Average Length of Participation	Indicates that system is assisting households to achieve independence without long-term reliance on the system.	– Rapid Re-Housing – Homeless Prevention	Track for data and information.	SUM [exit – entry]/ # of clients served during the report period.
Households Served	Indicates volume of households served by the system and provides a better understanding of household size as it relates to unit occupancy.	– Emergency Shelter – Transitional Housing – Permanent Supportive Housing	Track for data and information.	The # of households served by the program (or system) during the report period.
Newly Homeless	Indicates the volume of newly homeless persons served by emergency shelters.	– Emergency Shelter	Track for data and information.	The # of newly homeless clients / total # of clients served during the report period.
Recidivism	Indicates system's success in ending homelessness as measured by # of households who attain housing and do not return or enter shelter subsequent to successful housing outcome.	– Emergency Shelter – Transitional Housing – Rapid Re-Housing – Homeless Prevention	20% or less of persons age 18 and older return in 24 months.	The total # of recidivist clients / the total # of clients served during the report period.
Linkages to Community Resources (Outreach projects only)	Indicates system's success in addressing the various needs of clients and provides a better understanding of homeless persons' needs.	– Emergency Shelter – Transitional Housing – Permanent Supportive Housing – Rapid Re-Housing – Homeless Prevention	Track for data and information.	The total # of referrals to services by type / total # of referrals to services during the reporting period.

EXHIBIT D: RACIAL EQUITY TOOLKIT

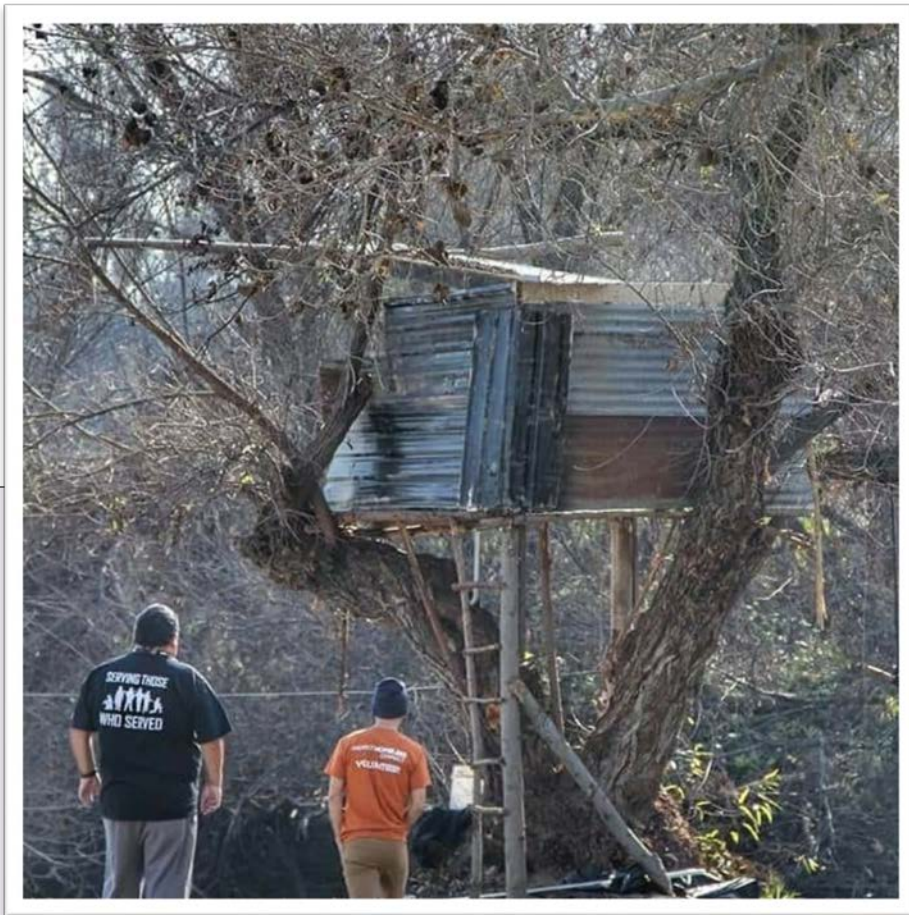
While homelessness affects nearly every community, racial minorities comprise a disproportionate share of the total homeless population. A growing consensus in the field recognizes that system dynamics help determine the nature and makeup of homeless communities. In recognition of the role that homeless programs can play in promoting or inhibiting racial equity, applicants to PHIL are encouraged to utilize the attached Government Alliance on Racial Equity toolkit. This toolkit would allow applicants to assess the impact a project will have on racial equity.

PLEASE NOTE, applicants that demonstrate a proposed project will promote racial equity will **receive bonus points** during application scoring.

[Racial Equity Toolkit: An Opportunity to Operationalize Equity](#)

KINGS & TULARE COUNTIES 2018 POINT IN TIME COUNT

October 2018



ACKNOWLEDGEMENTS

Considerable efforts and talents of many individuals helped to ensure the success of the Point in Time count in Kings and Tulare Counties. The Kings/Tulare Homeless Alliance would like to thank the U.S. Department of Housing and Urban Development and the cities of Hanford, Porterville, Tulare and Visalia who contributed funding for this project as well as all of the volunteers who administered the surveys, the service providers who supported this effort, and the survey respondents who shared their personal stories with us.



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Summary

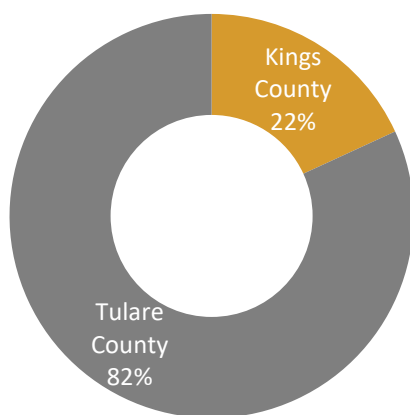
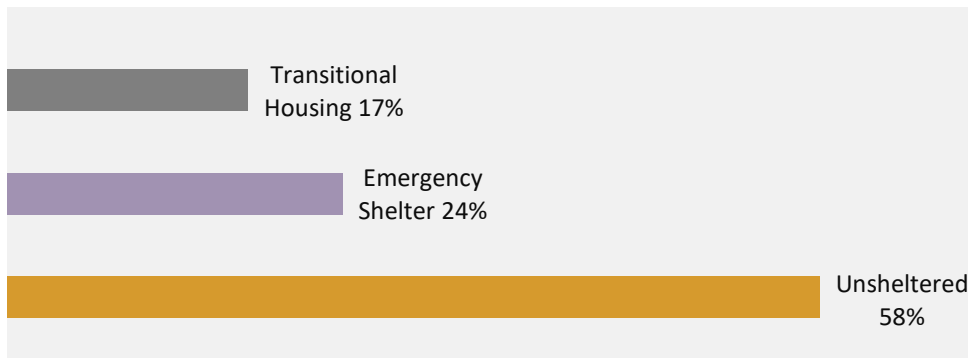
Each year, the Kings/Tulare Homeless Alliance (Alliance) conducts a Point in Time (PIT) count of the number of people experiencing homelessness within Kings and Tulare Counties. Information gathered through the PIT survey is used by the Alliance to better understand the issues associated with homelessness, including causes of homelessness, service needs of the homeless, the region's unmet housing needs, and trends over time of homelessness in the region.

The 2018 PIT was held on the night of January 24, 2018. This one-day PIT survey provides a snapshot of the adults, children and unaccompanied youth living in Kings and Tulare Counties, who meet HUD's definition of homeless. It is important to note that the results of the count are influenced by a variety of factors such as weather, number of volunteers canvassing and the ability to locate and engage with people experiencing homelessness on the night of the count.



Key Findings

965
People
Experiencing
Homelessness



 **13%**

From 2017 to 2018

**No
Change**

From 2009 to 2018

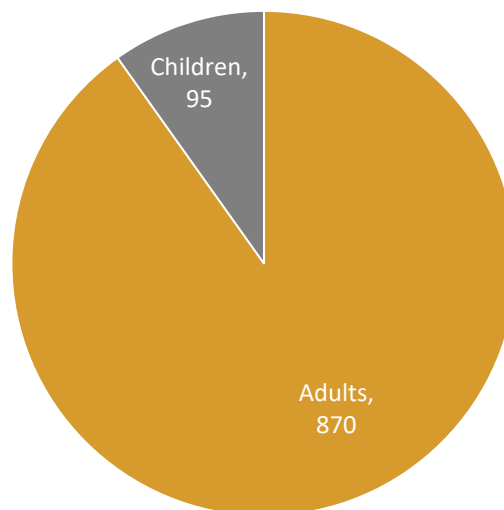
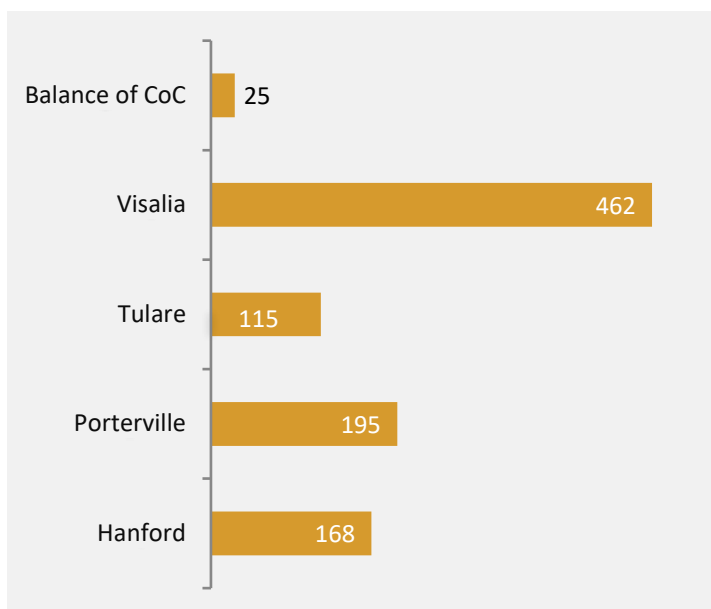


TABLE 1. COUNT OF HOMELESS PERSONS BY COUNTY

County	Count	Percentage
Kings	175	18%
Tulare	790	82%
Total	965	100%

FIGURE 1. HOMELESS TREND 2009-2018

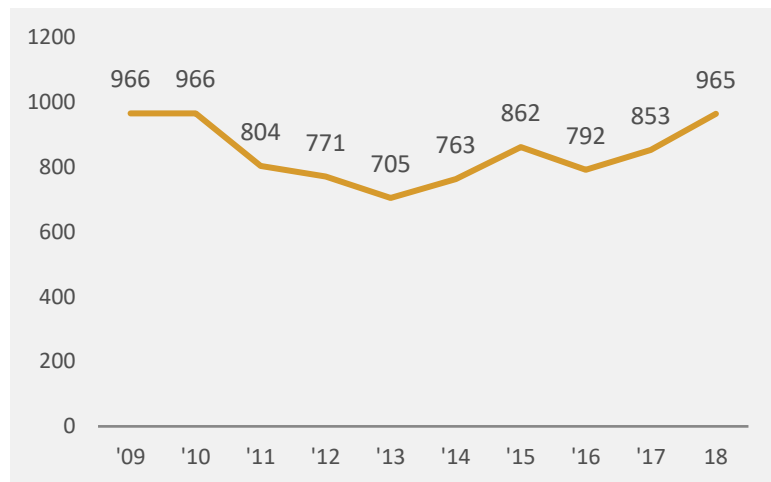
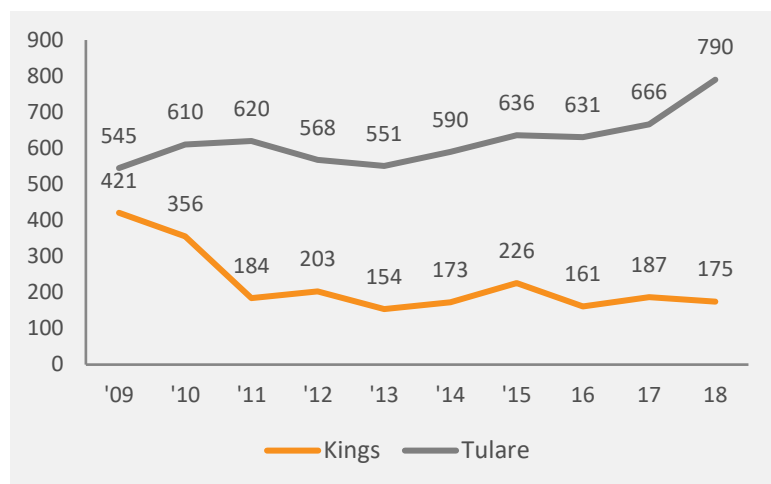


FIGURE 2. HOMELESS TREND BY COUNTY 2009-2018



Trends

Homelessness increased by 13%
(965 in 2018 vs. 853 in 2017).

Homelessness in Kings/Tulare has been increasing steadily since a low of 705 people in 2013.

Tulare County experienced a 19% increase in homelessness over prior year, while the homeless population in Kings County decreased by 5%.

Visalia continues to be home to nearly half (48%) of the homeless population in Kings/Tulare Counties.

Porterville has the second largest concentration of homelessness (20%), followed by Hanford (17%), Tulare (12%), and balance of region (3%).

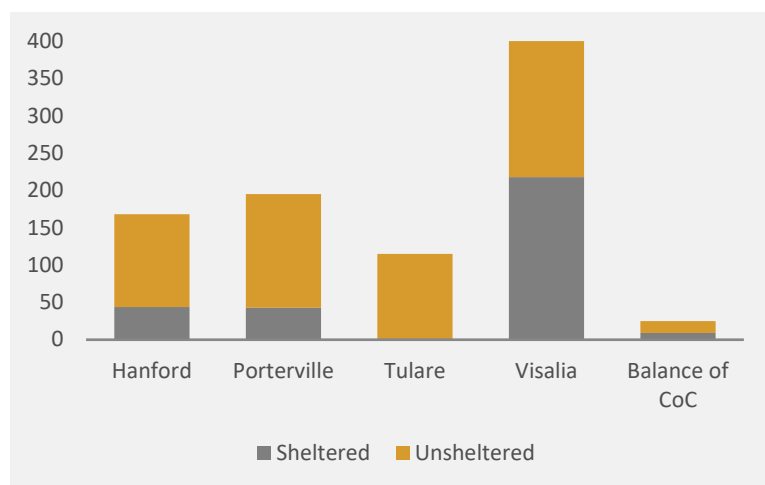
TABLE 2. COUNTS OF SHELTERED AND UNSHELTERED PERSONS

	Sheltered		Unsheltered	
	Count	Percentage	Count	Percentage
Adults	228	24%	642	66%
Children	87	9%	8	1%
Unknown	0	0%	0	0%
Total	315	33%	650	67%

TABLE 3. HOMELESS BY CITY 2017-2018

City	2018	2017	Actual Change	Percent Change
Hanford	168	186	-18	-10%
Porterville	195	132	63	48%
Tulare	115	109	6	6%
Visalia	462	410	52	13%
Balance of CoC	25	16	9	56%
Total	965	853	112	13%

FIGURE 3. HOUSING STATUS BY CITY



Where People Slept

Unsheltered

People with a primary nighttime residence that is a place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

Sheltered

People sleeping in a shelter designated to provide temporary housing to homeless persons. This includes emergency shelters and transitional housing programs.

Tulare has the largest percentage of their homeless population living in unsheltered situations (99%), followed by Porterville (78%), Hanford (74%) and Visalia (53%).

Introduction

The PIT is a count of sheltered and unsheltered homeless persons on a single night in January. The U.S. Department of Housing and Urban Development (HUD) requires that a PIT count is conducted by every community receiving McKinney-Vento funding for homeless services. Annual counts include only those who meet HUD's definition of homelessness which include only those who are sleeping in emergency shelters, transitional housing, safe havens or unsheltered situations on the night of the PIT count.

PIT Counts provide valuable information regarding the current state of homelessness in our community and nationally. The PIT also provides information on the extent to which homeless persons live with disabling conditions or belong to other subpopulations.

The findings in this report are estimates of how many people are homeless on a given night throughout Kings and Tulare Counties. The PIT Count in Kings and Tulare Counties identified 965 people experiencing homelessness on the night of January 24, 2018.

Data for the 2018 report were collected in the following three categories, as required by HUD:

1. Persons in households with at least one adult and one child.

This category includes households with one adult and at least one child under age 18.

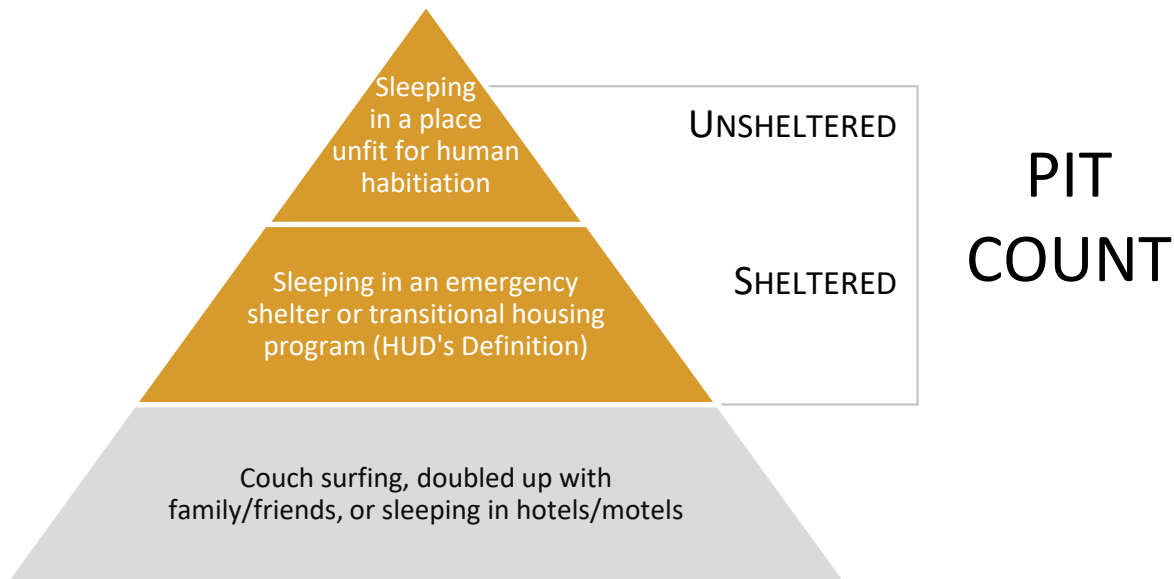
2. Persons in households without children.

This category includes single adults, adult couples with no children, and groups of adults (including adult parents with their adult children).

3. Persons in households with only children.

This category includes persons under age 18, including children in one-child households, adolescent parents (under age 18) and their children, adolescent siblings, or other household configurations composed only of children.

Similar to past enumerations, the 2018 PIT count does not include persons who were couch surfing, precariously housed, or "doubled up". Per the HUD definition of homelessness, persons who reported spending the night in a house or apartment, a permanent housing program, medical institution, or jail, were defined as housed.



The data provided by the PIT survey is not an absolute measure of the extent of homelessness in Kings and Tulare Counties. Rather, it provides a representative sample and trends of homeless persons in the region. This enables the Alliance and other planning bodies to tailor the activities and calculate the unmet needs of people experiencing homelessness or at risk of becoming homeless.

The information provided by the PIT not only increases our understanding of the homelessness situation, but is also a tool to monitor progress and create achievable goals in our work to end homelessness, including:

- Assist local planning efforts by identifying unmet needs;
- Approximate the size of our homeless population and its characteristics;
- Increase awareness about homelessness issues,
- Provide an avenue to identify shifting needs and prioritize resources accordingly;
- Create targeted intervention for homeless sub-populations;
- Outline main community goals for the upcoming year;
- Define benchmarks for tracking and measuring progress on the reduction of homelessness; and
- Identify strategies that provide positive outcomes to decrease the incidence of homelessness.

The annual PIT survey count requires a significant amount of coordination from volunteers, agencies and the community at large. As such, the Alliance would like to extend gratitude to the survey team leaders, volunteers, sponsors, agencies, and survey participants that helped make the count a success.

Data Collection Methodology

This study aims to gain an understanding of the number and trends of adults, children and unaccompanied youth living in Kings and Tulare Counties who meet HUD's definition of homeless. The PIT Count uses the HUD definition of homelessness in Federal regulation 24 CFR §578.3. Data are collected at both the individual and household level by utilizing two methods: the questionnaire and the HMIS (Homeless Management Information System) Database.

The Kings/Tulare PIT Count uses a census methodology, in which all homeless persons are counted throughout the bi-county region. This counting approach provides a direct and complete count of all people and their characteristics.

Questionnaire

Basic demographic and socio-economic information of individuals and households who are living in uninhabitable locations and of persons residing in shelters that do not actively enter information into HMIS was collected through administering a questionnaire (Appendix B). The survey instrument captured demographic information such as age, income, relationship to head of household and place of habitation, along with duration of homelessness, and reason for current episode of homelessness.

HMIS Database

The sheltered portion of the count is extracted from data in the region's Homeless Management Information System (HMIS). HMIS includes data on all persons who occupied an emergency voucher, shelter or transitional housing bed on the night of the count. This information is available from emergency shelters and transitional housing programs that actively enter client level data into HMIS. This includes all the same demographic and socio-economic data fields captured by the questionnaire.

As of January 24, 2018 there were 39 programs in Kings and Tulare counties that actively enter data into HMIS. This represents 98% of the programs providing housing to the homeless population within the bi-county region.

Surveying

The PIT Count collected information on where homeless people slept on the night of January 24, 2018. It was held in conjunction with Project Homeless Connect (PHC) events held in Hanford, Porterville, Tulare and Visalia on January 25-26, 2018. As in prior years, combining the PHC and PIT events have led to a tremendous success in improved data quality and coverage.

In order to successfully complete the count, volunteers engaged in intake and assessment through PHC, street canvassing, meal site counts and residential surveys, while the HMIS method was implemented through residential emergency and transitional housing programs that actively enter data into the database.

Service Count: During the four PHC events, volunteers interviewed clients via an intake form to collect information on their homelessness and demographics. All intake volunteers were required to attend a specialized training session prior to their assignment at PHC. Since 2017, volunteers have entered intake information directly into the HMIS.

Street Canvassing: The questionnaire took approximately 15 minutes to complete and was conducted in either English or Spanish. Teams of volunteers were sent out into the community to pre-assigned locations. In preparation to administer the questionnaire, a list of locations throughout the community where homeless persons congregate was created. The PIT committee mapped census areas based on cities and unincorporated areas of Kings and Tulare counties, highlighting “hot spots” (i.e. parks, soup kitchen, recycling centers, the river) within each region where the homeless are known to congregate.

Team leaders with experience in homeless census tracking were assigned to individual mapped regions. They were responsible for recruiting volunteers for their respective PIT team and were strongly encouraged to include homeless, formerly homeless and bilingual volunteers. All team leaders and volunteers were required to attend a mandatory training in preparation for the survey. When possible, canvass teams were partnered with service providers in order to disseminate information about existing programs and services at the same time.

Meal Site Count: Volunteers administered questionnaires at sites where free meals are served to the public. The meal site count is focused on identifying and interviewing people who are homeless, but did not utilize a shelter on the night of January 24, 2018.

Residential Surveys: Residential surveys utilized both research methods. For the emergency and transitional shelter programs that actively enter client information into HMIS, the database administrator extracted the necessary data fields from the system to provide reliable, comparable data for the PIT. Shelter programs who do not participate in HMIS were visited in order to capture PIT information on their clients residing in their program the night of the PIT count.

Limitations of the Study

While the PIT count provides valuable information about homelessness in our community, it has some limitations that are important to keep in mind:

Variations in site participation: The PIT count relies heavily on the participation of social service organizations, many of whom are stretched thin and have limited staff capacity. While every effort is made to ensure that all relevant organizations participate, there is inevitably some variation in the level and rate of participation of sites/ service providers from year to year.

Refusals to participate: Some respondents refuse to participate in the count because they want to preserve their privacy, do not trust service providers, or do not consider themselves homeless.

Difficulty finding people: It is widely acknowledged in all the research on homelessness that surveys undercount homeless populations. It is easy to “miss” homeless individuals and families -- they might not receive services at the agencies where homeless persons were counted on the night of the PIT Count, or if they do frequent a particular agency, they might not be there during the count. Youth on their own, recently homeless individuals and families who are doubled up with friends and relatives are often underrepresented among those who access homeless services.¹

Unsheltered homeless people are particularly difficult to count. By definition, they are living on the street, in automobiles and other kinds of uninhabitable, temporary housing situations that limit the opportunity to complete the survey.² People enter and leave homelessness frequently and may become homeless shortly after the PIT Count. Furthermore, some individuals and families experiencing homelessness avoid accessing available services and try to hide from view. Even those who are not hiding are often difficult to locate. During the day, homeless camps are typically vacant and there is only a narrow window of time when campers can be located and questionnaires completed for the count.

Unaccompanied youth and children: As in years past, the Alliance experienced difficulty identifying homeless youth because they are not accessing services or frequenting typical homeless “hot spots”; do not appear homeless to enumerators; are more mobile throughout the day; and are more intermittently homeless.

Summary of Limitations

- Variations in agency participation
- Count is a one-night estimate
- Client trust issues/refusal to participate
- Self-reported data may have reliability issues
- Unable to find people experiencing homelessness

¹ For example, “Number of Homeless Ohioans,” Coalition on Homelessness and Housing in Ohio, 8/27/02; “Report on Homelessness in North Dakota, March 2005” (p. 15); S.J. Farrell and E.D. Reissing, “Picking Up the Challenge: Developing a Methodology to Enumerate and Assess the Needs of the Street Homeless Population, Evaluation Review, Vol. 28, No. 2, April 2004, pp. 144-155.

² Ibid.

As explained by the United States Inter-Agency Council on Homelessness, “Due to barriers that exist for young people in accessing adult-only shelters and their lack of connection to most social services, many if not most youth experiencing homelessness go uncounted” (U.S. Interagency Council on Homelessness, 2012a).

Self-reported data: Self-reported data should not be viewed as an exact number. Individuals choose whether or not to answer these highly personal questions or to do so truthfully. Therefore, the numbers provided in this report are only reflective of those who chose to answer these questions.

Validity and Reliability

Validity and reliability of the quantitative methodology was endorsed throughout the process. The volunteers who conducted the questionnaire were required to complete a mandatory training and report to their experienced team lead. In order to avoid duplication, volunteers asked each person if they had already completed an interview. Furthermore, the survey instrument collected personal identifying information that was used for de-duplication purposes.

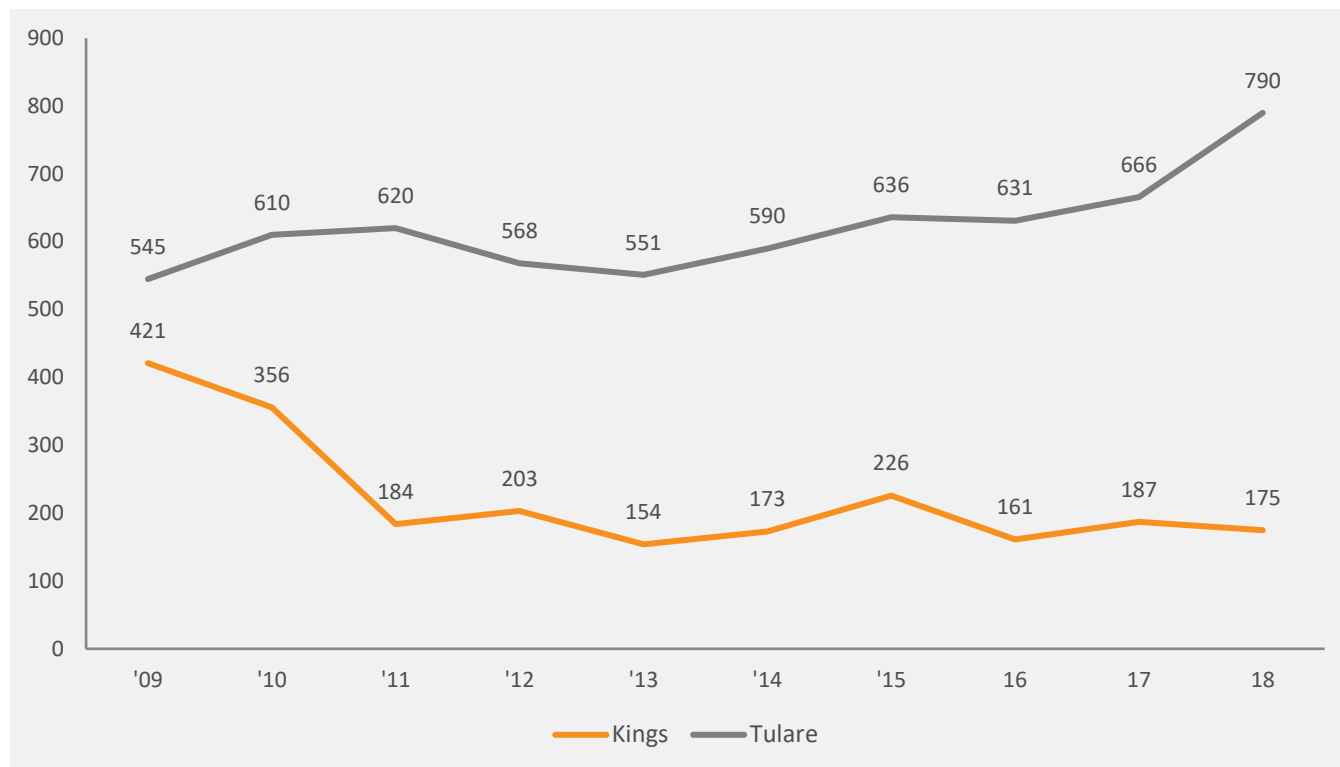
The database administrator ran multiple data quality tests to ensure the accuracy and completeness of the subpopulation data entered into HMIS and to ensure data quality of all completed questionnaires.

Survey Findings

The 2018 PIT Count collected data on individuals and families experiencing homelessness on the night of Wednesday, January 24, 2018 in Kings and Tulare Counties. The Count identified 650 people who were sleeping in unsheltered situations and 315 people that were sleeping in an emergency shelter or transitional housing. In all, 965 people met HUD's definition of homelessness on the night of the count.

Tulare County represents the majority of homelessness within the bi-county region (82%). The number of homeless increased sharply in Tulare County and decreased slightly in Kings County. Tulare County experienced a 19% increase over 2017 (790 in 2018 vs. 666 in 2017), while Kings County decreased by 6% (175 in 2018 vs. 187 in 2017).

FIGURE 1. HOMELESSNESS TREND BY COUNTY 2009-2018



According to the HUD's 2017 Annual Homeless Assessment Report, there were 553,742 people experiencing homelessness in the United States. This figure represents .18% of the nation's total population. Table highlights the number of people experiencing homelessness counted during the PIT as a percentage of its total population in the bi-county region. Hanford (.31%), Porterville (.36%), and Visalia (.37%) greatly exceed the national average of .18%.

TABLE 1. COUNT OF HOMELESS PERSONS BY COUNTY

County	Count	Percentage
Kings	175	18%
Tulare	790	82%
Total	965	100%

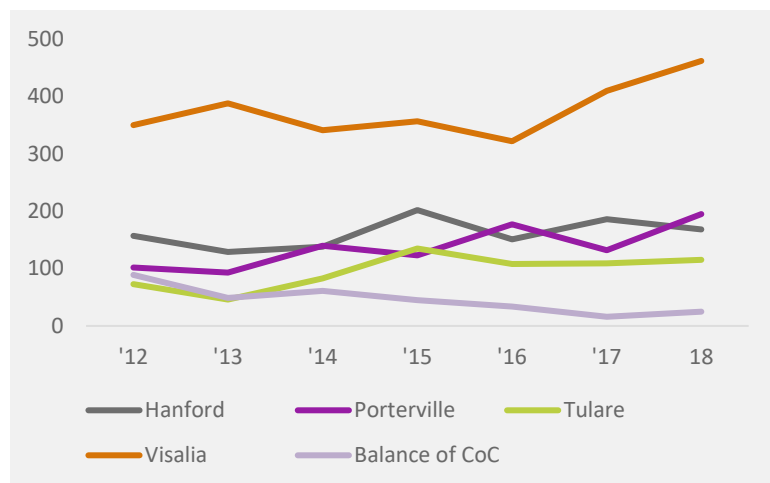
TABLE 2. COUNT OF HOMELESS PERSONS BY CITY

City	Count	Percentage of Region
Hanford	168	17%
Porterville	195	20%
Tulare	115	12%
Visalia	462	48%
Balance of CoC	25	3%
Total	965	100%

TABLE 3. HOMELESS BY CITY 2017-2018

City	2018	2017	Actual Change	Percent Change
Hanford	168	186	-18	-10%
Porterville	195	132	63	48%
Tulare	115	109	6	6%
Visalia	462	410	52	13%
Balance of CoC	25	16	9	56%
Total	965	853	112	13%

FIGURE 2. HOMELESSNESS BY CITY 2012-2018



Geographic Analysis

Tulare County continues to be the home to the majority of people experiencing homelessness.

Hanford was the only area in the bi-county region **to** have a **decrease** in homelessness over 2017.

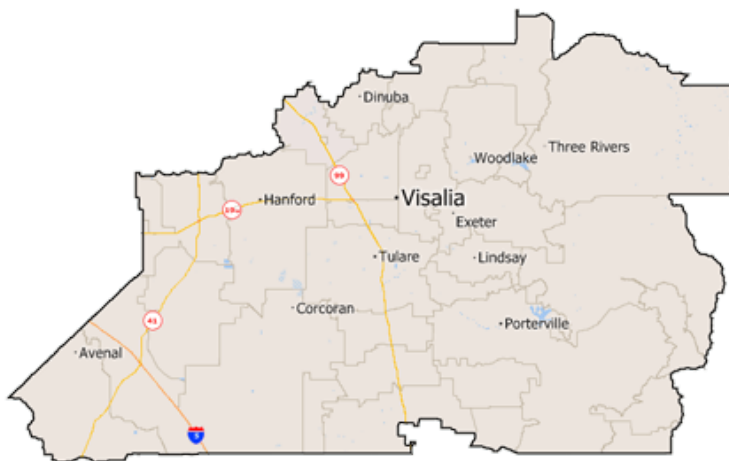
The number of people experiencing homelessness in Porterville rose by 48% over 2017 (195 in 2018 vs. 132 in 2017).

The four largest cities in the bi-county region **have** experienced **an increase in homelessness since 2012**: Hanford (+7%), Porterville (+91%), Tulare (+58%), Visalia (+32%).

TABLE 4. HOMELESS VS. TOTAL POPULATION

Jurisdiction	Total Population ³	2018 Count	Homeless % of Total Population
Hanford	53,967	186	0.31%
Porterville	54,165	132	0.36%
Tulare	59,278	109	0.19%
Visalia	124,442	410	0.37%
Balance of CoC	303,309	25	0.01%
Total	595,161	965	0.16%
California ⁴	37,253,956	134,278	.36%
National ⁵	308,745,538	553,742	.18%

FIGURE 3. MAP OF REGION SURVEYED FOR PIT COUNT



Population Comparison

Hanford, Porterville and Visalia continue to have a **substantially higher homeless prevalence** than the **nationwide average** of .18%.

The **homeless prevalence in Hanford** decreased slightly from .34% in 2017 to .31% in 2018.

Porterville experienced a **significant increase** from .24% in 2017 to .36% in 2018.

The **homeless prevalence in Tulare** remained **virtually unchanged** from .18% in 2017 to .19% 2018.

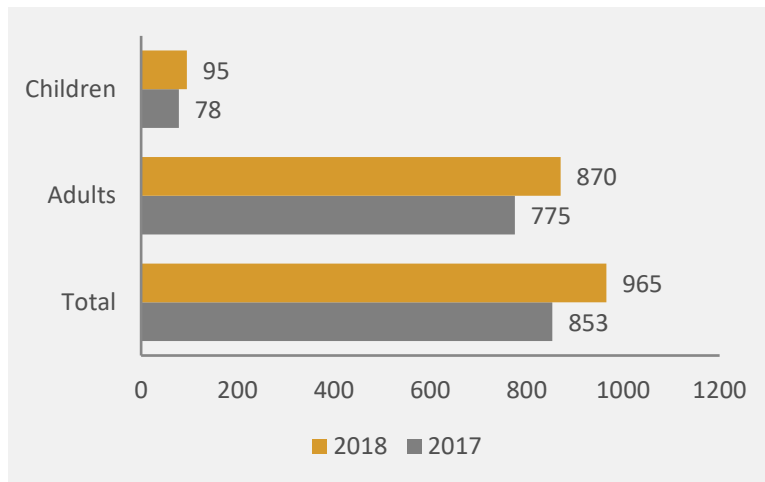
Visalia's homeless prevalence increased from .33% in 2017 to .37% in 2018.

³ 2010 Census results.

⁴ 2017 AHAR results.

⁵ 2017 AHAR results.

FIGURE 4. ADULTS AND CHILDREN

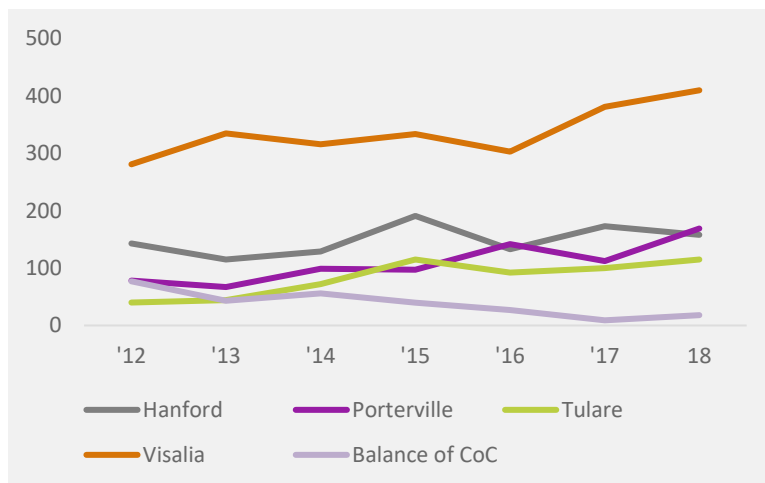


Adults & Children

870 (90%) **were adults** experiencing homelessness.

95 (10%) **were children** experiencing homelessness.

FIGURE 5. TRENDS BY CITY, ADULTS



The **number of children**

experiencing homelessness

increased in 2018 (95 in 2018 vs. 78 in 2017).

Visalia had the sharpest increase in the number of children experiencing homelessness in 2018 (52 in 2018 vs. 29 in 2017) followed by Porterville (26 in 2018 vs. 20 in 2017).

FIGURE 6. TRENDS BY CITY, CHILDREN

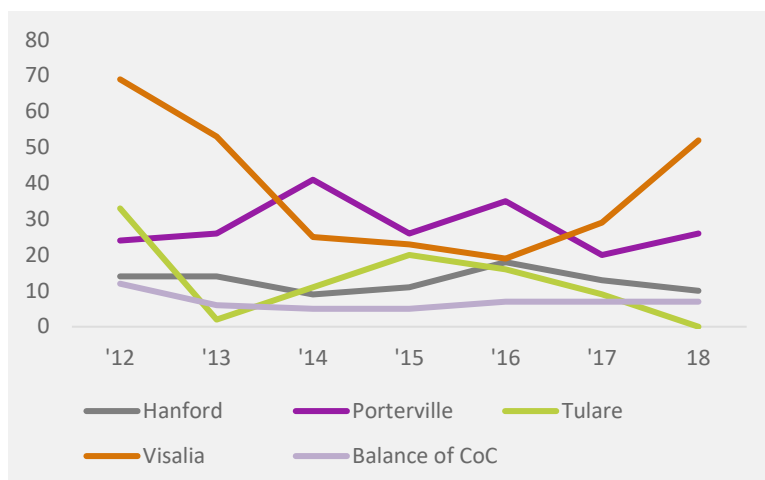




FIGURE 7. HOUSEHOLD COMPOSITION

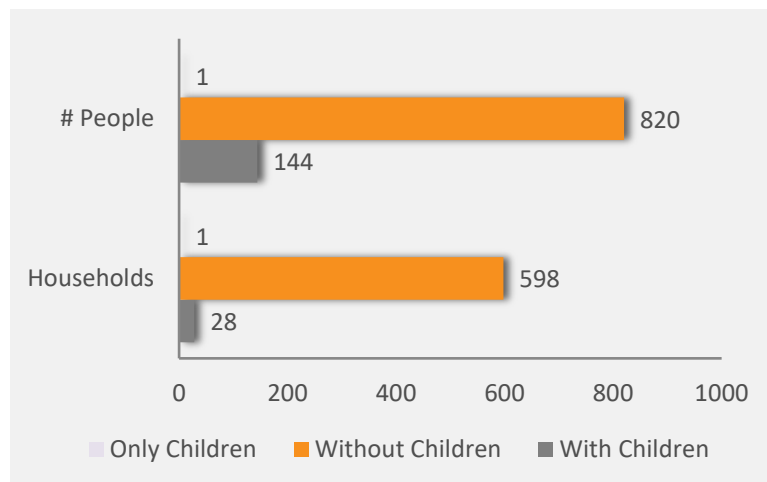


TABLE 5. HOUSEHOLD SIZE BY COUNTY

County	# of Households	# of People	Average Household Size
Kings	129	175	1.36
Tulare	498	790	1.59
Total	627	965	1.54

Household Composition

Over three-quarters (**85%**) of people experiencing homelessness are in **single households or households without children.**

In **households with children**, the **average family size is 3.2.**

In 2018, the **average household size rose significantly** over 2017 in both counties. Kings County experienced a 20% increase and Tulare County experienced a 31% increase.

The number of **households with children decreased** by 24% (28 in 2018 vs. 37 in 2017).

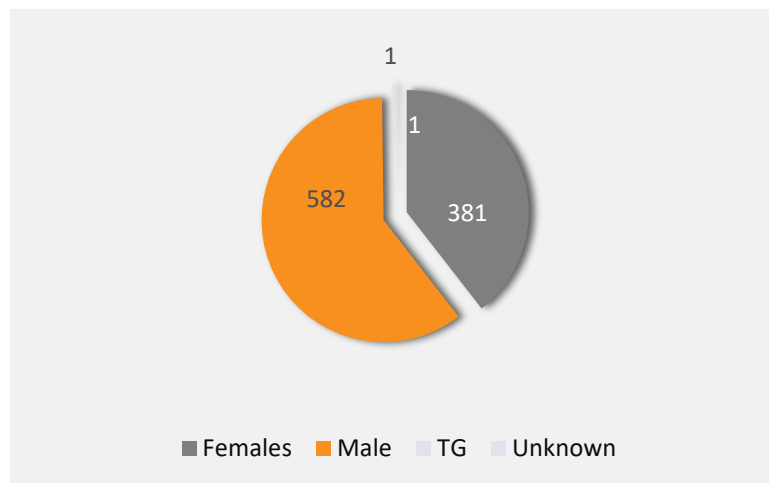
TABLE 6. ETHNICITY

Ethnicity	Count	Percentage
Hispanic/Latino	410	43%
Non-Hispanic/Latino	543	56%
Unknown	12	1%

TABLE 7. RACE

Race	Count	Percentage
American Indian/ Alaskan Native	52	4%
Asian	13	1%
Black/African American	90	7%
Native Hawaiian/ Other Pacific Islander	6	1%
White	762	83%
Multiple Races	16	3%
Unknown	26	1%

FIGURE 8. GENDER



Race & Ethnicity

The **majority** of **homeless** persons identified their ethnicity as **Non-Hispanic/ Non-Latino** (56%), unchanged from 2017.

Over three-quarters (**83%**) of respondents **identify as White**.

Native Hawaiian/Pacific Islanders (1%) and **Asians** (1%) continue to **have a very low prevalence** amongst the **homeless population** in Kings and Tulare Counties.

It is important to note that **race classification is exclusive of ethnicity** responses.

Males continue to represent the **majority of homeless persons** with 60% prevalence versus female (39%). These figures have remained consistent with results from prior years.

FIGURE 9. CURRENT HOUSING

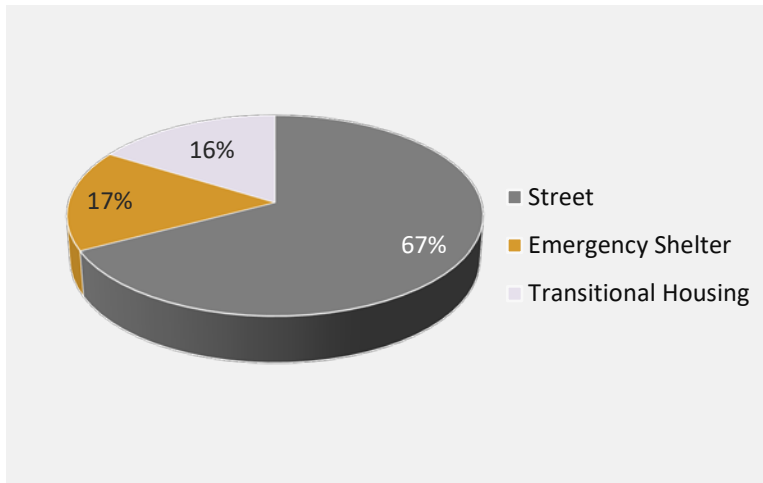


FIGURE 10. SHELTERED VS. UNSHELTERED, BY CITY

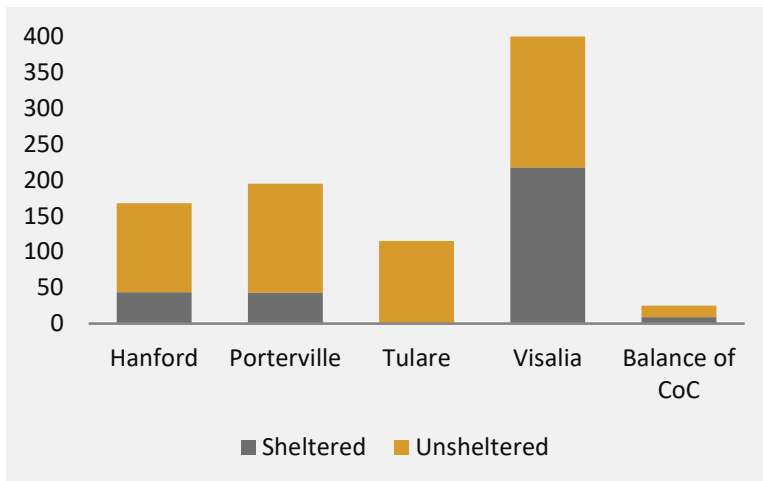
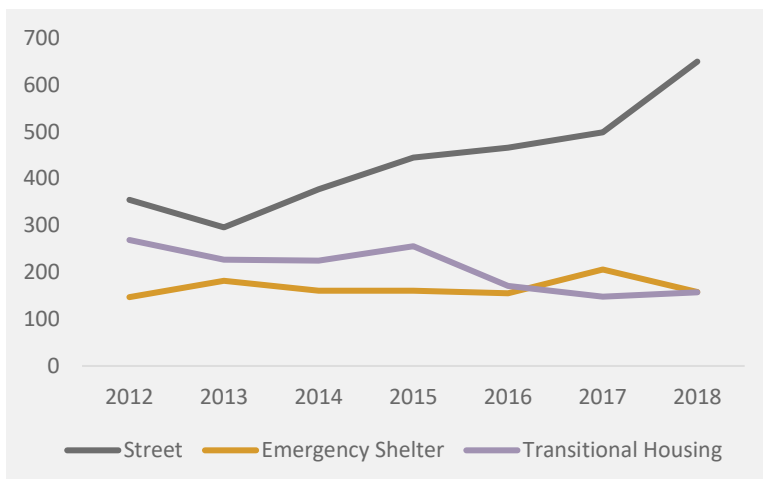


FIGURE 11. CURRENT HOUSING, TREND OVER TIME



Current Housing

People sleeping in a place not meant for human habitation rose significantly from 2017 (650 in 2018 vs. 499 in 2017).

The number of people sleeping in transitional housing increased slightly (6%), while those sleeping in emergency shelters decreased by 23% over 2017.

Since 2012, the number of people sleeping in places not meant for human habitation rose by 83% (650 in 2018 vs. 355 in 2012).

Over a seven-year period, those sleeping in transitional housing declined by 31% (157 in 2018 vs. 269 in 2012). Emergency shelter usage remained virtually unchanged (158 in 2018 vs. 147 in 2012).

FIGURE 12. UNSHELTERED HOMELESS BY CITY

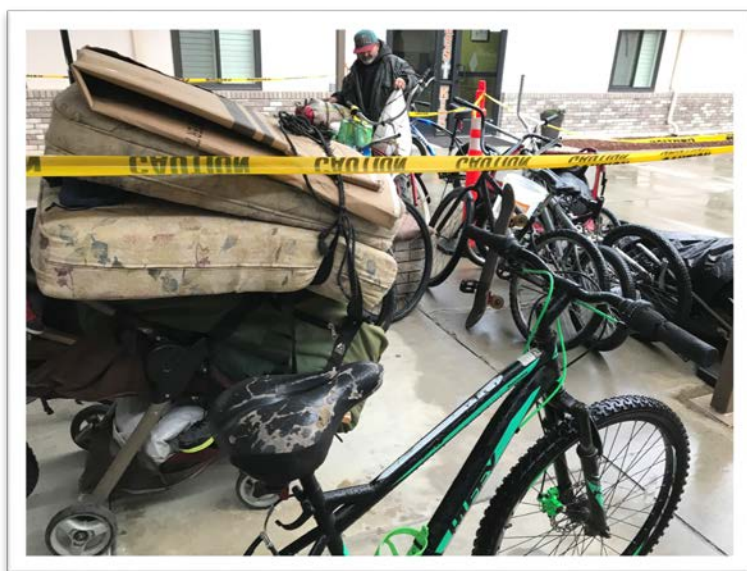
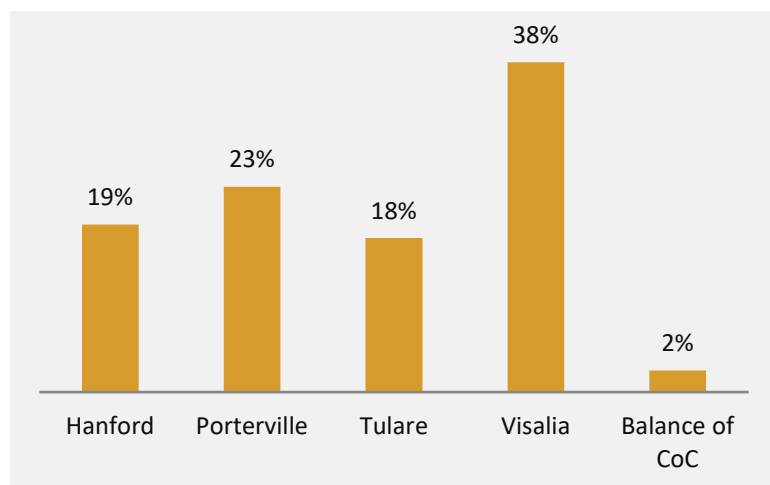


TABLE 8. UNSHELTERED HOMELESS PERSONS, 2017-2018

City	2018	2017	Actual Change	% Change
Hanford	124	124	0	0%
Porterville	152	87	+65	+75%
Tulare	114	92	+22	+24%
Visalia	244	193	+51	+26%
Balance of CoC	16	3	+13	+433%
Total	650	499	+151	+30%

Unsheltered Homelessness

Nearly all persons (99%) experiencing homelessness in **Tulare** are unsheltered.

Unsheltered persons in **Porterville** comprise **78%** of the homeless population, followed by **Hanford** (74%) and **Visalia** (53%).

Porterville experienced the largest increase in unsheltered homelessness over 2017 with a **75% increase** (152 in 2018 vs. 87 in 2017). **Visalia** and **Tulare** also experienced increases, while **Hanford** remained unchanged from 2017.

Nationally, 35% of the homeless population are sleeping in unsheltered situations. In **Kings and Tulare Counties**, the prevalence of unsheltered homelessness is **67%**. (2017 AHAR)

There were **8 children** sleeping in unsheltered situations.

67% of people sleeping in unsheltered situations have been homeless for a year or longer.

FIGURE 13. SHELTERED HOMELESS BY CITY

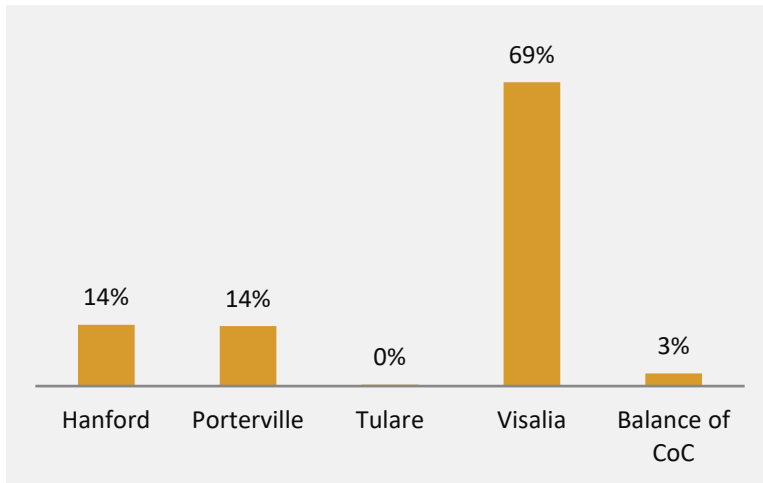


TABLE 9. SHELTERED HOMELESS PERSONS, 2017-2018

City	2018	2017	Actual Change	% Change
Hanford	44	62	-18	-29%
Porterville	43	45	-2	-4%
Tulare	1	17	-16	-94%
Visalia	218	217	+1	0%
Balance of CoC	9	13	-4	-31%
Total	315	354	-39	-11%

Sheltered Homelessness

315 people (32%) were sleeping in sheltered locations. This is a decrease from 2017 when 354 persons (42%) were sleeping in sheltered situations.

Over half (69%) of the sheltered population live in Visalia, while less than 1% live in Tulare.

Nine out of every ten households with children are sheltered. This figure rose by 4% over 2017.

Average family size for households with children in sheltered situations is 3.25.

Nearly all cities in the bi-county region saw a decrease in sheltered homelessness. The only exception was Visalia, which remained unchanged from 2017.

FIGURE 14. CHRONIC HOMELESS TREND, 2012-2018

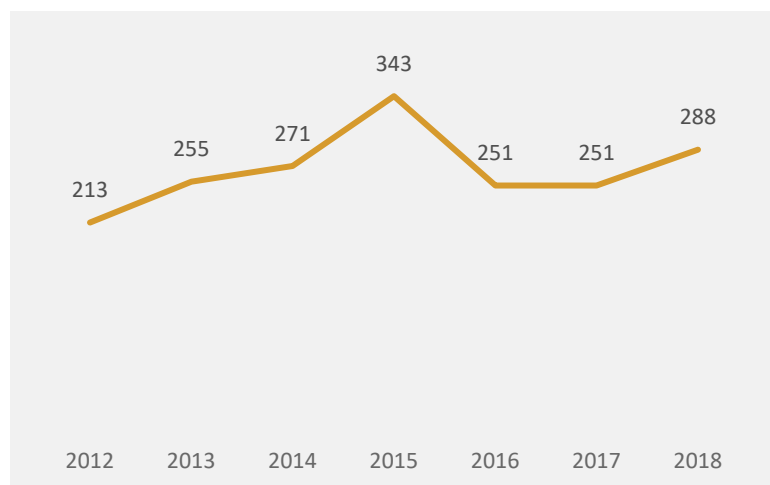
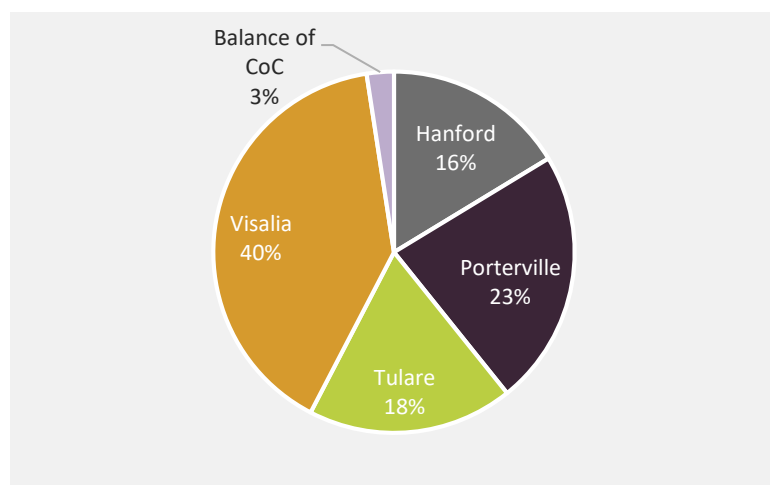


FIGURE 15. CHRONIC HOMELESS BY CITY, 2018



Chronic Homelessness

26% of people experiencing homelessness **meet the definition of chronic homelessness**. This figure exceeds the national prevalence by nearly 63%. (2017 AHAR)

There has been a **35% increase in chronic homelessness** since 2012 (288 in 2018 vs. 213 in 2012) and a **15% increase over 2017** (251).

The average **length of homelessness for a chronically homeless person** in Kings and Tulare Counties is **4.47 years**.

Nearly all chronic homeless persons are sleeping in unsheltered situations (95% or 274 persons).

Almost two-thirds of those experiencing chronic homelessness are males (61%).

Tulare continues to have the highest prevalence of chronic homelessness in relation to their total homeless population (46%), followed by Porterville (34%), Hanford (28%), and Visalia (25%).

FIGURE 16. HOMELESS VETERANS BY SHELTER TYPE

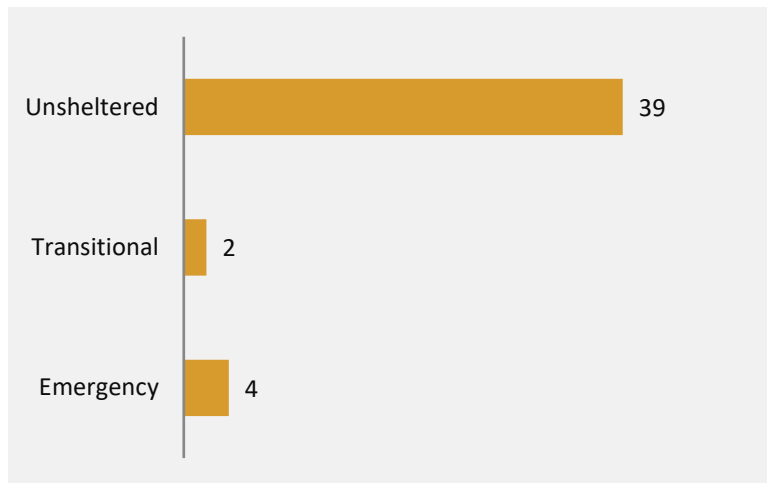


FIGURE 17. GEOGRAPHICAL DISTRIBUTION, VETERANS

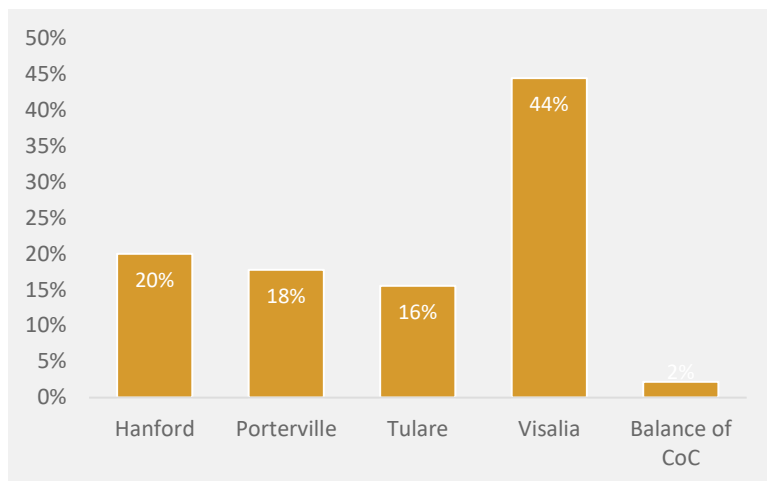
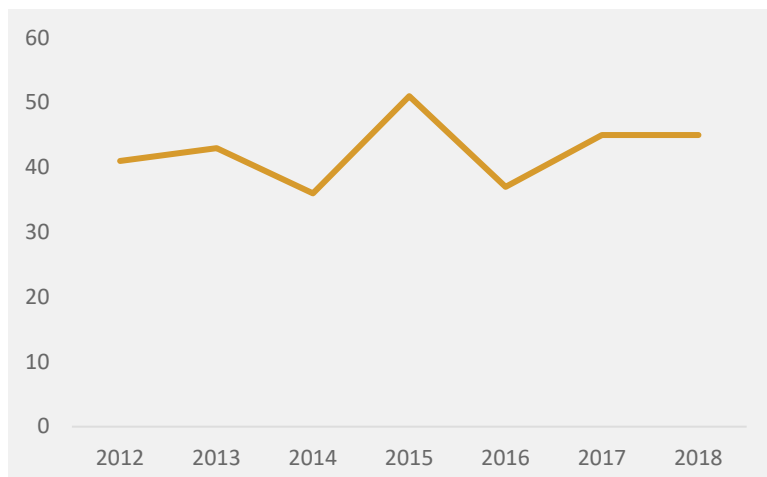


FIGURE 18. VETERAN TREND, 2012-2018



Veterans

Nine out of every ten **veterans** (87%) experiencing homelessness **are** sleeping in **unsheltered** situations.

Eighty percent (80%) cite **Kings or Tulare County** as their last **permanent residence** before becoming homeless.

Almost half (46%) of **veterans** experiencing homelessness in Kings and Tulare Counties **are chronically homeless**.

The number of **veterans** experiencing homelessness has **remained unchanged from 2017** (45 in 2018 vs. 45 in 2017).

Forty-two percent (42%) of **veterans** experiencing homelessness indicate they **have a mental illness** versus twenty-nine percent (29%) of the total homeless population in the bi-county region.

FIGURE 19. DISABLED PERSONS BY SHELTER TYPE

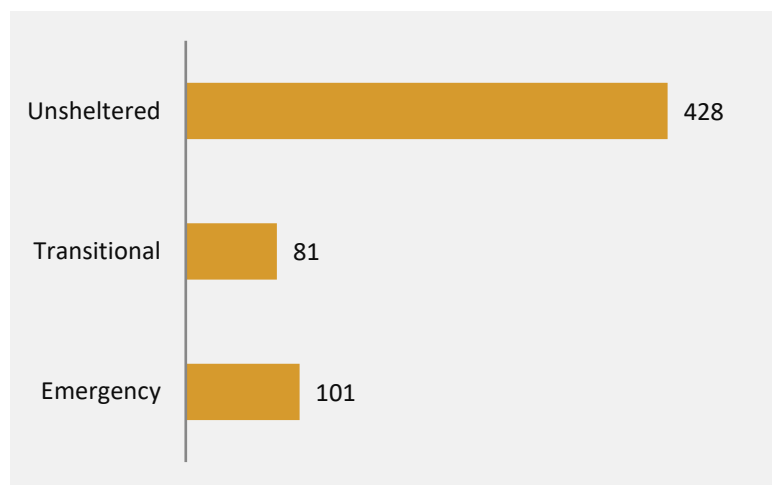


FIGURE 20. DISABLING CONDITION BY GENDER

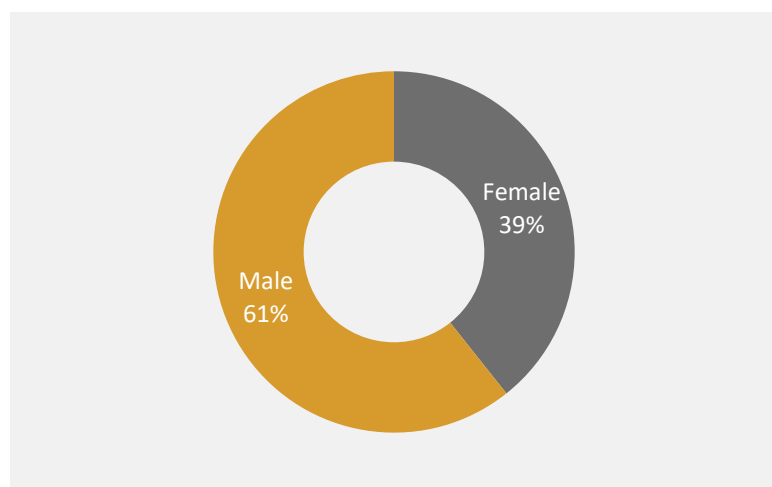
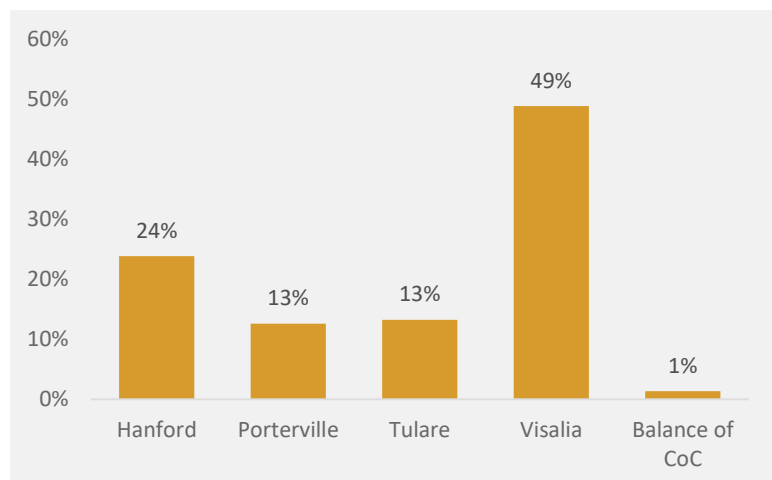


FIGURE 21. DISABLING CONDITION BY CITY



Disabling Conditions

Of the 807 adults who responded to the disabling condition questions, one out of every two indicated they **suffer from a disabling condition** (52%).

Nearly one-third of the respondents indicate they **have a mental health condition** (29%).

Sheltered adults suffer from disabling conditions at a **far lower rate** (26%) **than their unsheltered counterparts** (58%).

Almost two-thirds (**62%**) of people experiencing homelessness **with a disabling condition indicate they have no financial resources**.

Eight out of every ten (82%) people with a disabling condition **are sleeping in a place not meant for human habitation**.

FIGURE 22. SOURCES OF INCOME

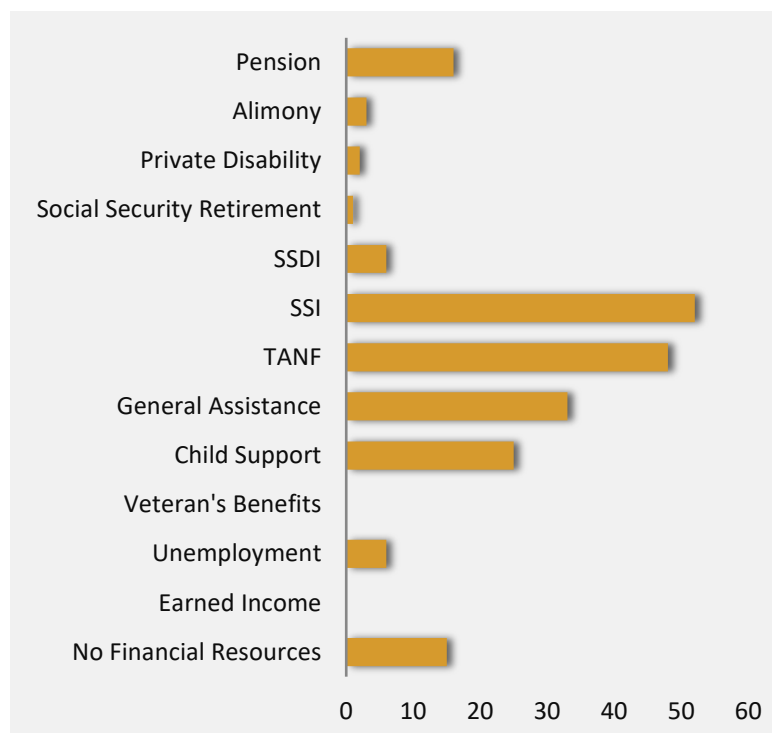
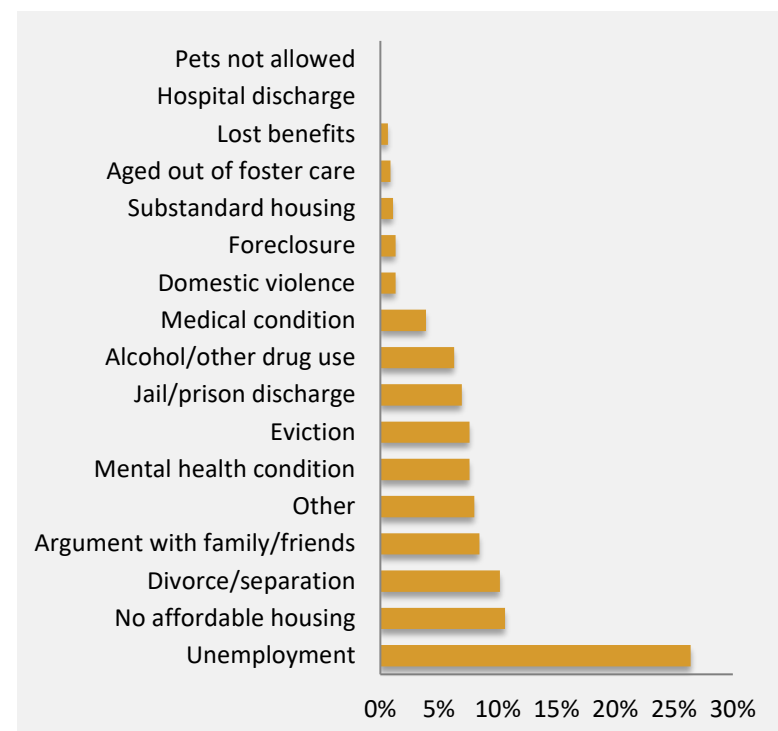


FIGURE 23. REASONS CITED FOR HOMELESSNESS



Sources of Income[^]

Of those responding to the income question, **the highest percentage were receiving SSI (8%) or SSDI (8%)**, followed by TANF (5%) and General Assistance (4%).

Sixty-nine percent (**69%**) of **respondents** indicated that they **did not have any financial resources**.

Reasons for Homelessness[^]

Unemployment continues to be the **most common reason cited for people experiencing unsheltered homelessness (28% or 164 adult respondents)**.

Eviction was the second highest reason given **as reason for homelessness (12% or 71 adult respondents)**.

[^]Data only collected on unsheltered clients.

FIGURE 24. HOMELESSNESS TREND BY COUNTY, 2009-2018

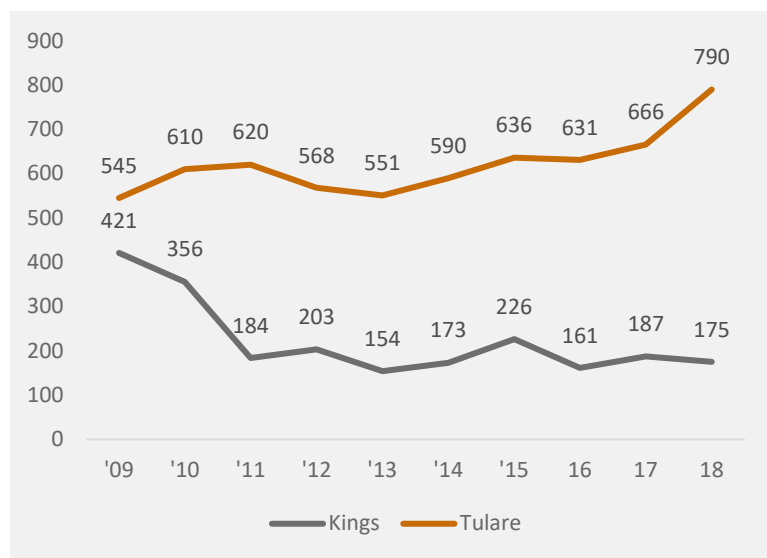
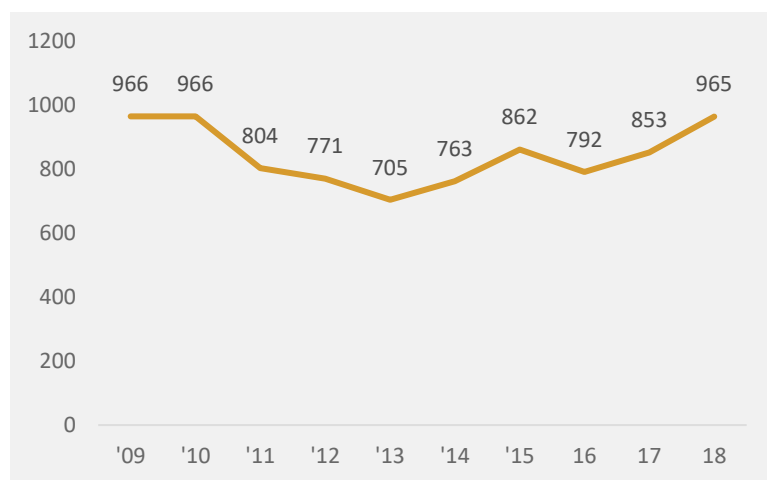


FIGURE 25. HOMELESSNESS TREND, 2009-2018



Trend over Time

Homelessness in Tulare County has risen by 245 people since 2009 or a 45% increase (790 in 2018 vs. 545 in 2009).

Kings County homelessness has decreased by 234 people since 2009, or a 59% reduction (175 in 2018 vs. 421 in 2009). However, homelessness has remained virtually unchanged since 2011 (175 in 2018 vs. 184 in 2011).

The number of people experiencing **homelessness** in Kings and Tulare Counties **has returned to its highest point in 2009** (965 in 2018 vs. 966 in 2009).

On the night of January 24, 2018, **there were 231 people residing in PSH & RRH beds that would have otherwise been counted as homeless.**

FIGURE 26. HOUSING INVENTORY, 2017-2018

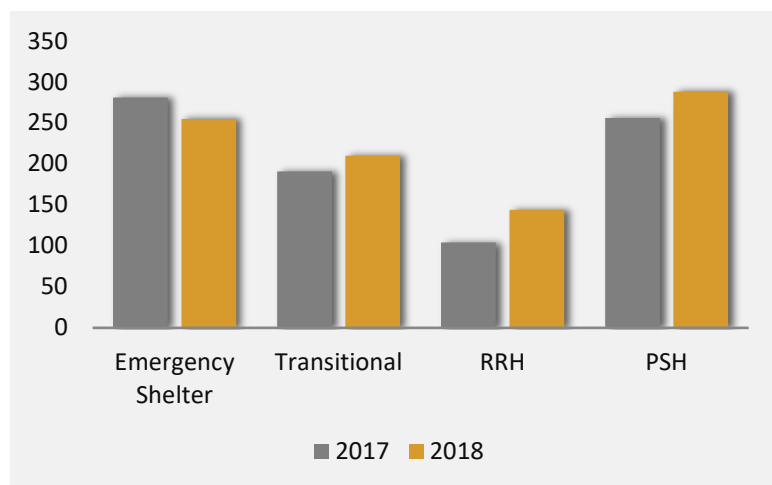
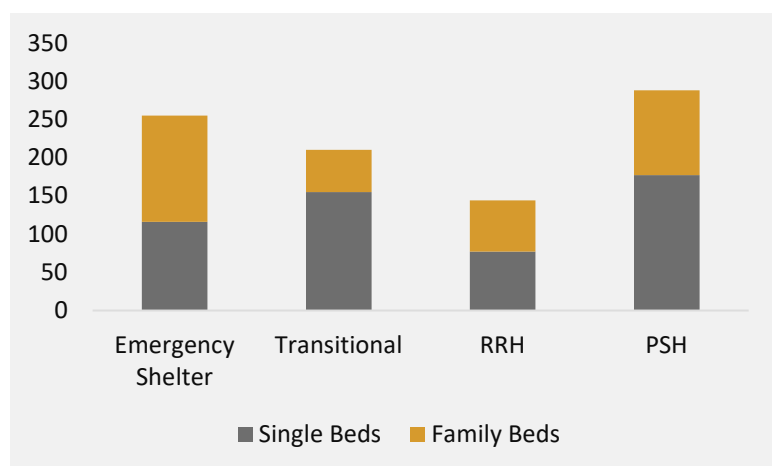


FIGURE 27. HOUSING INVENTORY, SINGLE VS FAMILY BEDS



Bed Capacity and Unmet Needs

On the night of the PIT, **the bi-county region had 237 Permanent Supportive Housing (PSH) beds and 18 Rapid Re-Housing (RRH) beds available** to serve people experiencing homelessness. An additional 51 PSH and 126 RRH beds were under development.

Many of the housing programs are restricted to certain sub-populations such as victims of domestic violence, transition-age youth, veterans, or chronically homeless.

The **development of additional Permanent Supportive Housing and Rapid Re-Housing beds** continue to **remain a top priority** for program development in the region.

Looking Ahead

Together with its partners, the Alliance has undertaken a number of targeted strategies to combat homelessness within the region and maximize the limited resources available.

Efforts include:

- Continuing to prioritize low-barrier housing with a housing first approach for people experiencing homelessness;
- Utilizing the coordinated entry system to prioritize those most in need for housing assistance;
- Hosting monthly case management roundtables to staff cases, share best practices, and strategize on housing placements;
- Creating a Landlord Mitigation Fund, which is designed to incentivize Landlords to relax screening criteria for people who are experiencing homelessness and who may have barriers that prevent them from securing housing on their own, such as poor credit and past evictions;
- Implementing a diversion strategy aimed at preventing homelessness for people seeking shelter by helping them identify immediate alternate housing arrangements and, if necessary, connecting them with services and financial assistance to help them return to permanent housing; and
- Collaborating with mainstream benefit agencies to leverage other homeless assistance programs such as Bringing Families Home, Housing Support Program, and the Homeless Disability Advocacy Program.

For more information on how to get involved, visit www.kthomelessalliance.org.

Appendix A – Definitions

Child Only Households

Households where members are under the age of 18.

Chronically Homeless (CH)

Individual or head of household with a disability who lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and who has either been continuously homeless for at least 12 months or has experienced at least four episodes of homelessness in the last 3 years where the combined occasions total at least 12 months. Occasions are separated by a break of at least seven nights. Stays in institutions of fewer than 90 days do not constitute a break.

Continuum of Care

Local planning body responsible for coordinating the full range of homelessness services in a geographic area, which may cover a city, county, metropolitan area, or even an entire state.

Couch Surfing

Describes situations where runaway or homeless youth are living in unstable and/or temporary living arrangements such as the couches or spare bedrooms of friends, lovers, or other family members⁶.

Disabling Condition

Any one of (1) a disability as defined in Section 223 of the Social Security Act; (2) a physical, mental, or emotional impairment which is (a) expected to be of long-continued and indefinite duration, (b) substantially impedes an individual's ability to live independently, and (c) of a nature that such ability could be improved by more suitable housing conditions; (3) a developmental disability as defined in Section 102 of the Developmental Disabilities

Assistance and Bill of Rights Act; (4) the disease of acquired immunodeficiency syndrome or any conditions arising from the etiological agency for acquired immunodeficiency syndrome; or (5) a diagnosable substance abuse disorder.

Emergency Shelter

A facility with the primary purpose of providing temporary shelter for homeless people.

Homeless Person

An individual or family who lacks a fixed, regular, and adequate nighttime residence and seek shelter in places not meant for habitation such as cars, camps, streets and abandoned buildings. Public or privately operated congregate emergency shelters are also places that house persons and families who are experiencing a housing crisis.

Homeless Management Information System (HMIS)

A software application designed to record and store client-level information on the characteristics and service needs of homeless people. Each CoC maintains its own HMIS, which can be tailored to meet local needs, but must also conform to HUD's HMIS Data and Technical Standards.

Households with Adults and Children

People who are homeless as part of households that have at least one adult and one child under the age of 18.

Households with Adults Only

Households with single adults and adult couples unaccompanied by children under the age of 18.

⁶ National Resource Center on Domestic Violence, 2009

Housing Inventory Chart (HIC)

A report on the capacity to house persons who are homeless.

Parenting Youth

Youth (under age 25) who identify as the parent or legal guardian of one or more children who are present with or sleeping in the same place as that youth parent.

Permanent Supportive Housing (PSH)

Designed to provide housing and supportive services on a long-term basis to formerly homeless people that have a disabling condition.

Point in Time Count (PIT)

An unduplicated one-night estimate of both sheltered and unsheltered homeless populations.

Rapid Re-Housing (RRH)

A program that provides financial assistance and services to help those experiencing homelessness to be quickly re-housed and stabilized. This is considered permanent housing.

Sheltered Homeless People

People who are living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals.)

Transitional Housing (TH)

A program that provides temporary housing and supportive services for up to 24 months with the intent for the person to move towards permanent housing.

Unaccompanied Youth

People who are not part of a family during their episode of homelessness and who are between the ages of 18 and 24.

Unsheltered Homeless People

People with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

Veteran

Someone who has served on active duty in the Armed Forces of the United States.

Victims of Domestic Violence

This subpopulation category includes persons who have been victims of domestic violence at any point in the past.

Appendix B – Point in Time Survey Questionnaire

1. Where did you/Person [2-4] sleep on Wednesday night? [DO NOT READ CATEGORIES. SELECT ONLY ONE CATEGORY.]

- ☐ Place not meant for habitation (streets, parks, abandoned buildings)
- ☐ Emergency shelter (inc. hotel/motel paid for with emergency shelter voucher):

- ☐ Transitional housing for homeless persons (inc. homeless youth):

[CONTINUE TO Q2]

Own/Rent:

- ☐ **Owned** by client, no ongoing housing subsidy
- ☐ **Owned** by client, with housing subsidy
- ☐ **Rental** by client, no ongoing housing subsidy
- ☐ **Rental** by client, with VASH housing subsidy
- ☐ **Rental** by client, with GPD/TIP housing subsidy
- ☐ **Rental** by client, with other ongoing subsidy

Institution:

- ☐ **Jail**, prison, or juvenile detention facility
- ☐ Long-term care facility or **nursing home**
- ☐ **Psychiatric hospital** or other psychiatric facility
- ☐ **Hospital**/other non-psychiatric medical facility

Couch Surfing/Staying Somewhere Short-term:

- ☐ **Staying** in **family** member's apartment/house
- ☐ **Staying** in **friend's** room/apartment/house
- ☐ **Hotel** or motel paid without emergency voucher

Program:

- ☐ **Foster care** home or foster care group home
- ☐ **Permanent housing** for formerly homeless (HUD)
- ☐ Residential project or **halfway house** no homeless criteria
- ☐ **Substance abuse** treatment facility/detox

☐ DK/Ref

[DISCONTINUE SURVEY, HOUSEHOLD NOT HOMELESS]

2. Which city are you currently staying in?				
3. What city did you live in the last time you had stable housing?				
4. Including yourself, how many adults and children are there in your household <u>who slept in the same location with you Wednesday night?</u>	_____ Adults (Age 18 and older)		_____ Children (Age 17 and younger)	
5. What are the names of the people in your household from oldest to youngest, including yourself?	Person 1	Person 2	Person 3	Person 4
	_____ First and Last Name	_____ First and Last Name	_____ First and Last Name	_____ First and Last Name
6. How is [state name] related to you/Person 1?	Self	☐ Child ☐ Spouse ☐ Other Family ☐ Non-Married Partner ☐ Other, Non-Family	☐ Child ☐ Spouse ☐ Other Family ☐ Non-Married Partner ☐ Other, Non-Family	☐ Child ☐ Spouse ☐ Other Family ☐ Non-Married Partner ☐ Other, Non-Family

	Person 1	Person 2	Person 3	Person 4
7. What is your/Person [2-4] Date of Birth? [If DOB is unknown, enter age]	____/____/____ ☐ DK/Ref	____/____/____ ☐ DK/Ref	____/____/____ ☐ DK/Ref	____/____/____ ☐ DK/Ref
8. What is your/Person [2-4] SSN?	____-____-____ ☐ DK/Ref	____-____-____ ☐ DK/Ref	____-____-____ ☐ DK/Ref	____-____-____ ☐ DK/Ref
9. Are you/Person [2-4] male, female or transgender?	☐ Male ☐ Female ☐ Trans Female (MTF) ☐ Trans Male (FTM) ☐ Gender Non-Conforming ☐ DK/Ref	☐ Male ☐ Female ☐ Trans Female (MTF) ☐ Trans Male (FTM) ☐ Gender Non-Conforming ☐ DK/Ref	☐ Male ☐ Female ☐ Trans Female (MTF) ☐ Trans Male (FTM) ☐ Gender Non-Conforming ☐ DK/Ref	☐ Male ☐ Female ☐ Trans Female (MTF) ☐ Trans Male (FTM) ☐ Gender Non-Conforming ☐ DK/Ref
10. Are you/Person [2-4] Hispanic or Latino?	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
11. What is your/Person [2-4] Race? [SELECT ALL THAT APPLY]	☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ White ☐ DK/Ref	☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ White ☐ DK/Ref	☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ White ☐ DK/Ref	☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ White ☐ DK/Ref
12. Have you/Person [2-4] served in the US Armed Forces? [ADULTS ONLY]	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
13. [If yes to Q12] What is the Discharge Status on your/Person [2-4] DD214? [ADULTS ONLY]				

	Person 1	Person 2	Person 3	Person 4
14. [If yes to Q12] Have you/Person [2-4] ever received health care or benefits from a Veterans Administration medical center? [ADULTS ONLY]	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
15. How long have you /Person [2-4] been staying where you slept Wednesday night?	☐ One night or less ☐ 2-6 nights ☐ > 1 week, less than 1 month ☐ > 1 month, less than 90 days ☐ >= 90 days, less than 1 year ☐ 1 year or longer ☐ DK/Ref	☐ One night or less ☐ 2-6 nights ☐ > 1 week, less than 1 month ☐ > 1 month, less than 90 days ☐ >= 90 days, less than 1 year ☐ 1 year or longer ☐ DK/Ref	☐ One night or less ☐ 2-6 nights ☐ > 1 week, less than 1 month ☐ > 1 month, less than 90 days ☐ >= 90 days, less than 1 year ☐ 1 year or longer ☐ DK/Ref	☐ One night or less ☐ 2-6 nights ☐ > 1 week, less than 1 month ☐ > 1 month, less than 90 days ☐ >= 90 days, less than 1 year ☐ 1 year or longer ☐ DK/Ref
16. Approximate Date Homelessness Started for you/Person [2-4]	____/____/____	____/____/____	____/____/____	____/____/____
17. How many times have you/Person [2-4] been homeless on the streets, emergency shelter, or safe haven in the past 3 years, including today?	☐ One Time ☐ Two Times ☐ Three Times ☐ Four or More Times ☐ DK/Ref	☐ One Time ☐ Two Times ☐ Three Times ☐ Four or More Times ☐ DK/Ref	☐ One Time ☐ Two Times ☐ Three Times ☐ Four or More Times ☐ DK/Ref	☐ One Time ☐ Two Times ☐ Three Times ☐ Four or More Times ☐ DK/Ref
18. Number of months homeless on the streets or emergency shelter you/Person [2-4] has been in the past 3 years?	☐ This is the 1 st mo. ☐ 2-12 mo. (#____) ☐ More than 12 mo. ☐ DK/Ref	☐ This is the 1 st mo. ☐ 2-12 mo. (#____) ☐ More than 12 mo. ☐ DK/Ref	☐ This is the 1 st mo. ☐ 2-12 mo. (#____) ☐ More than 12 mo. ☐ DK/Ref	☐ This is the 1 st mo. ☐ 2-12 mo. (#____) ☐ More than 12 mo. ☐ DK/Ref
[ONLY ASK Q19 – Q20 TO PERSONS AGE 18 AND OLDER & YOUTH HEAD OF HOUSEHOLDS]				
19. Please tell me whether any of these situations apply to you. a. Do you/Does Person [2-4] drink alcohol or use drugs (illegal or prescription for non-medical reasons)?	☐ No ☐ Alcohol ☐ Drugs ☐ DK/Ref	☐ No ☐ Alcohol ☐ Drugs ☐ DK/Ref	☐ No ☐ Alcohol ☐ Drugs ☐ DK/Ref	☐ No ☐ Alcohol ☐ Drugs ☐ DK/Ref

	Person 1	Person 2	Person 3	Person 4
b. Do you/Does Person [2-4] have a chronic health condition (e.g. heart disease, cancer, stroke, etc.)	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
c. Have you/Has Person [2-4] ever received special education (or special ed.) services for an extended period of time?	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
d. Do you/Does Person [2-4] have AIDS or an HIV-related illness?	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
e. Do you/Does Person [2-4] have psychiatric or emotional conditions such as depression or schizophrenia?	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
f. Do you/Does Person [2-4] have a physical disability? This could include something that substantially limits one or more basic physical activities such as walking, climbing stairs, reaching, lifting or carrying.	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No
g. Which, if any, of the situations we just discussed keep you/Person [2-4] from holding a job or living in stable housing?	☐ Alcohol/Drug use ☐ Chronic Health Cond. ☐ Psychiatric/ emotional condition ☐ Physical disability ☐ HIV/AIDS ☐ Developmental disability ☐ None of these	☐ Alcohol/Drug use ☐ Chronic Health Cond. ☐ Psychiatric/ emotional condition ☐ Physical disability ☐ HIV/AIDS ☐ Developmental disability ☐ None of these	☐ Alcohol/Drug use ☐ Chronic Health Cond. ☐ Psychiatric/ emotional condition ☐ Physical disability ☐ HIV/AIDS ☐ Developmental disability ☐ None of these	☐ Alcohol/Drug use ☐ Chronic Health Cond. ☐ Psychiatric/ emotional condition ☐ Physical disability ☐ HIV/AIDS ☐ Developmental disability ☐ None of these
20. Are you/Is Person [2-4] experiencing homelessness because you are currently fleeing domestic violence, dating violence, sexual assault or stalking? [IF YES, ASK IF IN IMMINENT THREAT OF HARM. IF YES, CONTACT AUTHORITIES IMMEDIATELY.]	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No	☐ Yes ☐ DK/Ref ☐ No

21. What is your household's primary reason for being homeless? [SELECT ONLY ONE REASON]	☐ Alcohol/Drug use ☐ Medical condition ☐ Mental health condition ☐ Argument with family /friends ☐ Domestic violence ☐ Hospital discharge	☐ Jail/Prison discharge ☐ Divorce/Separation ☐ Eviction ☐ Foreclosure ☐ No affordable housing ☐ Substandard housing	☐ Aged out of foster care ☐ Lost public assistance/benefits ☐ Unemployment/loss of income ☐ Pets not allowed ☐ Other: _____ ☐ DK/Ref
22. Do you /Does Person [2-4] receive any of the following income /public benefits? [SELECT ALL THAT APPLY]	☐ Earned Income ☐ Unemployment ☐ SSI ☐ SSDI ☐ VA Service-Connected Disability Comp ☐ VA Non-Service-Connected Disability Comp ☐ Private Disability Insurance ☐ Worker's Compensation ☐ TANF ☐ General Assistance ☐ Retirement Income from Social Security ☐ Pension or Retirement from a Former Job ☐ Child Support ☐ Alimony or Other Spousal Support ☐ Food Stamps ☐ Medi-Cal ☐ Other Source _____ ☐ No Benefits Received ☐ DK/Ref		

CLIENT INFORMED CONSENT/RELEASE OF INFORMATION AUTHORIZATION

When you request or receive services from a participating agency, we collect information about you and your household and enter it into a database system called the Homeless Management Information System (HMIS). This system helps us to better understand homelessness, to improve service delivery, and to evaluate the effectiveness of services provided to the homeless and those at-risk of homelessness.

What information is collected and what happens to it?

Depending on your situation, you may be asked:

- | | |
|---|---|
| <ul style="list-style-type: none"> o Basic identifying information (may include name, SSN, date of birth, gender, race, marital and family status, household relationships, phone numbers, military veteran status, whether or not you have a disability) o Housing information (may include address, type of housing, homeless status, and reason for homelessness) o Income information (sources and amounts of household income, employment information, work skills) o Legal history/information o Medical information o Services needed and provided; outcomes of services | <ul style="list-style-type: none"> o Details of your medical/health status will never be shared between Partner Agencies using HMIS, without written consent. o With your approval, information collected is shared with authorized personnel at Partner Agencies. o Collectively, data on the homeless population in Kings and Tulare counties (but not personal identifying information) is used in statewide reports on homelessness. |
|---|---|

NOTE: HMIS uses many security protections to ensure confidentiality and only Partner Agencies who have signed an Interagency Network Data Sharing Agreement have access. A list of Partner Agencies can be found on our website at www.kingstularecoc.org.

Why should you agree to have your information shared with HMIS Partner Agencies?

By sharing your information with these agencies, you will help them:

- | | |
|---|---|
| <ul style="list-style-type: none"> o Identify other services or programs you may be eligible for, o Better coordinate services for you and your household, o More accurately count the number of homeless persons, services available and services needed, | <ul style="list-style-type: none"> o Show the people who fund homeless programs that the services are needed and o Obtain other funding for programs that serve homeless persons. |
|---|---|

You have the option to restrict access to personal information that you are providing about yourself and your minor children. You may modify this consent with respect to the sharing of your information at any time.

☐ **Please treat information about my children age 17 or younger the same as mine.**

This consent will expire seven (7) years from the date signed. You may cancel this authorization at any time by written request, but the cancellation will not be retroactive.

Client Name (please print)

Client Signature

Date

Client Name (please print)

Client Signature

Date

Opt Out: *If you wish to opt out of having your information collected in the Kings/Tulare HMIS, please write "I do not consent", sign and date this section. Otherwise, leave blank.*

(Write "I do not consent")

Client Signature

Date

Appendix C – Housing Inventory Chart

Prog. Type	Agency	Program Name	Region	Target Pop. A	Target Pop. B	Beds HH w/ Children	Beds HH w/o Children	Year-Round Beds	Over-flow Beds	PIT Count
ES	Kings	Barbara Saville Shelter - DV	Hanford	SFHC	DV	22	12	34	0	11
ES	Kings	Barbara Saville Woman's	Hanford	SFHC	NA	0	3	3	0	1
ES	Kings	Overnight Shelter	Hanford	SM	NA	0	10	10	0	10
ES	Central	Porterville Women's Shelter	Porterville	SFHC	DV	18	2	20	0	16
ES	Central	Porterville Women's Shelter	Porterville	SFHC	NA	11	7	18	0	15
ES	Light House	Light House Rescue Mission	Tulare	SFHC	NA	0	16	16	0	1
ES	Family	Karen's House	Visalia	SFHC	DV	31	2	33	0	18
ES	Visalia	ONG	Visalia	SM	NA	0	52	52	8	43
ES	Visalia	Shelter of Hope	Visalia	SFHC	NA	23	12	35	5	34
ES	Open Gate	Open Gate Ministries	Dinuba	SFHC	NA	34	0	34	0	9
PSH	Central	Ridge Connections 2	Porterville	SMF	NA	0	12	12		11
PSH	Family	Tulare Housing First	Tulare Co.	SMF	NA	0	7	7		6
PSH	CSET	Visalia PSH	Visalia	SMF	NA	0	4	4		5
PSH	Family	PSH II Myrtle Ct.	Visalia	HC	NA	12	0	12		7
PSH	Family	Road to Independence	Tulare Co.	HC	NA	14	0	14		
PSH	Tulare	East Tulare Avenue Cottages	Tulare Co.	SMF	NA	0	22	22		15
PSH	Turning	Casa de Robles 2	Visalia	SMF	NA	0	5	5		3
PSH	Kings	Anchors II	Hanford	SMF	NA	4	2	6		2
PSH	Kings	Anchors IV	Hanford	SMF	NA	0	6	6		2
PSH	Kings	Hope Survives	Hanford	SMF	NA	0	6	6		1
PSH	Turning	Kings Permanent Supportive	Visalia	SMF	NA	0	7	7		5
PSH	CSET	Tulare County PSH	Tulare Co.	SMF+HC	NA	14	17	31		31
PSH	Family	PSH III United Way	Tulare Co.	SMF+HC	NA	13	4	17		18
PSH	Family	Tulare Housing First II	Tulare Co.	SMF	NA	0	19	19		11
PSH	Family	Tulare Housing First II Bonus	Tulare Co.	SMF	NA	0	5	5		3
PSH	Housing	VASH	Tulare Co.	SMF+HC	NA	54	49	103		103
PSH	Turning	Casa de Robles 3	Porterville	SMF	NA	0	12	12		
RRH	Central	Ridge Connections I	Porterville	SMF+HC	NA	6	3	9		9
RRH	Kings	Every Door Open	Hanford	HC	NA	17	1	18		18
RRH	Salvation	Kings Tulare County RRH	Bi-County	SMF	NA	9	4	13		13
RRH	Salvation	Kings Tulare County RRH 2	Bi-County	SMF+HC	NA	10	11	21		21
RRH	Westcare	SSVF	Bi-County	SMF+HC	NA	21	53	74		74
RRH	CSET	ESG RRH	Bi-County	HC	NA	4	5	9		9
RRH	CSET	Every Door Open Tulare	Tulare Co.	SMF+HC	NA	0	0	0		
TH	Champions	Hannah's House	Hanford	SFHC	NA	7	13	20		20
TH	Kings	Life Transformation Program	Hanford	SM	NA	0	10	10		2
TH	Central	Transitional Housing	Porterville	SFHC	DV	8	0	8		6
TH	Uplift	Crossroads TAY Housing -	Porterville	SMF	NA	0	10	10		6
TH	Family	Transition to Independence	Tulare Co.	HC	DV	40		40		38
TH	Tulare	Transitional Living Center	Tulare Co.	SMF	NA	0	36	36		32
TH	Tulare	Transitional Living Center	Tulare Co.	SMF	NA	0	17	17		
TH	Uplift	Crossroads TAY Housing -	Visalia	SMF	NA	0	10	10		8
TH	Visalia	House of Hope	Visalia	SF	NA	0	15	15		7
TH	Visalia	House of Restoration	Visalia	SM	NA	0	40	40		35
TH	Visalia	Women's Transitional	Visalia	SF	NA	0	4	4		3

Agency Codes:

CCFCC: Central California Family Crisis Center
CSET: Community Services Employment Training
FSTC: Family Services of Tulare County
HATC: Housing Authority of Tulare County
KCAO: Kings Community Action Organization
KGM: Kings Gospel Mission
LHRM: Lighthouse Rescue Mission

OGM: Open Gate Ministries
Sal. Army: Salvation Army
Tulare Co: Tulare County HHSA
TPOCC: Turning Point of Central California
Uplift: Uplift Family Services
VRM: Visalia Rescue Mission

General Key:

SF: Single Females
SM: Single Males
SMF: Single Males or Females
HC: Households with Children
SFHC: Single Female or Households with Children
SMF+HC: Single Males, Females, Households with Children
DV: Domestic Violence
VET: Veterans

Appendix D – Housing Inventory Map

INVENTORY KEY	
■	Emergency Shelter
■	Transitional Housing
■	Permanent Supportive Housing
■	Rapid Re-Housing
“FB”= Family Beds	
“IB”= Individual Beds	
(U) = Under Construction	

Barbara Saville - Homeless (KCAO) — 0 FB; 3 IB
 Barbara Saville - DV (KCAO) — 22 FB; 12 IB
 Overnight Shelter - (KGM) — 0 FB; 10 IB
 Hannah’s House - (CR) — 7 FB; 13 IB
 Life Transformation - (KGM) — 0 FB; 10 IB
 Anchors II - (KCAO) — 4 FB; 2 IB
 Anchors IV - (KCAO) — 0 FB; 6 IB
 Hope Survives - (KCAO) — 0 FB; 6 IB
 Every Door Open - (KCAO) — 17 FB; 1 IB

Open Gate Ministries - (OGM) — 34 FB; 0 IB

● DINUBA

● VISALIA

Light House Rescue Mission - (LHRM) — 0 FB; 16 IB

● TULARE

● PLAINVIEW

● PORTERVILLE

Porterville Women’s Shelter - Homeless (CCFCC) — 11 FB; 7 IB
 Porterville Women’s Shelter - DV (CCFCC) — 18 FB; 2 IB
 Transitional Housing Program - DV (CCFCC) — 8 FB; 0 IB
 Crossroads T.A.Y. Housing - (UP) — 0 FB; 10 IB
 Ridge Connection II - (CCFCC) — 0 FB; 12 IB
 Casa de Robles 3 - (TPOCC) — 0 FB; 12 IB
 Ridge Connection I - (CCFCC) — 6 FB; 3 IB

Shelter of Hope - (VRM) — 23 FB; 12 IB
 ONG Shelter - (VRM) — 0 FB; 52 IB
 Karen’s House - (FSTC) — 31 FB; 2 IB
 Crossroads T.A.Y. Housing - (UP) — 0 FB; 10 IB
 House of Hope - (VRM) — 0 FB; 15 IB
 House of Restoration - (VRM) — 0 FB; 40 IB
 Women’s Transitional - (VRM) — 0 FB; 4 IB
 Visalia PSH - (CSET) — 0 FB; 4 IB
 PSH II Myrtle Ct. - (FSTC) — 12 FB; 0 IB
 Casa de Robles 2 - (TPOCC) — 0 FB; 5 IB
 Kings PSH - (TPOCC) — 0 FB; 7 IB

COUNTYWIDE PROGRAMS

Bi-County: Kings Tulare County RRH - (SA) — 9 FB; 4 IB
 Bi-County: Kings Tulare County RRH 2 - (SA) — 10 FB; 11 IB
 Bi-County: SSVF - (WC) — 21 FB; 53 IB
 Kings: Kings PSH - (TPOCC) — 0 FB; 7 IB
 Kings: Every Door Open - (KCAO) — 17 FB; 2 IB
 Tulare: Transition to Independence - (FSTC) — 40 FB; 0 IB
 Tulare: Transitional Living Center - (THHSA) — 0 fb; 36 IB
 Tulare: Transitional Living Center II - (THHSA) U — 0 FB; 17 IB
 Tulare: East Tulare Ave Cottages - (THHSA) — 0 FB; 22 IB
 Tulare: Road to Independence - (FSTC) — 14 FB; 0 IB
 Tulare: Tulare County PSH - (CSET) — 14 FB; 17 IB
 Tulare: Tulare Housing First - (FSTC) — 0 FB; 7 IB
 Tulare: Tulare Housing First II - (FSTC) — 0 FB; 19 IB
 Tulare: Tulare Housing First II Bonus - (FSTC) — 0 FB; 5 IB
 Tulare: PSH III United Way - (FSTC) — 13 FB; 4 IB
 Tulare: VASH Program - (HATC) — 54 FB; 49 IB
 Tulare: Every Door Open - (CSET) — 9 FB; 0 IB

PROVIDER KEY

CCFCC	Central CA Family Crisis Center	HATC	Housing Authority Tulare County	OGM	Open Gate Ministries	UP	Uplift Family Services
CR	Champions Recovery	KCAO	Kings County Action Organization	SA	Salvation Army	VRM	Visalia Rescue Mission
CSET	Community Services & Emp. Training	KGM	Kings Gospel Mission	THHSA	Tulare County HHSA	WC	WestCare
FSTC	Family Services Tulare County	LHRM	Light House Rescue Mission	TPOCC	Turning Point		
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Appendix E – Survey Results, by Location/Subpopulation

Kings & Tulare Counties: Sheltered & Unsheltered

Kings & Tulare Counties: Chronically Homeless

Kings & Tulare Counties: Disabled

Kings & Tulare Counties: Unaccompanied Youth

Kings & Tulare Counties: Veterans

Kings & Tulare Counties: Sheltered

Kings & Tulare Counties: Unsheltered

Kings County: Sheltered & Unsheltered

Kings County: Sheltered

Kings County: Unsheltered

Kings County: Hanford

Kings County: Balance of County

Tulare County: Sheltered & Unsheltered

Tulare County: Sheltered

Tulare County: Unsheltered

Tulare County: Porterville

Tulare County: Tulare

Tulare County: Visalia

Tulare County: Balance of County

PIT Survey

2018 Kings/Tulare Counties: Sheltered & Unsheltered

Total Count	Adults	869	90%
	Children	96	10%
	Unknown	0	0%
	Total	965	100%
Household Composition	# HH	# People	
	Households with Children	45	144
	Households without Children	761	820
	Households with only Children	1	1
	Total	807	965
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	60	71
	Parenting Youth (18-24)	3	4
	Total	64	76
Chronically Homeless	# HH	# People	
	Households with Children	1	3
	Households without Children	254	285
	No	534	658
	Unknown	18	19
	Total	807	965
Homeless One Year or More (adults only)	Yes	466	54%
	No	249	29%
	Unknown	154	18%
	Total	869	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	562	65%
	At Least 4	170	20%
	Unknown	137	16%
	Total	869	100%
Gender	Female	381	39%
	Male	582	60%
	Transgender	1	0%
	Unknown	1	0%
	Total	965	100%
Age Group	<18	96	10%
	18-24	81	8%
	25-34	171	18%
	35-44	191	20%
	45-54	238	25%
	55-64	151	16%
	65-69	27	3%
	70+	10	1%
	Total	965	100%
Ethnicity	Hispanic/Latino	410	42%
	Non-Hispanic/Latino	543	56%
	Unknown	12	1%
	Total	965	100%
Race	American Indian/ Alaskan Native	52	5%
	Asian	13	1%
	Black/African American	90	9%
	Native Hawaiian/ Other Pacific	6	1%
	White	762	79%
	Multiple Races	16	2%
	Unknown	26	3%
	Total	965	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	44	7%
	No	567	88%
	Unknown	31	5%
	Total	642	100%

Place Slept Last Night	Place not meant for human	650	67%
	Emergency Shelter	158	16%
	Transitional Housing	157	16%
	Total	965	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	106	17%
	Within Tulare County	423	66%
	Within State of CA	61	10%
	Another State	37	6%
	Another Country	4	1%
	Unknown	11	2%
	# of Responses	642	100%
Veteran (adults only)	Yes	45	5%
	No	809	93%
	Unknown	15	2%
	Total	869	100%
Disabling Condition (adults only)	Yes	422	52%
	No	385	48%
	# of Responses	807	100%
Barriers* (adults only)	HIV/AIDS	8	1%
	Mental Illness	256	29%
	Substance Abuse	139	16%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	37	6%
	Medical Condition	20	3%
	Mental Health Condition	31	5%
	Eviction	71	12%
	Argument w/ family/friends	45	8%
	Domestic Violence	20	3%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	29	5%
	Divorce/Separation	41	7%
	Foreclosure	3	1%
	No affordable housing	43	7%
	Substandard housing	5	1%
	Aged out of foster care	1	0%
	Lost benefits	2	0%
	Unemployment	164	28%
	Pets not Allowed	3	1%
	Other	63	11%
	# of Responses	578	
Benefits^ (adults only)	No Financial Resources	434	69%
	Earned Income	15	2%
	Unemployment	0	0%
	Veteran's Benefits	6	1%
	Child Support	0	0%
	General Assistance	25	4%
	TANF	33	5%
	SSI	48	8%
	SSDI	52	8%
	Social Security Retirement	6	1%
	Private Disability	1	0%
	Alimony	2	0%
	Pension	3	0%
	Other	16	3%
	# of Responses	630	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey

2018 Kings/Tulare Counties: Chronically Homeless

Total Count	Adults	286	99%
	Children	2	1%
	Unknown	0	0%
	Total	288	100%
Household Composition	# HH	# People	
	Households with Children	1	3
	Households without Children	254	285
	Households with only Children	0	0
	Total	255	288
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	7	8
	Parenting Youth (18-24)	0	0
	Total	7	8
Chronically Homeless	# HH	# People	
	Households with Children	1	3
	Households without Children	254	285
	No	0	0
	Unknown	0	0
	Total	255	288
Homeless One Year or More (adults only)	Yes	268	94%
	No	18	6%
	Unknown	0	0%
	Total	286	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	183	64%
	At Least 4	87	30%
	Unknown	16	6%
	Total	286	100%
Gender	Female	110	38%
	Male	177	61%
	Transgender	1	0%
	Unknown	0	0%
	Total	288	100%
Age Group	<18	2	1%
	18-24	8	3%
	25-34	49	17%
	35-44	65	23%
	45-54	85	30%
	55-64	63	22%
	65-69	11	4%
	70+	5	2%
	Total	288	100%
Ethnicity	Hispanic/Latino	103	36%
	Non-Hispanic/Latino	183	64%
	Unknown	2	1%
	Total	288	100%
Race	American Indian/ Alaskan Native	21	7%
	Asian	3	1%
	Black/African American	16	6%
	Native Hawaiian/ Other Pacific	2	1%
	White	232	81%
	Multiple Races	7	2%
	Unknown	7	2%
	Total	288	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	19	7%
	No	250	91%
	Unknown	5	2%
	Total	274	100%

Place Slept Last Night	Place not meant for human	274	95%
	Emergency Shelter	14	5%
	Transitional Housing	0	0%
	Total	288	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	41	15%
	Within Tulare County	194	71%
	Within State of CA	19	7%
	Another State	15	5%
	Another Country	2	1%
	Unknown	3	1%
	# of Responses	274	100%
Veteran (adults only)	Yes	21	7%
	No	263	92%
	Unknown	2	1%
	Total	286	100%
Disabling Condition (adults only)	Yes	258	94%
	No	16	6%
	# of Responses	274	100%
Barriers* (adults only)	HIV/AIDS	7	2%
	Mental Illness	147	51%
	Substance Abuse	74	26%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	16	7%
	Medical Condition	11	4%
	Mental Health Condition	20	8%
	Eviction	34	14%
	Argument w/ family/friends	13	5%
	Domestic Violence	10	4%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	13	5%
	Divorce/Separation	17	7%
	Foreclosure	1	0%
	No affordable housing	13	5%
	Substandard housing	2	1%
	Aged out of foster care	1	0%
	Lost benefits	0	0%
	Unemployment	66	27%
	Pets not Allowed	2	1%
	Other	27	11%
	# of Responses	246	
Benefits^ (adults only)	No Financial Resources	179	65%
	Earned Income	5	2%
	Unemployment	0	0%
	Veteran's Benefits	4	1%
	Child Support	0	0%
	General Assistance	6	2%
	TANF	17	6%
	SSI	30	11%
	SSDI	21	8%
	Social Security Retirement	2	1%
	Private Disability	1	0%
	Alimony	2	1%
	Pension	2	1%
	Other	7	3%
	# of Responses	274	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey 2018 Kings/Tulare Counties: Disabled

Total Count	Adults	422	100%
	Children	0	0%
	Unknown	0	0%
	Total	422	100%
Household Composition	# HH	# People	
	Households with Children	8	8
	Households without Children	382	414
	Households with only Children	0	0
Unaccompanied/ Parenting Youth (up to age 24)	Total	390	422
	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	18	23
Chronically Homeless	Parenting Youth (18-24)	0	0
	Total	18	23
	# HH	# People	
	Households with Children	1	1
Homeless One Year or More (adults only)	Households without Children	234	257
	No	153	162
	Unknown	2	2
	Total	390	422
# Times Homeless Past 3 Years (adults only)	Yes	267	63%
	No	100	24%
	Unknown	55	13%
	Total	422	100%
Gender	Less Than 4	281	67%
	At Least 4	98	23%
	Unknown	43	10%
	Total	422	100%
Age Group	Female	166	39%
	Male	255	60%
	Transgender	1	0%
	Unknown	0	0%
Ethnicity	Total	422	100%
	<18	0	0%
	18-24	25	6%
	25-34	68	16%
Race	35-44	84	20%
	45-54	130	31%
	55-64	91	22%
	65-69	18	4%
Currently Fleeing Domestic Violence^ (adults only)	70+	6	1%
	Total	422	100%
	Hispanic/Latino	164	39%
	Non-Hispanic/Latino	255	60%
Total	Unknown	3	1%
	Total	422	100%
	American Indian/ Alaskan Native	30	7%
	Asian	5	1%
Total	Black/African American	30	7%
	Native Hawaiian/ Other Pacific	5	1%
	White	333	79%
	Multiple Races	9	2%
Total	Unknown	10	2%
	Total	422	100%
	Yes	26	8%
	No	316	92%
Total	Unknown	3	1%
	Total	345	100%

Place Slept Last Night	Place not meant for human	345	82%
	Emergency Shelter	30	7%
	Transitional Housing	47	11%
	Total	422	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	54	16%
	Within Tulare County	238	69%
	Within State of CA	32	9%
	Another State	17	5%
Veteran (adults only)	Another Country	2	1%
	Unknown	2	1%
	# of Responses	345	100%
	Yes	28	7%
Disabling Condition (adults only)	No	390	92%
	Unknown	4	1%
	Total	422	100%
	Yes	422	100%
Barriers* (adults only)	No	0	0%
	# of Responses	422	100%
	HIV/AIDS	7	2%
	Mental Illness	200	47%
Reason for Homelessness^ (adults only)	Substance Abuse	101	24%
	Alcohol/other drug use	25	8%
	Medical Condition	19	6%
	Mental Health Condition	24	7%
Benefits^ (adults only)	Eviction	44	14%
	Argument w/ family/friends	20	6%
	Domestic Violence	13	4%
	Hospital Discharge	0	0%
Total	Jail/Prison Discharge	17	5%
	Divorce/Separation	19	6%
	Foreclosure	2	1%
	No affordable housing	21	6%
Total	Substandard housing	3	1%
	Aged out of foster care	1	0%
	Lost benefits	1	0%
	Unemployment	79	24%
Total	Pets not Allowed	3	1%
	Other	33	10%
	# of Responses	324	
	No Financial Resources	215	62%
Total	Earned Income	5	1%
	Unemployment	0	0%
	Veteran's Benefits	6	2%
	Child Support	0	0%
Total	General Assistance	12	3%
	TANF	18	5%
	SSI	40	12%
	SSDI	40	12%
Total	Social Security Retirement	3	1%
	Private Disability	0	0%
	Alimony	2	1%
	Pension	3	1%
Total	Other	8	2%
	# of Responses	345	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey

2018 Kings/Tulare Counties: Unaccompanied Youth

Total Count	Adults	71	99%
	Children	1	1%
	Unknown	0	0%
	Total	72	100%
Household Composition	# HH	# People	
	Households with Children	0	0
	Households without Children	60	71
	Households with only Children	1	1
	Total	61	72
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	60	71
	Parenting Youth (18-24)	0	0
	Total	61	72
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	7	8
	No	50	64
	Unknown	0	0
	Total	57	72
Homeless One Year or More (adults only)	Yes	32	45%
	No	24	34%
	Unknown	15	21%
	Total	71	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	49	69%
	At Least 4	9	13%
	Unknown	13	18%
	Total	71	100%
Gender	Female	30	42%
	Male	42	58%
	Transgender	0	0%
	Unknown	0	0%
	Total	72	100%
Age Group	<18	1	1%
	18-24	71	99%
	25-34	0	0%
	35-44	0	0%
	45-54	0	0%
	55-64	0	0%
	65-69	0	0%
	70+	0	0%
	Total	72	100%
Ethnicity	Hispanic/Latino	34	47%
	Non-Hispanic/Latino	37	51%
	Unknown	1	1%
	Total	72	100%
Race	American Indian/ Alaskan Native	1	1%
	Asian	0	0%
	Black/African American	6	8%
	Native Hawaiian/ Other Pacific	2	3%
	White	60	83%
	Multiple Races	1	1%
	Unknown	2	3%
	Total	72	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	3	6%
	No	44	92%
	Unknown	1	2%
	Total	48	100%

Place Slept Last Night	Place not meant for human	49	68%
	Emergency Shelter	5	7%
	Transitional Housing	18	25%
	Total	72	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	6	14%
	Within Tulare County	28	64%
	Within State of CA	8	18%
	Another State	1	2%
	Another Country	0	0%
	Unknown	1	2%
	# of Responses	44	100%
Veteran (adults only)	Yes	0	0%
	No	71	100%
	Unknown	0	0%
	Total	71	100%
Disabling Condition (adults only)	Yes	23	33%
	No	46	67%
	# of Responses	69	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	12	17%
	Substance Abuse	10	14%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	6	15%
	Medical Condition	0	0%
	Mental Health Condition	1	2%
	Eviction	10	24%
	Argument w/ family/friends	7	17%
	Domestic Violence	0	0%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	2	5%
	Divorce/Separation	0	0%
	Foreclosure	0	0%
	No affordable housing	6	15%
	Substandard housing	1	2%
	Aged out of foster care	1	2%
	Lost benefits	0	0%
	Unemployment	7	17%
	Pets not Allowed	0	0%
	Other	3	7%
	# of Responses	41	
Benefits^ (adults only)	No Financial Resources	35	73%
	Earned Income	2	4%
	Unemployment	0	0%
	Veteran's Benefits	0	0%
	Child Support	0	0%
	General Assistance	6	13%
	TANF	5	10%
	SSI	0	0%
	SSDI	0	0%
	Social Security Retirement	0	0%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	0	0%
	Other	0	0%
	# of Responses	48	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey 2018 Kings/Tulare Counties: Veterans

Total Count	Adults	45	100%
	Children	0	0%
	Unknown	0	0%
	Total	45	100%
Household Composition	# HH	# People	
	Households with Children	0	0
	Households without Children	44	45
	Households with only Children	0	0
Unaccompanied/ Parenting Youth (up to age 24)	Total	44	45
	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	0	0
Chronically Homeless	Parenting Youth (18-24)	0	0
	Total	0	0
	# HH	# People	
	Households with Children	0	0
Homeless One Year or More (adults only)	Households without Children	20	21
	No	24	24
	Unknown	0	0
	Total	44	45
# Times Homeless Past 3 Years (adults only)	Yes	29	64%
	No	11	24%
	Unknown	5	11%
	Total	45	100%
Gender	Less Than 4	33	73%
	At Least 4	8	18%
	Unknown	4	9%
	Total	45	100%
Age Group	Female	3	7%
	Male	42	93%
	Transgender	0	0%
	Unknown	0	0%
Ethnicity	Total	45	100%
	<18	0	0%
	18-24	0	0%
	25-34	3	7%
Race	35-44	7	16%
	45-54	13	29%
	55-64	16	36%
	65-69	6	13%
Currently Fleeing Domestic Violence^ (adults only)	70+	0	0%
	Total	45	100%
	Hispanic/Latino	10	22%
	Non-Hispanic/Latino	35	78%
Total	Unknown	0	0%
	Total	45	100%
	American Indian/ Alaskan Native	2	4%
	Asian	0	0%
Total	Black/African American	2	4%
	Native Hawaiian/ Other Pacific	1	2%
	White	38	84%
	Multiple Races	2	4%
Total	Unknown	0	0%
	Total	45	100%
	Yes	0	0%
	No	37	95%
Total	Unknown	2	5%
	Total	39	100%

Place Slept Last Night	Place not meant for human	39	87%
	Emergency Shelter	4	9%
	Transitional Housing	2	4%
	Total	45	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	5	13%
	Within Tulare County	26	67%
	Within State of CA	3	8%
	Another State	4	10%
Veteran (adults only)	Another Country	0	0%
	Unknown	1	3%
	# of Responses	39	100%
	Yes	45	100%
Disabling Condition (adults only)	No	0	0%
	Unknown	0	0%
	Total	45	100%
	Yes	28	67%
Barriers* (adults only)	No	14	33%
	# of Responses	42	100%
	HIV/AIDS	0	0%
	Mental Illness	19	42%
Reason for Homelessness^ (adults only)	Substance Abuse	7	16%
	Alcohol/other drug use	1	3%
	Medical Condition	2	6%
	Mental Health Condition	5	14%
Benefits^ (adults only)	Eviction	3	9%
	Argument w/ family/friends	3	9%
	Domestic Violence	0	0%
	Hospital Discharge	0	0%
Total	Jail/Prison Discharge	2	6%
	Divorce/Separation	1	3%
	Foreclosure	0	0%
	No affordable housing	1	3%
Total	Substandard housing	0	0%
	Aged out of foster care	0	0%
	Lost benefits	1	3%
	Unemployment	12	34%
Total	Pets not Allowed	0	0%
	Other	4	11%
	# of Responses	35	
	No Financial Resources	23	59%
Total	Earned Income	1	3%
	Unemployment	0	0%
	Veteran's Benefits	6	15%
	Child Support	0	0%
Total	General Assistance	1	3%
	TANF	0	0%
	SSI	3	8%
	SSDI	5	13%
Total	Social Security Retirement	0	0%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	1	3%
Total	Other	0	0%
	# of Responses	39	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Kings/Tulare Counties: Sheltered

Total Count	Adults	227	72%
	Children	88	28%
	Unknown	0	0%
	Total	315	100%
Household Composition	# HH	# People	
	Households with Children	40	130
	Households without Children	185	185
	Households with only Children	0	0
	Total	225	315
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	23	23
	Parenting Youth (18-24)	2	2
	Total	25	25
Chronically Homeless	# HH	# People	
	Households with Children	1	3
	Households without Children	11	11
	No	211	299
	Unknown	2	2
	Total	225	315
Homeless One Year or More (adults only)	Yes	36	16%
	No	102	45%
	Unknown	89	39%
	Total	227	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	107	47%
	At Least 4	28	12%
	Unknown	92	41%
	Total	227	100%
Gender	Female	141	45%
	Male	174	55%
	Transgender	0	0%
	Unknown	0	0%
	Total	315	100%
Age Group	<18	88	28%
	18-24	27	9%
	25-34	62	20%
	35-44	61	19%
	45-54	59	19%
	55-64	16	5%
	65-69	2	1%
	70+	0	0%
	Total	315	100%
Ethnicity	Hispanic/Latino	158	50%
	Non-Hispanic/Latino	157	50%
	Unknown	0	0%
	Total	315	100%
Race	American Indian/ Alaskan Native	6	2%
	Asian	7	2%
	Black/African American	48	15%
	Native Hawaiian/ Other Pacific	0	0%
	White	249	79%
	Multiple Races	2	1%
	Unknown	3	1%
	Total	315	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	0	#DIV/0!
	No	0	#DIV/0!
	Unknown	0	#DIV/0!
	Total	0	#DIV/0!

Place Slept Last Night	Place not meant for human	0	0%
	Emergency Shelter	158	50%
	Transitional Housing	157	50%
	Total	315	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	0	#DIV/0!
	Within Tulare County	0	#DIV/0!
	Within State of CA	0	#DIV/0!
	Another State	0	#DIV/0!
	Another Country	0	#DIV/0!
	Unknown	0	#DIV/0!
	# of Responses	0	#DIV/0!
Veteran (adults only)	Yes	6	3%
	No	219	96%
	Unknown	2	1%
	Total	227	100%
Disabling Condition (adults only)	Yes	77	36%
	No	137	64%
	# of Responses	214	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	30	13%
	Substance Abuse	29	13%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	0	#DIV/0!
	Medical Condition	0	#DIV/0!
	Mental Health Condition	0	#DIV/0!
	Eviction	0	#DIV/0!
	Argument w/ family/friends	0	#DIV/0!
	Domestic Violence	0	#DIV/0!
	Hospital Discharge	0	#DIV/0!
	Jail/Prison Discharge	0	#DIV/0!
	Divorce/Separation	0	#DIV/0!
	Foreclosure	0	#DIV/0!
	No affordable housing	0	#DIV/0!
	Substandard housing	0	#DIV/0!
	Aged out of foster care	0	#DIV/0!
	Lost benefits	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Pets not Allowed	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	
Benefits^ (adults only)	No Financial Resources	0	#DIV/0!
	Earned Income	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Veteran's Benefits	0	#DIV/0!
	Child Support	0	#DIV/0!
	General Assistance	0	#DIV/0!
	TANF	0	#DIV/0!
	SSI	0	#DIV/0!
	SSDI	0	#DIV/0!
	Social Security Retirement	0	#DIV/0!
	Private Disability	0	#DIV/0!
	Alimony	0	#DIV/0!
	Pension	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	

^ Data only reported on unsheltered clients.

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PIT Survey

2018 Kings/Tulare Counties: Unsheltered

Total Count	Adults	642	99%
	Children	8	1%
	Unknown	0	0%
	Total	650	100%
Household Composition	# HH	# People	
	Households with Children	5	14
	Households without Children	576	635
	Households with only Children	1	1
	Total	582	650
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	37	48
	Parenting Youth (18-24)	1	2
	Total	39	51
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	243	274
	No	323	359
	Unknown	16	17
	Total	582	650
Homeless One Year or More (adults only)	Yes	430	67%
	No	147	23%
	Unknown	65	10%
	Total	642	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	455	71%
	At Least 4	142	22%
	Unknown	45	7%
	Total	642	100%
Gender	Female	240	37%
	Male	408	63%
	Transgender	1	0%
	Unknown	1	0%
	Total	650	100%
Age Group	<18	8	1%
	18-24	54	8%
	25-34	109	17%
	35-44	130	20%
	45-54	179	28%
	55-64	135	21%
	65-69	25	4%
	70+	10	2%
	Total	650	100%
Ethnicity	Hispanic/Latino	252	39%
	Non-Hispanic/Latino	386	59%
	Unknown	12	2%
	Total	650	100%
Race	American Indian/ Alaskan Native	46	7%
	Asian	6	1%
	Black/African American	42	6%
	Native Hawaiian/ Other Pacific	6	1%
	White	513	79%
	Multiple Races	14	2%
	Unknown	23	4%
	Total	650	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	44	7%
	No	567	88%
	Unknown	31	5%
	Total	642	100%

Place Slept Last Night	Place not meant for human	650	100%
	Emergency Shelter	0	0%
	Transitional Housing	0	0%
	Total	650	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	106	17%
	Within Tulare County	423	66%
	Within State of CA	61	10%
	Another State	37	6%
	Another Country	4	1%
	Unknown	11	2%
	# of Responses	642	100%
Veteran (adults only)	Yes	39	6%
	No	590	92%
	Unknown	13	2%
	Total	642	100%
Disabling Condition (adults only)	Yes	345	58%
	No	248	42%
	# of Responses	593	100%
Barriers* (adults only)	HIV/AIDS	8	1%
	Mental Illness	226	35%
	Substance Abuse	110	17%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	37	6%
	Medical Condition	20	3%
	Mental Health Condition	31	5%
	Eviction	71	12%
	Argument w/ family/friends	45	8%
	Domestic Violence	20	3%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	29	5%
	Divorce/Separation	41	7%
	Foreclosure	3	1%
	No affordable housing	43	7%
	Substandard housing	5	1%
	Aged out of foster care	1	0%
	Lost benefits	2	0%
	Unemployment	164	28%
	Pets not Allowed	3	1%
	Other	63	11%
	# of Responses	578	
Benefits^ (adults only)	No Financial Resources	434	69%
	Earned Income	15	2%
	Unemployment	0	0%
	Veteran's Benefits	6	1%
	Child Support	0	0%
	General Assistance	25	4%
	TANF	33	5%
	SSI	48	8%
	SSDI	52	8%
	Social Security Retirement	6	1%
	Private Disability	1	0%
	Alimony	2	0%
	Pension	3	0%
	Other	16	3%
	# of Responses	630	

^ Data only reported on unsheltered clients.

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PIT Survey

2018 Kings County: Sheltered & Unsheltered

Total Count	Adults	164	94%
	Children	11	6%
	Unknown	0	0%
	Total	175	100%
Household Composition	# HH	# People	
	Households with Children	7	18
	Households without Children	150	157
	Households with only Children	0	0
	Total	157	175
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	7	9
	Parenting Youth (18-24)	1	1
	Total	8	10
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	47	50
	No	106	121
	Unknown	4	4
	Total	157	175
Homeless One Year or More (adults only)	Yes	94	57%
	No	55	34%
	Unknown	15	9%
	Total	164	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	128	78%
	At Least 4	19	12%
	Unknown	17	10%
	Total	164	100%
Gender	Female	76	43%
	Male	99	57%
	Transgender	0	0%
	Unknown	0	0%
	Total	175	100%
Age Group	<18	11	6%
	18-24	10	6%
	25-34	33	19%
	35-44	42	24%
	45-54	43	25%
	55-64	31	18%
	65-69	3	2%
	70+	2	1%
	Total	175	100%
Ethnicity	Hispanic/Latino	76	43%
	Non-Hispanic/Latino	94	54%
	Unknown	5	3%
	Total	175	100%
Race	American Indian/ Alaskan Native	9	5%
	Asian	0	0%
	Black/African American	23	13%
	Native Hawaiian/ Other Pacific	2	1%
	White	135	77%
	Multiple Races	0	0%
	Unknown	6	3%
	Total	175	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	5	4%
	No	116	90%
	Unknown	8	6%
	Total	129	100%

Place Slept Last Night	Place not meant for human	131	75%
	Emergency Shelter	22	13%
	Transitional Housing	22	13%
	Total	175	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	103	80%
	Within Tulare County	4	3%
	Within State of CA	14	11%
	Another State	5	4%
	Another Country	2	2%
	Unknown	1	1%
	# of Responses	129	100%
Veteran (adults only)	Yes	9	5%
	No	153	93%
	Unknown	2	1%
	Total	164	100%
Disabling Condition (adults only)	Yes	76	48%
	No	81	52%
	# of Responses	157	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	44	27%
	Substance Abuse	21	13%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	6	5%
	Medical Condition	4	3%
	Mental Health Condition	11	9%
	Eviction	14	12%
	Argument w/ family/friends	9	7%
	Domestic Violence	2	2%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	9	7%
	Divorce/Separation	8	7%
	Foreclosure	0	0%
	No affordable housing	11	9%
	Substandard housing	1	1%
	Aged out of foster care	0	0%
	Lost benefits	1	1%
	Unemployment	32	26%
	Pets not Allowed	2	2%
	Other	11	9%
	# of Responses	121	
Benefits^ (adults only)	No Financial Resources	87	67%
	Earned Income	5	4%
	Unemployment	0	0%
	Veteran's Benefits	2	2%
	Child Support	0	0%
	General Assistance	1	1%
	TANF	4	3%
	SSI	17	13%
	SSDI	10	8%
	Social Security Retirement	3	2%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	2	2%
	Other	1	1%
	# of Responses	129	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Kings County: Sheltered

Total Count	Adults	35	80%
	Children	9	20%
	Unknown	0	0%
	Total	44	100%
Household Composition	# HH	# People	
	Households with Children	5	14
	Households without Children	30	30
	Households with only Children	0	0
	Total	35	44
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	0	0
	Parenting Youth (18-24)	1	1
	Total	1	1
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	1	1
	No	33	42
	Unknown	1	1
	Total	35	44
Homeless One Year or More (adults only)	Yes	5	14%
	No	17	49%
	Unknown	13	37%
	Total	35	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	19	54%
	At Least 4	1	3%
	Unknown	15	43%
	Total	35	100%
Gender	Female	26	59%
	Male	18	41%
	Transgender	0	0%
	Unknown	0	0%
	Total	44	100%
Age Group	<18	9	20%
	18-24	1	2%
	25-34	12	27%
	35-44	9	20%
	45-54	7	16%
	55-64	6	14%
	65-69	0	0%
	70+	0	0%
	Total	44	100%
Ethnicity	Hispanic/Latino	23	52%
	Non-Hispanic/Latino	21	48%
	Unknown	0	0%
	Total	44	100%
Race	American Indian/ Alaskan Native	4	9%
	Asian	0	0%
	Black/African American	7	16%
	Native Hawaiian/ Other Pacific	0	0%
	White	33	75%
	Multiple Races	0	0%
	Unknown	0	0%
	Total	44	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	0	#DIV/0!
	No	0	#DIV/0!
	Unknown	0	#DIV/0!
	Total	0	#DIV/0!

Place Slept Last Night	Place not meant for human	0	0%
	Emergency Shelter	22	50%
	Transitional Housing	22	50%
	Total	44	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	0	#DIV/0!
	Within Tulare County	0	#DIV/0!
	Within State of CA	0	#DIV/0!
	Another State	0	#DIV/0!
	Another Country	0	#DIV/0!
	Unknown	0	#DIV/0!
	# of Responses	0	#DIV/0!
Veteran (adults only)	Yes	2	6%
	No	33	94%
	Unknown	0	0%
	Total	35	100%
Disabling Condition (adults only)	Yes	8	23%
	No	27	77%
	# of Responses	35	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	1	3%
	Substance Abuse	3	9%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	0	#DIV/0!
	Medical Condition	0	#DIV/0!
	Mental Health Condition	0	#DIV/0!
	Eviction	0	#DIV/0!
	Argument w/ family/friends	0	#DIV/0!
	Domestic Violence	0	#DIV/0!
	Hospital Discharge	0	#DIV/0!
	Jail/Prison Discharge	0	#DIV/0!
	Divorce/Separation	0	#DIV/0!
	Foreclosure	0	#DIV/0!
	No affordable housing	0	#DIV/0!
	Substandard housing	0	#DIV/0!
	Aged out of foster care	0	#DIV/0!
	Lost benefits	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Pets not Allowed	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	
Benefits^ (adults only)	No Financial Resources	0	#DIV/0!
	Earned Income	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Veteran's Benefits	0	#DIV/0!
	Child Support	0	#DIV/0!
	General Assistance	0	#DIV/0!
	TANF	0	#DIV/0!
	SSI	0	#DIV/0!
	SSDI	0	#DIV/0!
	Social Security Retirement	0	#DIV/0!
	Private Disability	0	#DIV/0!
	Alimony	0	#DIV/0!
	Pension	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey 2018 Kings County: Unsheltered

Total Count	Adults	129	98%
	Children	2	2%
	Unknown	0	0%
	Total	131	100%
Household Composition	# HH	# People	
	Households with Children	2	4
	Households without Children	120	127
	Households with only Children	0	0
	Total	122	131
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	7	9
	Parenting Youth (18-24)	0	0
	Total	7	9
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	46	49
	No	73	79
	Unknown	3	3
	Total	122	131
Homeless One Year or More (adults only)	Yes	89	69%
	No	38	29%
	Unknown	2	2%
	Total	129	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	109	84%
	At Least 4	18	14%
	Unknown	2	2%
	Total	129	100%
Gender	Female	50	38%
	Male	81	62%
	Transgender	0	0%
	Unknown	0	0%
	Total	131	100%
Age Group	<18	2	2%
	18-24	9	7%
	25-34	21	16%
	35-44	33	25%
	45-54	36	27%
	55-64	25	19%
	65-69	3	2%
	70+	2	2%
	Total	131	100%
Ethnicity	Hispanic/Latino	53	40%
	Non-Hispanic/Latino	73	56%
	Unknown	5	4%
	Total	131	100%
Race	American Indian/ Alaskan Native	5	4%
	Asian	0	0%
	Black/African American	16	12%
	Native Hawaiian/ Other Pacific	2	2%
	White	102	78%
	Multiple Races	0	0%
	Unknown	6	5%
	Total	131	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	5	4%
	No	116	90%
	Unknown	8	6%
	Total	129	100%

Place Slept Last Night	Place not meant for human	131	100%
	Emergency Shelter	0	0%
	Transitional Housing	0	0%
	Total	131	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	103	80%
	Within Tulare County	4	3%
	Within State of CA	14	11%
	Another State	5	4%
	Another Country	2	2%
	Unknown	1	1%
	# of Responses	129	100%
Veteran (adults only)	Yes	7	5%
	No	120	93%
	Unknown	2	2%
	Total	129	100%
Disabling Condition (adults only)	Yes	68	56%
	No	54	44%
	# of Responses	122	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	43	33%
	Substance Abuse	18	14%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	6	5%
	Medical Condition	4	3%
	Mental Health Condition	11	9%
	Eviction	14	12%
	Argument w/ family/friends	9	7%
	Domestic Violence	2	2%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	9	7%
	Divorce/Separation	8	7%
	Foreclosure	0	0%
	No affordable housing	11	9%
	Substandard housing	1	1%
	Aged out of foster care	0	0%
	Lost benefits	1	1%
	Unemployment	32	26%
	Pets not Allowed	2	2%
	Other	11	9%
	# of Responses	121	
Benefits^ (adults only)	No Financial Resources	87	67%
	Earned Income	5	4%
	Unemployment	0	0%
	Veteran's Benefits	2	2%
	Child Support	0	0%
	General Assistance	1	1%
	TANF	4	3%
	SSI	17	13%
	SSDI	10	8%
	Social Security Retirement	3	2%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	2	2%
	Other	1	1%
	# of Responses	129	

^ Data only reported on unsheltered clients.

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PIT Survey

2018 Kings County: Hanford

Total Count	Adults	158	94%
	Children	10	6%
	Unknown	0	0%
	Total	168	100%
Household Composition	# HH	# People	
	Households with Children	6	16
	Households without Children	145	152
	Households with only Children	0	0
	Total	151	168
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	7	9
	Parenting Youth (18-24)	1	1
	Total	8	10
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	44	47
	No	103	117
	Unknown	4	4
	Total	151	168
Homeless One Year or More (adults only)	Yes	90	57%
	No	53	34%
	Unknown	15	9%
	Total	158	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	124	78%
	At Least 4	17	11%
	Unknown	17	11%
	Total	158	100%
Gender	Female	73	43%
	Male	95	57%
	Transgender	0	0%
	Unknown	0	0%
	Total	168	100%
Age Group	<18	10	6%
	18-24	10	6%
	25-34	31	18%
	35-44	41	24%
	45-54	41	24%
	55-64	30	18%
	65-69	3	2%
	70+	2	1%
	Total	168	100%
Ethnicity	Hispanic/Latino	70	42%
	Non-Hispanic/Latino	93	55%
	Unknown	5	3%
	Total	168	100%
Race	American Indian/ Alaskan Native	9	5%
	Asian	0	0%
	Black/African American	23	14%
	Native Hawaiian/ Other Pacific	2	1%
	White	128	76%
	Multiple Races	0	0%
	Unknown	6	4%
	Total	168	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	5	4%
	No	110	89%
	Unknown	8	7%
	Total	123	100%

Place Slept Last Night	Place not meant for human	124	74%
	Emergency Shelter	22	13%
	Transitional Housing	22	13%
	Total	168	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	97	79%
	Within Tulare County	4	3%
	Within State of CA	14	11%
	Another State	5	4%
	Another Country	2	2%
	Unknown	1	1%
	# of Responses	123	100%
Veteran (adults only)	Yes	9	6%
	No	147	93%
	Unknown	2	1%
	Total	158	100%
Disabling Condition (adults only)	Yes	72	48%
	No	79	52%
	# of Responses	151	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	41	26%
	Substance Abuse	21	13%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	5	4%
	Medical Condition	4	3%
	Mental Health Condition	10	9%
	Eviction	14	12%
	Argument w/ family/friends	8	7%
	Domestic Violence	2	2%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	9	8%
	Divorce/Separation	8	7%
	Foreclosure	0	0%
	No affordable housing	10	9%
	Substandard housing	1	1%
	Aged out of foster care	0	0%
	Lost benefits	1	1%
	Unemployment	30	26%
	Pets not Allowed	2	2%
	Other	11	10%
	# of Responses	115	
Benefits^ (adults only)	No Financial Resources	86	70%
	Earned Income	5	4%
	Unemployment	0	0%
	Veteran's Benefits	2	2%
	Child Support	0	0%
	General Assistance	0	0%
	TANF	4	3%
	SSI	14	11%
	SSDI	9	7%
	Social Security Retirement	3	2%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	2	2%
	Other	1	1%
	# of Responses	123	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Kings County: Balance of County

Total Count	Adults	6	86%
	Children	1	14%
	Unknown	0	0%
	Total	7	100%
Household Composition	# HH	# People	
	Households with Children	1	2
	Households without Children	5	5
	Households with only Children	0	0
	Total	6	7
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	0	0
	Parenting Youth (18-24)	0	0
	Total	0	0
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	3	3
	No	3	4
	Unknown	0	0
	Total	6	7
Homeless One Year or More (adults only)	Yes	4	67%
	No	2	33%
	Unknown	0	0%
	Total	6	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	4	67%
	At Least 4	2	33%
	Unknown	0	0%
	Total	6	100%
Gender	Female	3	43%
	Male	4	57%
	Transgender	0	0%
	Unknown	0	0%
	Total	7	100%
Age Group	<18	1	14%
	18-24	0	0%
	25-34	2	29%
	35-44	1	14%
	45-54	2	29%
	55-64	1	14%
	65-69	0	0%
	70+	0	0%
	Total	7	100%
Ethnicity	Hispanic/Latino	6	86%
	Non-Hispanic/Latino	1	14%
	Unknown	0	0%
	Total	7	100%
Race	American Indian/ Alaskan Native	0	0%
	Asian	0	0%
	Black/African American	0	0%
	Native Hawaiian/ Other Pacific	0	0%
	White	7	100%
	Multiple Races	0	0%
	Unknown	0	0%
	Total	7	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	0	0%
	No	6	100%
	Unknown	0	0%
	Total	6	100%

Place Slept Last Night	Place not meant for human	7	100%
	Emergency Shelter	0	0%
	Transitional Housing	0	0%
	Total	7	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	6	100%
	Within Tulare County	0	0%
	Within State of CA	0	0%
	Another State	0	0%
	Another Country	0	0%
	Unknown	0	0%
	# of Responses	6	100%
Veteran (adults only)	Yes	0	0%
	No	6	100%
	Unknown	0	0%
	Total	6	100%
Disabling Condition (adults only)	Yes	4	67%
	No	2	33%
	# of Responses	6	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	3	50%
	Substance Abuse	0	0%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	1	17%
	Medical Condition	0	0%
	Mental Health Condition	1	17%
	Eviction	0	0%
	Argument w/ family/friends	1	17%
	Domestic Violence	0	0%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	0	0%
	Divorce/Separation	0	0%
	Foreclosure	0	0%
	No affordable housing	1	17%
	Substandard housing	0	0%
	Aged out of foster care	0	0%
	Lost benefits	0	0%
	Unemployment	2	33%
	Pets not Allowed	0	0%
	Other	0	0%
	# of Responses	6	
Benefits^ (adults only)	No Financial Resources	1	17%
	Earned Income	0	0%
	Unemployment	0	0%
	Veteran's Benefits	0	0%
	Child Support	0	0%
	General Assistance	1	17%
	TANF	0	0%
	SSI	3	50%
	SSDI	1	17%
	Social Security Retirement	0	0%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	0	0%
	Other	0	0%
	# of Responses	6	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey

2018 Tulare County: Sheltered & Unsheltered

Total Count	Adults	705	89%
	Children	85	11%
	Unknown	0	0%
	Total	790	100%
Household Composition	# HH	# People	
	Households with Children	38	126
	Households without Children	611	663
	Households with only Children	1	1
	Total	650	790
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	53	62
	Parenting Youth (18-24)	2	3
	Total	56	66
Chronically Homeless	# HH	# People	
	Households with Children	1	3
	Households without Children	207	235
	No	428	537
	Unknown	14	15
	Total	650	790
Homeless One Year or More (adults only)	Yes	372	53%
	No	194	28%
	Unknown	139	20%
	Total	705	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	434	62%
	At Least 4	151	21%
	Unknown	120	17%
	Total	705	100%
Gender	Female	305	39%
	Male	483	61%
	Transgender	1	0%
	Unknown	1	0%
	Total	790	100%
Age Group	<18	85	11%
	18-24	71	9%
	25-34	138	17%
	35-44	149	19%
	45-54	195	25%
	55-64	120	15%
	65-69	24	3%
	70+	8	1%
	Total	790	100%
Ethnicity	Hispanic/Latino	334	42%
	Non-Hispanic/Latino	449	57%
	Unknown	7	1%
	Total	790	100%
Race	American Indian/ Alaskan Native	43	5%
	Asian	13	2%
	Black/African American	67	8%
	Native Hawaiian/ Other Pacific	4	1%
	White	627	79%
	Multiple Races	16	2%
	Unknown	20	3%
	Total	790	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	39	8%
	No	451	88%
	Unknown	23	4%
	Total	513	100%

Place Slept Last Night	Place not meant for human	519	66%
	Emergency Shelter	136	17%
	Transitional Housing	135	17%
	Total	790	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	3	1%
	Within Tulare County	419	82%
	Within State of CA	47	9%
	Another State	32	6%
	Another Country	2	0%
	Unknown	10	2%
	# of Responses	513	100%
Veteran (adults only)	Yes	36	5%
	No	656	93%
	Unknown	13	2%
	Total	705	100%
Disabling Condition (adults only)	Yes	346	53%
	No	304	47%
	# of Responses	650	100%
Barriers* (adults only)	HIV/AIDS	8	1%
	Mental Illness	212	30%
	Substance Abuse	118	17%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	31	7%
	Medical Condition	16	4%
	Mental Health Condition	20	4%
	Eviction	57	12%
	Argument w/ family/friends	36	8%
	Domestic Violence	18	4%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	20	4%
	Divorce/Separation	33	7%
	Foreclosure	3	1%
	No affordable housing	32	7%
	Substandard housing	4	1%
	Aged out of foster care	1	0%
	Lost benefits	1	0%
	Unemployment	132	29%
	Pets not Allowed	1	0%
	Other	52	11%
	# of Responses	457	
Benefits^ (adults only)	No Financial Resources	347	69%
	Earned Income	10	2%
	Unemployment	0	0%
	Veteran's Benefits	4	1%
	Child Support	0	0%
	General Assistance	24	5%
	TANF	29	6%
	SSI	31	6%
	SSDI	42	8%
	Social Security Retirement	3	1%
	Private Disability	1	0%
	Alimony	2	0%
	Pension	1	0%
	Other	15	3%
	# of Responses	501	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Tulare County: Sheltered

Total Count	Adults	192	71%
	Children	79	29%
	Unknown	0	0%
	Total	271	100%
Household Composition	# HH	# People	
	Households with Children	35	116
	Households without Children	155	155
	Households with only Children	0	0
	Total	190	271
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	23	23
	Parenting Youth (18-24)	1	1
	Total	24	24
Chronically Homeless	# HH	# People	
	Households with Children	1	3
	Households without Children	10	10
	No	178	257
	Unknown	1	1
	Total	190	271
Homeless One Year or More (adults only)	Yes	31	16%
	No	85	44%
	Unknown	76	40%
	Total	192	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	88	46%
	At Least 4	27	14%
	Unknown	77	40%
	Total	192	100%
Gender	Female	115	42%
	Male	156	58%
	Transgender	0	0%
	Unknown	0	0%
	Total	271	100%
Age Group	<18	79	29%
	18-24	26	10%
	25-34	50	18%
	35-44	52	19%
	45-54	52	19%
	55-64	10	4%
	65-69	2	1%
	70+	0	0%
	Total	271	100%
Ethnicity	Hispanic/Latino	135	50%
	Non-Hispanic/Latino	136	50%
	Unknown	0	0%
	Total	271	100%
Race	American Indian/ Alaskan Native	2	1%
	Asian	7	3%
	Black/African American	41	15%
	Native Hawaiian/ Other Pacific	0	0%
	White	216	80%
	Multiple Races	2	1%
	Unknown	3	1%
	Total	271	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	0	#DIV/0!
	No	0	#DIV/0!
	Unknown	0	#DIV/0!
	Total	0	#DIV/0!

Place Slept Last Night	Place not meant for human	0	0%
	Emergency Shelter	136	50%
	Transitional Housing	135	50%
	Total	271	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	0	#DIV/0!
	Within Tulare County	0	#DIV/0!
	Within State of CA	0	#DIV/0!
	Another State	0	#DIV/0!
	Another Country	0	#DIV/0!
	Unknown	0	#DIV/0!
	# of Responses	0	#DIV/0!
Veteran (adults only)	Yes	4	2%
	No	186	97%
	Unknown	2	1%
	Total	192	100%
Disabling Condition (adults only)	Yes	69	39%
	No	110	61%
	# of Responses	179	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	29	15%
	Substance Abuse	26	14%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	0	#DIV/0!
	Medical Condition	0	#DIV/0!
	Mental Health Condition	0	#DIV/0!
	Eviction	0	#DIV/0!
	Argument w/ family/friends	0	#DIV/0!
	Domestic Violence	0	#DIV/0!
	Hospital Discharge	0	#DIV/0!
	Jail/Prison Discharge	0	#DIV/0!
	Divorce/Separation	0	#DIV/0!
	Foreclosure	0	#DIV/0!
	No affordable housing	0	#DIV/0!
	Substandard housing	0	#DIV/0!
	Aged out of foster care	0	#DIV/0!
	Lost benefits	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Pets not Allowed	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	
Benefits^ (adults only)	No Financial Resources	0	#DIV/0!
	Earned Income	0	#DIV/0!
	Unemployment	0	#DIV/0!
	Veteran's Benefits	0	#DIV/0!
	Child Support	0	#DIV/0!
	General Assistance	0	#DIV/0!
	TANF	0	#DIV/0!
	SSI	0	#DIV/0!
	SSDI	0	#DIV/0!
	Social Security Retirement	0	#DIV/0!
	Private Disability	0	#DIV/0!
	Alimony	0	#DIV/0!
	Pension	0	#DIV/0!
	Other	0	#DIV/0!
	# of Responses	0	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Tulare County: Unsheltered

Total Count	Adults	513	99%
	Children	6	1%
	Unknown	0	0%
	Total	519	100%
Household Composition	# HH	# People	
	Households with Children	3	10
	Households without Children	456	508
	Households with only Children	1	1
	Total	460	519
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	30	39
	Parenting Youth (18-24)	1	2
	Total	32	42
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	197	225
	No	250	280
	Unknown	13	14
	Total	460	519
Homeless One Year or More (adults only)	Yes	341	66%
	No	109	21%
	Unknown	63	12%
	Total	513	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	346	67%
	At Least 4	124	24%
	Unknown	43	8%
	Total	513	100%
Gender	Female	190	37%
	Male	327	63%
	Transgender	1	0%
	Unknown	1	0%
	Total	519	100%
Age Group	<18	6	1%
	18-24	45	9%
	25-34	88	17%
	35-44	97	19%
	45-54	143	28%
	55-64	110	21%
	65-69	22	4%
	70+	8	2%
	Total	519	100%
Ethnicity	Hispanic/Latino	199	38%
	Non-Hispanic/Latino	313	60%
	Unknown	7	1%
	Total	519	100%
Race	American Indian/ Alaskan Native	41	8%
	Asian	6	1%
	Black/African American	26	5%
	Native Hawaiian/ Other Pacific	4	1%
	White	411	79%
	Multiple Races	14	3%
	Unknown	17	3%
	Total	519	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	39	8%
	No	451	88%
	Unknown	23	4%
	Total	513	100%

Place Slept Last Night	Place not meant for human	519	100%
	Emergency Shelter	0	0%
	Transitional Housing	0	0%
	Total	519	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	3	1%
	Within Tulare County	419	82%
	Within State of CA	47	9%
	Another State	32	6%
	Another Country	2	0%
	Unknown	10	2%
	# of Responses	513	100%
Veteran (adults only)	Yes	32	6%
	No	470	92%
	Unknown	11	2%
	Total	513	100%
Disabling Condition (adults only)	Yes	277	59%
	No	194	41%
	# of Responses	471	100%
Barriers* (adults only)	HIV/AIDS	8	2%
	Mental Illness	183	36%
	Substance Abuse	92	18%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	31	7%
	Medical Condition	16	4%
	Mental Health Condition	20	4%
	Eviction	57	12%
	Argument w/ family/friends	36	8%
	Domestic Violence	18	4%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	20	4%
	Divorce/Separation	33	7%
	Foreclosure	3	1%
	No affordable housing	32	7%
	Substandard housing	4	1%
	Aged out of foster care	1	0%
	Lost benefits	1	0%
	Unemployment	132	29%
	Pets not Allowed	1	0%
	Other	52	11%
	# of Responses	457	
Benefits^ (adults only)	No Financial Resources	347	69%
	Earned Income	10	2%
	Unemployment	0	0%
	Veteran's Benefits	4	1%
	Child Support	0	0%
	General Assistance	24	5%
	TANF	29	6%
	SSI	31	6%
	SSDI	42	8%
	Social Security Retirement	3	1%
	Private Disability	1	0%
	Alimony	2	0%
	Pension	1	0%
	Other	15	3%
	# of Responses	501	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Tulare County: Porterville

Total Count	Adults	169	87%
	Children	26	13%
	Unknown	0	0%
	Total	195	100%
Household Composition	# HH	# People	
	Households with Children	10	36
	Households without Children	139	158
	Households with only Children	1	1
	Total	150	195
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	1	1
	Unaccompanied Youth (18-24)	11	14
	Parenting Youth (18-24)	2	3
	Total	14	18
Chronically Homeless	# HH	# People	
	Households with Children	1	2
	Households without Children	54	64
	No	95	129
	Unknown	0	0
	Total	150	195
Homeless One Year or More (adults only)	Yes	111	66%
	No	48	28%
	Unknown	10	6%
	Total	169	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	141	83%
	At Least 4	20	12%
	Unknown	8	5%
	Total	169	100%
Gender	Female	98	50%
	Male	97	50%
	Transgender	0	0%
	Unknown	0	0%
	Total	195	100%
Age Group	<18	26	13%
	18-24	17	9%
	25-34	26	13%
	35-44	33	17%
	45-54	48	25%
	55-64	39	20%
	65-69	5	3%
	70+	1	1%
	Total	195	100%
Ethnicity	Hispanic/Latino	67	34%
	Non-Hispanic/Latino	128	66%
	Unknown	0	0%
	Total	195	100%
Race	American Indian/ Alaskan Native	18	9%
	Asian	5	3%
	Black/African American	12	6%
	Native Hawaiian/ Other Pacific	0	0%
	White	147	75%
	Multiple Races	8	4%
	Unknown	5	3%
	Total	195	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	8	5%
	No	138	94%
	Unknown	1	1%
	Total	147	100%

Place Slept Last Night	Place not meant for human	152	78%
	Emergency Shelter	31	16%
	Transitional Housing	12	6%
	Total	195	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	0	0%
	Within Tulare County	124	84%
	Within State of CA	14	10%
	Another State	9	6%
	Another Country	0	0%
	Unknown	0	0%
	# of Responses	147	100%
Veteran (adults only)	Yes	8	5%
	No	159	94%
	Unknown	2	1%
	Total	169	100%
Disabling Condition (adults only)	Yes	88	52%
	No	81	48%
	# of Responses	169	100%
Barriers* (adults only)	HIV/AIDS	1	1%
	Mental Illness	47	28%
	Substance Abuse	18	11%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	6	4%
	Medical Condition	5	3%
	Mental Health Condition	3	2%
	Eviction	21	15%
	Argument w/ family/friends	10	7%
	Domestic Violence	6	4%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	4	3%
	Divorce/Separation	11	8%
	Foreclosure	0	0%
	No affordable housing	13	9%
	Substandard housing	0	0%
	Aged out of foster care	1	1%
	Lost benefits	1	1%
	Unemployment	46	32%
	Pets not Allowed	0	0%
	Other	16	11%
	# of Responses	143	
Benefits^ (adults only)	No Financial Resources	104	71%
	Earned Income	3	2%
	Unemployment	0	0%
	Veteran's Benefits	1	1%
	Child Support	0	0%
	General Assistance	3	2%
	TANF	2	1%
	SSI	18	12%
	SSDI	14	10%
	Social Security Retirement	2	1%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	0	0%
	Other	3	2%
	# of Responses	147	

^ Data only reported on unsheltered clients.

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PIT Survey 2018 Tulare County: Tulare

Total Count	Adults	115	100%
	Children	0	0%
	Unknown	0	0%
	Total	115	100%
Household Composition	# HH	# People	
	Households with Children	0	0
	Households without Children	106	115
	Households with only Children	0	0
Unaccompanied/ Parenting Youth (up to age 24)	Total	106	115
	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	10	11
Chronically Homeless	Parenting Youth (18-24)	0	0
	Total	10	11
	# HH	# People	
	Households with Children	0	0
Homeless One Year or More (adults only)	Households without Children	49	53
	No	56	61
	Unknown	1	1
	Total	106	115
# Times Homeless Past 3 Years (adults only)	Yes	83	72%
	No	27	23%
	Unknown	5	4%
	Total	115	100%
Gender	Less Than 4	68	59%
	At Least 4	43	37%
	Unknown	4	3%
	Total	115	100%
Age Group	Female	37	32%
	Male	77	67%
	Transgender	0	0%
	Unknown	1	1%
Ethnicity	Total	115	100%
	<18	0	0%
	18-24	12	10%
	25-34	19	17%
Race	35-44	24	21%
	45-54	28	24%
	55-64	24	21%
	65-69	5	4%
Currently Fleeing Domestic Violence^ (adults only)	70+	3	3%
	Total	115	100%
	Hispanic/Latino	44	38%
	Non-Hispanic/Latino	69	60%
Total	Unknown	2	2%
	Total	115	100%
	American Indian/ Alaskan Native	3	3%
	Asian	0	0%
Total	Black/African American	13	11%
	Native Hawaiian/ Other Pacific	3	3%
	White	88	77%
	Multiple Races	2	2%
Total	Unknown	6	5%
	Total	115	100%
	Yes	7	6%
	No	104	91%
Total	Unknown	3	3%
	Total	114	100%

Place Slept Last Night	Place not meant for human	114	99%
	Emergency Shelter	1	1%
	Transitional Housing	0	0%
	Total	115	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	1	1%
	Within Tulare County	90	79%
	Within State of CA	12	11%
	Another State	10	9%
Veteran (adults only)	Another Country	1	1%
	Unknown	0	0%
	# of Responses	114	100%
	Yes	7	6%
Disabling Condition (adults only)	No	107	93%
	Unknown	1	1%
	Total	115	100%
	Yes	71	63%
Barriers* (adults only)	No	42	37%
	# of Responses	113	100%
	HIV/AIDS	1	1%
	Mental Illness	47	41%
Reason for Homelessness^ (adults only)	Substance Abuse	28	24%
	Alcohol/other drug use	5	5%
	Medical Condition	5	5%
	Mental Health Condition	5	5%
Benefits^ (adults only)	Eviction	16	15%
	Argument w/ family/friends	11	10%
	Domestic Violence	2	2%
	Hospital Discharge	0	0%
Total	Jail/Prison Discharge	3	3%
	Divorce/Separation	8	7%
	Foreclosure	1	1%
	No affordable housing	5	5%
Total	Substandard housing	1	1%
	Aged out of foster care	0	0%
	Lost benefits	0	0%
	Unemployment	29	26%
Total	Pets not Allowed	0	0%
	Other	19	17%
	# of Responses	110	
	No Financial Resources	66	58%
Total	Earned Income	3	3%
	Unemployment	0	0%
	Veteran's Benefits	1	1%
	Child Support	0	0%
Total	General Assistance	4	4%
	TANF	25	22%
	SSI	2	2%
	SSDI	11	10%
Total	Social Security Retirement	0	0%
	Private Disability	0	0%
	Alimony	1	1%
	Pension	1	1%
Total	Other	3	3%
	# of Responses	113	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey

2018 Tulare County: Visalia

Total Count	Adults	409	89%
	Children	53	11%
	Unknown	0	0%
	Total	462	100%
Household Composition	# HH	# People	
	Households with Children	25	81
	Households without Children	358	381
	Households with only Children	0	0
	Total	383	462
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	30	35
	Parenting Youth (18-24)	0	0
	Total	30	35
Chronically Homeless	# HH	# People	
	Households with Children	0	1
	Households without Children	101	114
	No	269	333
	Unknown	13	14
	Total	383	462
Homeless One Year or More (adults only)	Yes	172	42%
	No	114	28%
	Unknown	123	30%
	Total	409	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	219	54%
	At Least 4	83	20%
	Unknown	107	26%
	Total	409	100%
Gender	Female	163	35%
	Male	298	65%
	Transgender	1	0%
	Unknown	0	0%
	Total	462	100%
Age Group	<18	53	11%
	18-24	40	9%
	25-34	91	20%
	35-44	90	19%
	45-54	117	25%
	55-64	54	12%
	65-69	13	3%
	70+	4	1%
	Total	462	100%
Ethnicity	Hispanic/Latino	209	45%
	Non-Hispanic/Latino	248	54%
	Unknown	5	1%
	Total	462	100%
Race	American Indian/ Alaskan Native	20	4%
	Asian	8	2%
	Black/African American	40	9%
	Native Hawaiian/ Other Pacific	0	0%
	White	379	82%
	Multiple Races	6	1%
	Unknown	9	2%
	Total	462	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	24	10%
	No	200	82%
	Unknown	19	8%
	Total	243	100%

Place Slept Last Night	Place not meant for human	244	53%
	Emergency Shelter	95	21%
	Transitional Housing	123	27%
	Total	462	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	2	1%
	Within Tulare County	196	81%
	Within State of CA	21	9%
	Another State	13	5%
	Another Country	1	0%
	Unknown	10	4%
	# of Responses	243	100%
Veteran (adults only)	Yes	20	5%
	No	381	93%
	Unknown	8	2%
	Total	409	100%
Disabling Condition (adults only)	Yes	180	50%
	No	177	50%
	# of Responses	357	100%
Barriers* (adults only)	HIV/AIDS	6	1%
	Mental Illness	116	28%
	Substance Abuse	70	17%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	17	9%
	Medical Condition	5	3%
	Mental Health Condition	12	6%
	Eviction	19	10%
	Argument w/ family/friends	15	8%
	Domestic Violence	10	5%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	12	6%
	Divorce/Separation	14	7%
	Foreclosure	1	1%
	No affordable housing	14	7%
	Substandard housing	3	2%
	Aged out of foster care	0	0%
	Lost benefits	0	0%
	Unemployment	55	28%
	Pets not Allowed	1	1%
	Other	17	9%
	# of Responses	195	
Benefits^ (adults only)	No Financial Resources	170	73%
	Earned Income	3	1%
	Unemployment	0	0%
	Veteran's Benefits	2	1%
	Child Support	0	0%
	General Assistance	17	7%
	TANF	2	1%
	SSI	10	4%
	SSDI	16	7%
	Social Security Retirement	1	0%
	Private Disability	1	0%
	Alimony	1	0%
	Pension	0	0%
	Other	9	4%
	# of Responses	232	

^ Data only reported on unsheltered clients.

* Subpopulations are not mutually exclusive and a given person may fall into more than one subpopulation category.

PIT Survey 2018 Tulare County: Balance of County

Total Count	Adults	12	67%
	Children	6	33%
	Unknown	0	0%
	Total	18	100%
Household Composition	# HH	# People	
	Households with Children	3	9
	Households without Children	8	9
	Households with only Children	0	0
	Total	11	18
Unaccompanied/ Parenting Youth (up to age 24)	# HH	# People	
	Unaccompanied Children (<18)	0	0
	Unaccompanied Youth (18-24)	2	2
	Parenting Youth (18-24)	0	0
	Total	2	2
Chronically Homeless	# HH	# People	
	Households with Children	0	0
	Households without Children	3	4
	No	8	14
	Unknown	0	0
	Total	11	18
Homeless One Year or More (adults only)	Yes	6	50%
	No	5	42%
	Unknown	1	8%
	Total	12	100%
# Times Homeless Past 3 Years (adults only)	Less Than 4	6	50%
	At Least 4	5	42%
	Unknown	1	8%
	Total	12	100%
Gender	Female	7	39%
	Male	11	61%
	Transgender	0	0%
	Unknown	0	0%
	Total	18	100%
Age Group	<18	6	33%
	18-24	2	11%
	25-34	2	11%
	35-44	2	11%
	45-54	2	11%
	55-64	3	17%
	65-69	1	6%
	70+	0	0%
	Total	18	100%
Ethnicity	Hispanic/Latino	14	78%
	Non-Hispanic/Latino	4	22%
	Unknown	0	0%
	Total	18	100%
Race	American Indian/ Alaskan Native	2	11%
	Asian	0	0%
	Black/African American	2	11%
	Native Hawaiian/ Other Pacific	1	6%
	White	13	72%
	Multiple Races	0	0%
	Unknown	0	0%
	Total	18	100%
Currently Fleeing Domestic Violence^ (adults only)	Yes	0	0%
	No	9	100%
	Unknown	0	0%
	Total	9	100%

Place Slept Last Night	Place not meant for human	9	50%
	Emergency Shelter	9	50%
	Transitional Housing	0	0%
	Total	18	100%
Location of Last Stable Housing^ (adults only)	Within Kings County	0	0%
	Within Tulare County	9	100%
	Within State of CA	0	0%
	Another State	0	0%
	Another Country	0	0%
	Unknown	0	0%
	# of Responses	9	100%
Veteran (adults only)	Yes	1	8%
	No	9	75%
	Unknown	2	17%
	Total	12	100%
Disabling Condition (adults only)	Yes	7	64%
	No	4	36%
	# of Responses	11	100%
Barriers* (adults only)	HIV/AIDS	0	0%
	Mental Illness	2	17%
	Substance Abuse	2	17%
Reason for Homelessness^ (adults only)	Alcohol/other drug use	3	33%
	Medical Condition	1	11%
	Mental Health Condition	0	0%
	Eviction	1	11%
	Argument w/ family/friends	0	0%
	Domestic Violence	0	0%
	Hospital Discharge	0	0%
	Jail/Prison Discharge	1	11%
	Divorce/Separation	0	0%
	Foreclosure	1	11%
	No affordable housing	0	0%
	Substandard housing	0	0%
	Aged out of foster care	0	0%
	Lost benefits	0	0%
	Unemployment	2	22%
	Pets not Allowed	0	0%
	Other	0	0%
	# of Responses	9	
Benefits^ (adults only)	No Financial Resources	7	78%
	Earned Income	1	11%
	Unemployment	0	0%
	Veteran's Benefits	0	0%
	Child Support	0	0%
	General Assistance	0	0%
	TANF	0	0%
	SSI	1	11%
	SSDI	1	11%
	Social Security Retirement	0	0%
	Private Disability	0	0%
	Alimony	0	0%
	Pension	0	0%
	Other	0	0%
	# of Responses	9	

^ Data only reported on unsheltered clients.

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Appendix F – HUD Homeless Data Exchange Point in Time Report

Point-in-Time Count CA-513 Visalia/Kings, Tulare Counties CoC

Population: Sheltered and Unsheltered Count

Persons in Households with at least one Adult and one Child

	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total Number of Households	26	14	5	45
Total Number of persons (Adults & Children)	79	51	14	144
Number of Persons (under age 18)	53	35	7	95
Number of Persons (18 - 24)	1	3	2	6
Number of Persons (over age 24)	25	13	5	43

Gender (adults and children)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Female	48	29	10	87
Male	31	22	4	57
Transgender	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0

Ethnicity (adults and children)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Non-Hispanic/Non-Latino	45	10	5	60
Hispanic/Latino	34	41	9	84

Point-in-Time Count CA-513 Visalia/Kings, Tulare Counties CoC

Race (adults and children)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
White	54	39	13	106
Black or African-American	25	6	0	31
Asian	0	4	0	4
American Indian or Alaska Native	0	0	0	0
Native Hawaiian or Other Pacific Islander	0	0	0	0
Multiple Races	0	2	1	3

Chronically Homeless (adults and children)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total number of households	1		0	1
Total number of persons	2		0	2

Population: Sheltered and Unsheltered Count

Persons in Households with only Children

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	0	0	0	2 *	2 *
Total Number of children (under age 18)	0	0	0	3 *	3 *

Gender (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	0	0	0	2 *	2 *
Male	0	0	0	1 *	1 *
Transgender	0	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0	0

Ethnicity (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	0	0	0	0	0
Hispanic/Latino	0	0	0	3 *	3 *

Race (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional			
White	0	0	0	3 *	3 *
Black or African-American	0	0	0	0	0
Asian	0	0	0	0	0
American Indian or Alaska Native	0	0	0	0	0
Native Hawaiian or Other Pacific Islander	0	0	0	0	0
Multiple Races	0	0	0	0	0

Chronically Homeless (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	0		0	0	0

Point-in-Time Count CA-513 Visalia/Kings, Tulare Counties CoC

Population: Sheltered and Unsheltered Count

Persons in Households without Children

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	79	106	0	569	754 **
Total Number of persons (Adults)	79	106	0	635	820
Number of Persons (18 - 24)	5	18	0	52	75
Number of Persons (over age 24)	74	88	0	583	745

Gender (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	26	38	0	229	293
Male	53	68	0	405	526
Transgender	0	0	0	1	1
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0	0

Ethnicity (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	46	55	0	389	490
Hispanic/Latino	33	51	0	246	330

**Total number of households is actually 761.

Point-in-Time Count CA-513 Visalia/Kings, Tulare Counties CoC

Race (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
White	65	94	0	518	677
Black or African-American	8	9	0	43	60
Asian	3	0	0	6	9
American Indian or Alaska Native	3	3	0	47	53
Native Hawaiian or Other Pacific Islander	0	0	0	7	7
Multiple Races	0	0	0	14	14

Chronically Homeless (adults and children)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	12		0	274	286

Date of PIT Count: 1/24/2018

Population: Sheltered and Unsheltered Count

Total Households and Persons

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	105	120	0	576	801
Total Number of Persons	158	157	0	652	967
Number of Children (under age 18)	53	35	0	10	98
Number of Persons (18 to 24)	6	21	0	54	81
Number of Persons (over age 24)	99	101	0	588	788

Gender

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	74	67	0	241	382
Male	84	90	0	410	584
Transgender	0	0	0	1	1
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0	0

Ethnicity

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	91	65	0	394	550
Hispanic/Latino	67	92	0	258	417

Race

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Point In Time Summary for CA-513 - Visalia/Kings, Tulare Counties CoC

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
White	119	133	0	534	786
Black or African-American	33	15	0	43	91
Asian	3	4	0	6	13
American Indian or Alaska Native	3	3	0	47	53
Native Hawaiian or Other Pacific Islander	0	0	0	7	7
Multiple Races					
Chronically Homeless	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	14		0	274	288

Inventory Count Date: 1/24/2018

Population: Sheltered and Unsheltered Count

Unaccompanied Youth Households

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of unaccompanied youth households	5	18	0	35	58
Total number of unaccompanied youth	5	18	0	49	72
Number of unaccompanied children (under age 18)	0	0	0	3	3
Number of unaccompanied young adults (age 18 to 24)	5	18	0	46	69

Gender (unaccompanied youth)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	4	7	0	18	29
Male	1	11	0	31	43
Transgender	0	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0	0

Ethnicity (unaccompanied youth)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	3	8	0	25	36
Hispanic/Latino	2	10	0	24	36

Race (unaccompanied youth)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
White	5	16	0	41	62
Black or African-American	0	2	0	4	6
Asian	0	0	0	0	0
American Indian or Alaska Native	0	0	0	1	1
Native Hawaiian or Other Pacific Islander	0	0	0	2	2
Multiple Races	0	0	0	1	1

Chronically Homeless (unaccompanied youth)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	0		0	8	8

Inventory Count Date: 1/24/2018

Population: Sheltered and Unsheltered Count

Parenting Youth Households

	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total number of parenting youth households	1	1	1	3
Total number of persons in parenting youth households	2	2	3	7
Total Parenting Youth (youth parents only)	1	1	2	4
Total Children in Parenting Youth Households	1	1	1	3
Number of parenting youth (under age 18)	0	0	0	0
Children in households with parenting youth under age 18 (children under age 18 with parent under 18)	0	0	0	0
Number of parenting youth (age 18 to 24)	1	1	2	4
Children in households with parenting youth age 18 to 24 (children under age 18 with parents under age 25)	1	1	1	3

Gender (parenting youth)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Female	1	1	1	3
Male	0	0	1	1
Transgender	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0

Ethnicity (parenting youth)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Non-Hispanic/Non-Latino	0	0	1	1
Hispanic/Latino	1	1	1	3

Race (parenting youth)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
White	1	0	2	3
Black or African-American	0	1	0	1
Asian	0	0	0	0
American Indian or Alaska Native	0	0	0	0
Native Hawaiian or Other Pacific Islander	0	0	0	0
Multiple Races	0	0	0	0

Chronically Homeless (parenting youth)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total number of households	0		0	0
Total number of persons	0		0	0

Point-in-Time Count Veterans CA-513 Visalia/Kings, Tulare Counties CoC

Inventory Count Date: 1/24/2018

Population: Sheltered and Unsheltered Count

Persons in Households with at least one Adult and one Child

	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total Number of Households	0	0	0	0
Total Number of Persons	0	0	0	0
Total Number of Veterans	0	0	0	0

Gender (veterans only)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Female	0	0	0	0
Male	0	0	0	0
Transgender	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0

Ethnicity (veterans only)	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Non-Hispanic/Non-Latino	0	0	0	0
Hispanic/Latino	0	0	0	0

Race (veterans only)	Sheltered	
	Emergency	Transitional
White	0	0
Black or African-American	0	0
Asian	0	0
American Indian or Alaska Native	0	0
Native Hawaiian or Other Pacific Islander	0	0
Multiple Races	0	0

Unsheltered	Total
0	0
0	0
0	0
0	0
0	0
0	0

Chronically Homeless (veterans only)	Sheltered	
	Emergency	Transitional
Total number of households	0	
Total number of persons	0	

Unsheltered	Total
0	0
0	0

Inventory Count Date: 1/24/2018

Population: Sheltered and Unsheltered Count

Persons in Households without Children

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	4	2	0	40	46
Total Number of Persons	4	2	0	46	52
Total Number of Veterans	4	2	0	40	46

Gender (veterans only)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	0	0	0	3	3
Male	4	2	0	37	43
Transgender	0	0	0	0	0
Gender Non-Conforming (i.e. not exclusively male or female)	0	0	0	0	0

Ethnicity (veterans only)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	3	1	0	32	36
Hispanic/Latino	1	1	0	8	10

Race (veterans only)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
White	4	2	0	32	38
Black or African-American	0	0	0	2	2
Asian	0	0	0	0	0
American Indian or Alaska Native	0	0	0	3	3
Native Hawaiian or Other Pacific Islander	0	0	0	1	1
Multiple Races	0	0	0	2	2

Chronically Homeless (veterans only)	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	0		0	26	26

Point-in-Time Summary Veterans for CA-513 - Visalia/Kings, Tulare Counties CoC

Date of PIT Count: 1/24/2018

Population: Sheltered and Unsheltered Count

Total Households and Persons

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	4	2	0	40	46
Total Number of Persons	4	2	0	46	52
Total Number of Veterans	4	2	0	40	46

Gender

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Female	0	0	0	3	3
Male	4	2	0	37	43
Transgender (male to female)	0	0	0	0	0
Transgender (female to male)	0	0	0	0	0

Ethnicity

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Non-Hispanic/Non-Latino	3	1	0	32	36
Hispanic/Latino	1	1	0	8	10

Race

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		

Point In Time Summary for CA-513 - Visalia/Kings, Tulare Counties CoC

White	4	2	0	32	38
Black or African-American	0	0	0	2	2
Asian	0	0	0	0	0
American Indian or Alaska Native	0	0	0	3	3
Native Hawaiian or Other Pacific Islander	0	0	0	1	1
Multiple Races	0	0	0	2	2

Chronically Homeless	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total number of persons	0		0	26	26

Additional Homeless Populations Summary for CA-513 - Visalia/Kings, Tulare Counties CoC

Date of PIT Count: 1/24/2018

Population: Sheltered and Unsheltered Count

Other Homeless Subpopulations

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Adults with a Serious Mental Illness	13	17	0	226	256
Adults with a Substance Use Disorder	13	16	0	110	139
Adults with HIV/AIDS	0	0	0	8	8
Adult Survivors of Domestic Violence	0	0	0	0	0

REPORT NOTES:

There were data discrepancy issues that were discovered after submission of this report. The items have been corrected, but an updated report from HUD is not yet available.

1) Persons in Households with only Children

Due to a service provider user error, there were two children entered as unaccompanied when, in fact, they were accompanied by a parent. This category has been reduced by 2 households and 2 children.

2) Persons in Households without Children

The HMIS vendor incorrectly associated youth between the ages of 18-24 that were categorized as "Other" to be within the same household. HUD regulation is that these persons are to be reported as unaccompanied youth. This category has been adjusted, resulting in an increase of 8 households.



CITY COUNCIL AGENDA – APRIL 16, 2019

SUBJECT: Delinquent Fee Payments From Athletic Leagues

SOURCE: Parks and Leisure Services

COMMENT:

City athletic facilities that may be reserved by youth or adult organizations include the Sports Complex, Hayes Field, Burton Ballfields and Zalud Park. In order for an organization to reserve any City facility for league play, the organization must submit the following: facility request form (and pay for field usage prior to the first day of games), proof of insurance, current list of Board of Directors and game schedules. Sports Complex league users are also required to submit team rosters by the third week of games.

Leagues that reserve the Sports Complex pay \$15 per day. Weekday Sports Complex users including leagues very seldom pay to reserve an area opting rather to exercise the first come first served method. On August 2, 2006, City Council adopted a Sports Complex season parking permit fee which evolved into a Player Participant Fee. This fee, which charges \$1.50 per player per game, is an effort to generate a portion of the cost to maintain the facility. The utilities and grounds maintenance related portion of the Sports Complex current FY 2018/2019 budget is \$166,408.

All leagues that reserve the Sports Complex should incorporate the Player Participant Fee into what they charge participant's to play. An example of how an organization could incorporate the Player Participant fee into their overall league fees is as follows:

\$45 league fee to play
of games per season = 8
 $8 \text{ games} \times \$1.50 \text{ per player per game} = \12

The organization adds the \$45 league fee to the \$12 player participant fee to come up with a total of \$57 to play in their league. The league fee is paid by registrants prior to participating, and then the organization has until the third week of games to pay Player Participant Fees to the City to allow for roster changes due to players dropping out, being added, etc. City staff then generates an invoice based on the number of participants accounted for on rosters that are submitted by each league.

Porterville Soccer League practices and plays games at the Sports Complex, and is affiliated with South Valley Chivas who also utilize the Sports Complex for

practice and games. At its meeting on April 4, 2019, the Parks and Leisure Services Commission discussed the payment status of current athletic league users of City facilities. After learning that Porterville Soccer League had not paid the City its 2018 Fall Season fees until after registration and games had begun for the current Spring 2019 Season, and the City had yet to receive fees for the 2019 Season, it was recommended that they have their field use privileges revoked for one (1) game day. This recommendation was based on the "Three Strikes Policy" detailed in the City's Athletic Field Use Policy provided to each athletic league user of City facilities. For the 2018 Fall Season, Porterville Soccer League was to have paid the City in September 2018, which pursuant to the Policy staff provided official written notice of the fees due in January 2019, and was subsequently paid by the League in March 2019 when securing fields for the current Spring 2019 season. The deadline for Porterville Soccer League deadline to pay Player Participant Fees for the current season was April 5, 2019, which as of the time of this report has not been paid, making this the second consecutive season of delinquent payment.

RECOMMENDATION: That the City Council provide direction regarding consequences for athletic leagues with delinquent payments for use of City facilities.

ATTACHMENTS: 1. Athletic Field Use Policy

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

1. SCOPE AND PURPOSE

- 1.1.** This document sets forth the policy for the City of Porterville to facilitate allocation of all available fields and facilities under its ownership and/or allocation control in an equitable and fair manner. This Athletic Field Use Policies & Procedures document is designed to advance the following public purposes:
- 1.1.1.** To develop a procedure for user groups to secure fields for games, practices and other events.
 - 1.1.2.** To avoid disputes among user groups over field usage, as the demand exceeds the ability to permit unlimited and/or unscheduled use by all participants.
 - 1.1.3.** To ensure that City residents have priority usage and access to City facilities, since City residents shoulder the primary financial burden of the cost of constructing and maintaining City facilities.
 - 1.1.4.** To ensure that maintenance and renovation can be scheduled and implemented properly to maintain quality facilities for use by the public.

2. APPLICATION PROCESS FOR FIELD USE

- 2.1.** Fulfillment of the requirements listed below will be considered a complete league application package and must be submitted each season by all organizations prior to the Parks and Leisure Services office granting usage approval. The application must be submitted by **February 1** for the Spring season and **July 1** for the Fall season:
- Completed Athletic Facility Request form
 - Proof of insurance
 - Current list of Board of Directors
 - Proof of state or national sports affiliation (if applicable)
 - Proposed field diagram with dimensions for each field (Sports Complex users only)
 - Game schedules (must be submitted prior to first game)
 - Team rosters (must be submitted by the third week of games)
- 2.2.** Partial paperwork will not begin the approval process. Submission of an application package does not constitute approval. The applying organization will receive a receipt declaring approval after City staff reviews all submitted documents and all fees due are paid. Every effort will be made to accommodate the user group's reservation request.
- 2.3.** Organizations anticipating a split to form a new organization, or individuals planning to organize a new sports program must be approved by the Parks and Leisure Services Commission at least six months prior to the estimated starting date of the new or expanded league. The City reserves the right to deny the use of any City facility to any organization or group if the City determines that a new or expanded program shall negatively impact the allocation of any City facility.

- 2.4. Lights must be scheduled three days in advance and paid for at time of scheduling.

3. RESERVATION TERMS AND CONDITIONS

- 3.1. Damage to Facility(s) and any Other Unforeseen City Expenses-** Users are responsible for any and all damage to facilities and/or unforeseen staff costs that occur in association with their event(s).
- 3.2. No Driving of Vehicles On Agency Property-** It is unlawful to park any vehicle anywhere except in areas specifically designated as parking areas. City Code 17-10.13 states "No person shall operate, drive, stop, park or leave standing any motor vehicle, other than on paved roadways or paved areas, in any city park, except when in possession of a permit issued by the Director of Parks and Leisure Services.
- 3.3. Rejection/Revocation of Use Approval-** Should an organization violate any of these procedures and/or rules as well as any rules and/or procedures as set forth in the City of Porterville Municipal Code, said organization will be subjected to revocation and/or denial of application approval.
- 3.4. Three Strikes Policy-** The purpose of this policy is to implement a systematic method of enforcing the Athletic Facility Use Policy. The City reserves the right to cancel or suspend field/facility reservations for games, practices, and other usages based upon users violating the established Facility Allocation Policy. Notwithstanding this Policy of Three Strikes, the City reserves the right to revoke any user group's right to use any City facility for any single serious violation which causes damage to property or injury to person.
- 3.4.1. Strike One** consists of a documented direct violation of the Guidelines for Use of City Athletic Facilities.
- Penalty:** A letter summarizing the incident shall be written to the user organization's representative. If the representative is not the president, the president shall be cc'd. A copy of the letter shall be placed in the organization's file.
- 3.4.2. Strike Two** occurs if there is an additional documented violation within one calendar year from Strike One.
- Penalty:** Revocation of the organization's next related reservation, effective immediately, for one day and one use.
- 3.4.3. Strike Three** occurs after a second documented violation within one calendar year from Strike Two.
- Penalty:** Organization loses City field usage privileges for one calendar year and may re-apply to the Commission when the term expires.
- 3.5. Reservation Cancellations**
- 3.5.1.** Reservations canceled by the City may be re-scheduled as available or fees paid will be credited to the organization's account or refunded in full.
- 3.5.2.** If the City determines a City field must be closed due to inclement weather, the organization is responsible for re-scheduling the use by the end of the next business day. If the City determines there are no fields

available to re-schedule, a refund or credit may be issued at the City's discretion.

3.5.3. When canceling or re-scheduling reservations, all requests must be made in writing, by fax, email or in person. Verbal cancellations will not be effective.

3.5.4. Grievances arising from facility scheduling may be taken to the Commission for a ruling.

3.5.5. If fields are not used as requested, reservations may be rescinded at any time.

4. PAYMENT PROCEDURE

4.1. Organizations will be required to pay 100% of the season's total usage fee prior to the first day of games.

4.2. Sports Complex Player Participant Fee – All player participant fees are due by the third week of games. The fee is \$1.50 per player per game (\$1.50 x 300 players in a league x 10 game season = \$4,500).

4.3. An organization requesting additional time to pay must take their request to the Parks and Leisure Services Commission.

4.4. Payment for non-league use must be paid at time of reservation.

4.5. Law enforcement may be called upon to handle organizations using City facilities with outstanding balances that are affecting current and future field use allocation.

5. REFUNDS

5.1. In order to obtain a refund you must first fill out a request form and submit it to Parks and Leisure Services. Refunds will be granted as follows: no show – no refund; more than (2) business days cancellation notice – 100% of fee returned; less than (2) business days cancellation notice – 90% of fee returned with a 10% penalty.

6. ANNUAL REVIEW

6.1. The Commission may annually review organization affiliate status for any user group.

6.2. The City Council may periodically review actions of the Commission relating to requests for affiliated status.

7. ALLOCATION MEETINGS

7.1. Each organization will be required to send one and no more than two representatives to allocation meetings. City staff will notify organizations of the meetings at least one week in advance.

7.2. These meetings are mandatory. Non-attendance places an organization at a disadvantage in receiving accurate information therefore jeopardizing the use of facilities.

7.3. All organizations that have timely filed a completed league application package shall be notified of the allocation meetings.

8. MAINTENANCE

- 8.1.** The City reserves the right to shutdown fields for maintenance.
- 8.2.** The City does not permit lining of City fields with chalk or paint without written permission.
- 8.3.** Burning lines on any City park and/or field is not permitted.
- 8.4.** Any user failing to comply with these maintenance guidelines are subject to the following: payment for all damages occurring to the facility; termination of any/all field use approvals for one year.
- 8.5.** Any long-term storage is not permitted unless approved in writing by the City.
- 8.6.** Any request to modify, repair, or alter to improve any City facility must be submitted in writing to the Parks Superintendent at least two weeks in advance. City staff shall review the request and make a determination at its earliest convenience.
- 8.7.** User groups are not allowed to alter or change locks on any City facilities.
- 8.8.** City issued keys must not be duplicated.
- 8.9.** No permanent structures or equipment shall be erected on City facilities unless approved in writing by the City.

9. PORTABLE SOCCER GOAL POLICY

- 9.1.** All soccer groups intending to use portable soccer goals must have them approved prior to use.
- 9.2.** Approved portable soccer goals must be taken down by groups within 45 days of the conclusion of each season.
- 9.3.** Portable soccer goals not approved by Parks and Leisure Services may be taken out of play by the Parks Division.

10. BANNERS

- 10.1.** Signs or banners can not be displayed at the Sports Complex per City Code.
- 10.2.** Organizations wishing to hold sign-ups at the Sports Complex must receive permission prior to holding registration.