



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 7, 2020, 5:30 PM**

Pursuant to Executive Order N-29-20, signed by Governor Newsom on March 17, 2020, and in an effort to protect public health and slow the rate of transmission of COVID-19, the City of Porterville is allowing for and encouraging electronic public participation at City Council Meetings. Until further notice, Porterville City Council Meetings will be livestreamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>. Public comments may be submitted to CouncilMeetingComments@ci.porterville.ca.us and will be read aloud for Council consideration during Oral Communications or during any public hearings as applicable. Members of the public are encouraged to submit comments prior to 6:30 p.m., Tuesday, April 7, 2020, to participate in said meeting. Staff will periodically check for any emails that may have been submitted after 6:30 p.m., however it is not guaranteed that those emails will be read prior to Council action. Please direct any questions to the Office of City Clerk, 559-782-7464.

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organizations: Unrepresented Management Employees.
- 2 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Ramon Vargas v. City of Porterville, Tulare County Superior Court Case No. 282443.
- 3 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three (3) cases in which facts are not yet known to potential plaintiff.
- 4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two (2) cases.

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

Pledge of Allegiance Led by Mayor Martha A. Flores

Invocation

PRESENTATIONS

Chamber of Commerce Quarterly Report

ORAL COMMUNICATIONS

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

AB 1234 REPORTS

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

1. San Joaquin Valley Air Pollution Control District (SJVAPCD) Governing Board - March 19, 2020
2. Tulare County Mayor's COVID-19 Meeting - March 20, 2020
3. Tulare County Economic Development Corporation (TCEDC) - March 25, 2020
4. Tulare County Task Force on Homelessness - March 30, 2020
5. Local Agency Formation Commission (LAFCO) - April 1, 2020

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. **Purchase of Personal Protective Equipment for Structural Firefighting**
Re: Consideration to authorize the purchase of twenty-two (22) sets of Personal Protective Equipment (PPE) from L.N. Curtis at a cost of \$52,997.18.
2. **Station 73 Air Conditioner Compressor Replacement**
Re: Consideration to authorize the Fire Chief to negotiate with the lowest responsive bidder and approve the necessary repairs to the HVAC unit located at 980 S. Jaye Street (Station 73).
3. **Acquisition of Replacement Communication Radios for all Sworn Personnel**
Re: Consideration to authorize the purchase of communication radios from Cook's Communications for a total cost of \$60,524.88.
4. **Authorization to Purchase Specialized Parts for Dewatering Equipment**
Re: Consideration to request authorization to purchase replacement of wear and tear parts on the Huber screw press at the Waste Water Treatment Facility in an amount up to \$23,057.12, which includes the repair parts, freight, taxes and a ten percent (10%) contingency.
5. **Authorization to Repair Refuse Truck**

Re: Consideration to authorize refuse truck repair by E.M Tharp at a cost not to exceed \$29,921.34.

6. **Bid Results - Public Safety Building Storage Buildings and Painting of Fire Station 71**
Re: Consideration to reject all bids; adopt the draft Resolution authorizing the procurement of bids through an open market process; authorize staff to negotiate and execute contracts at an amount no to exceed \$36,000; and authorize staff to make payments up to 100% upon satisfactory completion of all work.
7. **Approval of Measure R Program Supplement to Cooperative Agreement - Environmental Clearance for the Butterfield Corridor Project**
Re: Consideration to approve the draft Resolution in support of the Program Supplement to the Cooperative Agreement.
8. **Addendum No. 1 to 4Creeks Villa Street Reconstruction Service Agreement**
Re: Consideration to authorize the approval of Addendum No. 1 to 4Creeks, Inc. Service Agreement at an agreed upon fee of \$51,900 to include recycled water pipe and box culvert bridge design.
9. **Airport Lease Agreement - Skydive Elsinore, LLC**
Re: Considering approval of the Lease Agreement for the operation of professional skydive and parachuting training facilities at the Porterville Municipal Airport, between the City of Porterville and Skydive Elsinore, LLC..
10. **Consideration of an Amendment to the Lease of 466 E. Putnam Avenue to Allow Use of a Cargo Container**
Re: Consideration to authorize the tenant of 466 E. Putnam Avenue to proceed with a long-term cargo container permit for one (1) cargo container.
11. **Intent to Set a Public Hearing Moving to Phase III of the City's Water Conservation Plan**
Re: Considering approval to schedule a Public Hearing on April 21, 2020, to consider the transition from Phase IV to Phase III of the City's Water Conservation Plan.
12. **Transit Service Modifications**
Re: Consideration to approve the implementation of Phase 1 - Transit Service Modifications; implement temporary COVID-19 service reductions for fixed route service; start TransPort microtransit service; approve a Transport one-way per rider fare; operate the Transport service during the proposed hours; and authorize the City Manager's discretion and independent authority to approve further service modifications if needed.
13. **Authorization to Initiate a Proposition 218 Vote Regarding the Formation of a Landscape Maintenance District for the Chelsea Glen Subdivision**
Re: Consideration to adopt draft Resolution and set a Public Hearing for June 2, 2020 regarding the Engineer's Report and proposed assessment for Chelsea Glen.
14. **Status and Review of Local Emergency: Drought**
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

- 15. Approval of a Conditional Use Permit for The Pub restaurant**
Re: Consideration to adopt draft Resolution approving the Conditional Use Permit (PRC 2019-016-C) for The Pub restaurant.
- 16. Central Mutual Water Company Consolidation and Associated Entitlements**
Re: Consideration to open the Public Hearing, accept comments, and continue the Public Hearing to the regularly scheduled meeting of April 21, 2020.
- 17. Administrative Hearing for a Special Assessment on 472 N. Villa Street**
Re: Consideration to remove the item from the Agenda, due to pending litigation.

SCHEDULED MATTERS

- 18. Status and Review of Proclamation of Local Emergency: COVID-19**
Re: Considering approval of the continuation of the Proclamation of Local Emergency due to COVID-19.

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 April 21, 2020.

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.



Porterville Chamber of Commerce Report to City Council for April 7, 2020

Dear Council members and City of Porterville Staff:

As you are aware, we have seen many changes to our staff in the last month in our transition as a society in fighting the Coronavirus (COVID-19). Again, I wanted to publicly thank Monte Reyes for his tenure as the CEO for the Chamber and we are in the process of hiring a new CEO after his resignation in March.

Unfortunately, both of our office staff members also have left so we are working to smooth the transition and hope to have some part-time help to support our Chamber members who are still operating.

We did hold several ribbon cutting events during the first quarter, as well as the First Friday event. However, we know what Porterville has had to deal with in the past couple of months and it has limited some of our larger scheduled events, such as the Awards Dinner and the Iris Festival, which were postponed. The Board has had conversations about holding a festival in the summer when people can be in an event situation with no threat to personal health. This could be the first real opportunity for the city to hold an outdoor event for people who would gladly appreciate the chance to finally be outdoors.

One of my goals since taking over the social media accounts for the Chamber has been to increase our presence in providing valuable information for businesses in the area, whether it is information on loans, unemployment, or other key topics in order to make sure that are owners feel that they can ride the storm and be able to remain open either now or after the crisis is over.

The Chamber has been willing to adjust to the times. Our decision to change the distribution of funds from the City to us from a yearly to quarterly timeframe, in my opinion, is a win-win situation for the City and the Chamber. We plan on utilizing our social media channels to do more advertising for our businesses and show them how it is possible to promote a business at a fraction of the price of conventional advertising.

We appreciate the continued support from the City. We know we have some challenging times ahead and the business landscape might look much different in the coming months, but we plan on being flexible and providing needed services for our businesses.

I look forward to continuing a strong relationship with the City during my tenure as the board chairman. Thank you for your time.

Sincerely,

Jason Pommier

Board Chairman, Porterville Chamber of Commerce



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Purchase of Personal Protective Equipment for Structural Firefighting

SOURCE: Fire

COMMENT: Pursuant to National Fire Protection Association (NFPA) Guidelines, each firefighter responsible for responding to structure fires is required to have two (2) custom fitted sets of Personal Protective Equipment (PPE) for structure fires. This equipment is commonly known as “bunker gear”. Bunker gear has a lifespan of roughly ten (10) years. Due to the recent loss of personnel in the Fire Department, compounding the need to fill vacant positions, in addition to the need to replace bunker gear that is nearing the end of its service life, the Department needs to purchase twenty-two (22) sets of PPE. Moving forward, the Department plans to replace 20% of the Department’s PPE per year, by setting aside equipment replacement funds. This PPE is a sole source acquisition because Globe is the only approved provider of Globe Extreme Bunker Gear, which is the standard for the Department. To deviate from the Department’s standard could result in a lack of uniform functionality during emergency operations. The cost of the sets of Globe Extreme bunker gear including tax is \$52,997.18, and will be funded by the Department's equipment replacement funds.

RECOMMENDATION: That the City Council authorize the purchase of twenty-two (22) sets of Globe Extreme Bunker Gear from L.N. Curtis at a cost of \$52,997.18.

ATTACHMENTS: 1. L.N. Curtis Quote

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager

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



Pacific North Division
 185 Lennon Lane Suite 110
 Walnut Creek, CA 94598
www.LNCURTIS.com
 Quotation No. 146104

Quotation

CUSTOMER:

Porterville City Fire
 Department
 291 North Main Street
 Porterville CA 93257

SHIP TO:

Porterville City Fire Department
 Attn: Mike Hildreth
 40 West Cleveland Avenue
 Porterville CA 93257

QUOTATION NO.

146104

ISSUED DATE

03/05/2020

EXPIRATION DATE

05/04/2020

SALESPERSON

Chris Parano
cparano@lncurtis.com
 559-301-5156

CUSTOMER SERVICE REP

Steve Price
sprice@lncurtis.com
 510-268-3333

REQUISITION NO.

REQUESTING PARTY

Mike Hildreth

CUSTOMER NO.

C36150

TERMS

Net 30

OFFER CLASS

FR

F.O.B.

DEST

SHIP VIA

Best Way

REQ. DELIVERY DATE

NOTES & DISCLAIMERS

THANK YOU FOR THIS OPPORTUNITY TO QUOTE. WE ARE PLEASED TO OFFER REQUESTED ITEMS AS FOLLOWS. IF YOU HAVE ANY QUESTIONS, NEED ADDITIONAL INFORMATION, OR WOULD LIKE TO PLACE AN ORDER, PLEASE CONTACT YOUR SALESPERSON OR CUSTOMER SERVICE REP AS NOTED ABOVE.

TRANSPORTATION IS INCLUDED IN BELOW PRICING.

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	22	EA	117xxy G-XTREME 3.0 JACKET - GLOBE CUSTOM	AS FOLLOWS: #11757G GLO G-XTREME COAT TAN PIONEER OUTER SHELL CALDURA SL2 THERMAL LINER CROSSTECH BLACK MOISTURE BARRIER *PER CITY OF PORTERVILLE SPECIFICATIONS	\$1,269.00	\$27,918.00
2	22	PR	GPS GLOBE CUSTOM	AS BELOW: #F1757G GLO GPS PANTS TAN PIONEER OUTER SHELL CALDURA SL2 THERMAL LINER CROSSTECH BLACK MOISTURE BARRIER *PER CITY OF PORTERVILLE SPECIFICATIONS	\$936.00	\$20,592.00

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



Pacific North Division
185 Lennon Lane Suite 110
Walnut Creek, CA 94598
www.LNCURTIS.com
Quotation No. 146104

LN	QTY	UNIT	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL PRICE
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DUNS NUMBER: 009224163
SIC CODE: 5099
FEDERAL TAX ID: 94-1214350

THIS PRICING REMAINS FIRM UNTIL 05/04/2020. CONTACT US FOR UPDATED PRICING AFTER THIS DATE.

Subtotal	\$48,510.00
Tax Total	\$4,487.18
Transportation	\$0.00
Total	\$52,997.18



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Station 73 Air Conditioner Compressor Replacement

SOURCE: Fire

COMMENT: The compressor of the heating, ventilation, and air conditioning (HVAC) unit at Station 73 has been failing over the past four (4) months. The unit experiencing the failure is on the north side (Fire Department portion) of the Public Safety Building at 980 S. Jaye Street. Staff has had the unit evaluated by two different licensed contractors; both contractors have determined that the compressor is in need of replacement. The Department contacted three (3) licensed contractors (Zone Air and Heating, American Incorporated, and Valley Air) for a quote to repair the unit. Staff received quotes from only two (2) of the companies. American Incorporated provided the lowest responsive quote at a price of \$5,611.00. Incorporating the standard contingency of 10% would result in a total of \$6,172.10. Staff requests that the Council authorize the Fire Chief to negotiate with the lowest responsive bidder to complete the necessary repairs. Funds for this repair are available through the Fire Department's Measure H Facilities Maintenance Account.

RECOMMENDATION: That the City Council direct the Fire Chief to negotiate with the lowest responsive bidder and approve the necessary repairs to the HVAC unit at Station 73.

ATTACHMENTS:

1. American Air Quote
2. Zone Air Quote

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager



License # 292529

Visalia

1345 N. American St., 93291

Phone 559-651-1776

Fax 559-651-0205

Bakersfield

3740 N. Sillect Ave #1-F 93308

Phone 661-393-6965

Fax 661-588-4202

January 6, 2020

Porterville Fire Department
980 S. Jaye St.
Porterville, CA 93257

Project: Replace compressor #2

Equipment:

- Trane Compressor
- Electrical Contactor
- Filter Drier

THE FOLLOWING SCOPE OF WORK IS SUBMITTED FOR YOUR APPROVAL:

Scope of Work Inclusions

- Shut off power to the unit.
- Recover all remaining refrigerant from the system.
- Disconnect refrigerant lines from the defective compressor.
- Remove defective compressor and install new direct replacement compressor.
- Remove and replace electrical contactor. Reattach electrical connections.
- Weld existing refrigerant lines to new compressor.
- Vacuum pump the system with correct amount of R410A refrigerant. Inspect for leaks.
- Turn power back on to the unit and perform start up. Verify operation.
- Clean work area and dispose of defective compressor as per EPA guidelines.
- Job is to be installed and performed under regular working hours which consist of Mon-Fri 8AM- 5PM

Scope of Work Exclusions:

- Any work not detailed above in scope inclusions.

Construction * Air Conditioning * Refrigeration * Controls * Plumbing * Electrical

Total Cost for Equipment & Installation:

In accordance with the scope of work outlined above, we offer the following price for your consideration:

Five Thousand Six Hundred Eleven Dollars..... \$5,611.00

- Compressor will take approximately 7 days to arrive.

Please note that this price is based upon the acceptance of a mutually agreeable contract and project schedule.

Should you have any questions regarding this quotation, please do not hesitate to contact me at 559-651-1776 or via email at jwinn@aminc.com Again, thank you for your consideration.

Sincerely,

AMERICAN INCORPORATED

JASON WINN
Technical Services



All material is guaranteed to be as specified. All work to be completed in a manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance. This proposal is valid for thirty (30) days.

Approved:

Company: _____
Name: _____
Date: _____
PO #: _____

Proposal**7943 SRV**

Company: American Incorporated
Name: Jason Winn
Title: Technical Services
Date: 01/06/2020



Regarding Location:

Fire Station #73
980 South Jaye Street
Porterville CA 93257

Battalion Fire Chief: Dave LaPere

Captain: Bryan Cogburn, Mitch Sandoval

Our technicians have been working on the cooling and heating system since April 09/2019; our technicians have come across numerous error codes coming from this unit. They have been trouble shooting this unit along with Trane and Samsung tech support, after completing the necessary replacements on the compressor, inverter, evaporator coil, and control board, different error codes are still coming in. This unit seems to be having a domino affect in which if one part goes out it causes other components to start giving out. We have been back and forth with Trane regarding the warranty on this unit; unfortunately this unit is no longer under warranty as of 12/10/2019. We have located the parts needed for this unit and are 10-12 days out from the factory; also the coil is still being built and has a scheduled shipped date of January 21st 2020, which this part has been ordered since August 23 2019, which is extremely unacceptable. The first coil we replaced was ordered in April and not delivered until August 2019. Samsung has made it difficult to receive any parts in a timely manner, causing your system to no longer be under warranty. Normal lead-time for any other brand to build a coil has been roughly about 4-6 weeks; some companies such as Mitsubishi even have these parts in stock ready to go. Since the unit is no longer under warranty and Samsung has been very difficult to work with and do not want to cover the parts, and the parts are very expensive for a unit that we believe is not worth repairing. The compressor alone is over \$10,500 not including the inverters, control board, necessary oil and oil separators. The oil in the system is contaminated and needs to be drained out and replaced with new oil, the refrigerant line sets look to be over heated when installed and the inside of the copper pipe is flaking off due to poor installation and causing the EEV valves to be restrictive, we have already replaced one and there is a second one that needs to be replaced. If this we continue to repair this system, you will still be having on going problems with restrictions and burnt out compressors. We strongly recommend replacing this unit because it's not a reliable system and when one part goes down it takes the entire system down, we recommend to install a Mitsubishi ductless system that would have four condenser units and seven air handlers with a 12 parts year warranty, if one condenser unit becomes faulty the other three condenser units would still continue to operate in heating and cooling mode, leaving your staff comfortable while taking care of the repairs on the system that would currently be down. Later This week we will be sending you a new design with equipment model numbers for you as well. We are waiting for the information from the vendor.

Sincerely,

Rene Longoria (Owner)
Zone Air & Heating Inc.
11597 Road 248
Porterville CA 93275 Phone: 559-782-9311 Fax: 559-782-3345



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Acquisition of Replacement Communication Radios for all Sworn Personnel

SOURCE: Fire

COMMENT: The Fire Department currently uses Bendex King “Commander” radios; these are issued to all Engineers and Firefighters for use in response to emergencies. The radios are at such an age that the manufacturer no longer makes parts for them. Approximately 18 months ago, the Department updated radios for all Officers to the “KNG” model, also manufactured by Bendex King. At that time, the Department realized that the older technology was going to soon be timed out, and began setting aside funds in the equipment replacement accounts for the proposed acquisition. The older radios still function in good order, but as they fail, replacement parts cannot be acquired, and as a result they cannot be maintained. A total of 36 radios is needed to update the cache for the entire staff of Firefighters and Engineers. The replacement of these radios are essential to keep the Department functioning at all emergency scenes with safe and effective communication.

Staff requested bids from three (3) different vendors. All three vendors were responsive, and the lowest bid was provided by Cook’s Communications at a total cost of \$55,022.62. Including the standard 10% contingency results in a total cost of \$60,524.88. Funds for this purchase are available through Equipment Replacement Funds.

RECOMMENDATION: That the City Council approve the acquisition of communication radios from Cook's Communications for a total cost, including 10% contingency, of \$60,524.88

ATTACHMENTS:

1. Cook's Communications Quote
2. 49er Communications Quote
3. Vincent's Communications Quote

Appropriated/Funded:

Review By:
Department Director:

Final Approver: John Lollis, City Manager



Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLEF
Quote No.: 9285

Phone: (559) 233-8818 (559) 268-8506

Quote To: **City of Porterville Fire Dept**
40 W. Cleveland Ave
Porterville, CA 93257

Ship To: **City of Porterville Fire Dept**
40 W. Cleveland Ave
Porterville, CA 93257

Phone: (559) 782-7526
Fax:

Date			Ship Via		F.O.B.		Terms		
03/04/20					Origin		Net 30		
Purchase Order Number			Sales Person					Required	
			Derek Marchini					03/04/20	
Quantity			Item Number	Description	Unit Price	Amount			
Required	Shipped	B.O.							
32			KNG-P150CMD	Relm/BK 136-174MHz, 6 Watt Digital/Analog 5000 channel Specialized Command Group	998.00	31936.00			
32			KAA0818	Antenna, 150-170Mhz SMA, Whip	36.00	1152.00			
32			BP0101LIXT	Battery Relm KNG 10.8V/3600mAh/Li-Ion clip/smart	115.00	3680.00			
32			KAA0120	KNG "AA" Clam Shell	39.00	1248.00			
32			TWC1	Single Unit Desk-Top Charger with Pod BK KNGP150	45.00	1440.00			
32			V2-G4BB211	Otto 500 RSM for BK KNG Series	215.00	6880.00			
14			KAA0355P	Relm/BK KNG Vehicle Charger	112.00	1568.00			
1			KAA0701	Relm/BK Legacy/KNG Portable and Mobile Cloning Cable	395.00	395.00			
5			NX-1200DVK2	Kenwood VHF, 5watt, 260CH LCD, Limited keypad Package 3 Year Warranty	256.00	1280.00			
5			KMC-45D	Kenwood Heavy Duty 2 Pin Remote Speaker Mic w/2.5mm earphone jack	59.00	295.00			
5			V110432	Earphone Kit with 2.5mm Right Angle Plug, Coil Cord Black.	37.00	185.00			
1			530387	Proclip Charging Cradle fits Kenwood	104.95	104.95			
1			KPG-D6NK	Kenwood Programming Software License for NX1000	85.00	85.00			

Thank You



Estimate

160 North Broadway
Fresno, CA 93701-1592

Customer No.: PORTERVILLEF

Quote No.: 9285

Phone: (559) 233-8818 (559) 268-8506

Quote To: **City of Porterville Fire Dept**

40 W. Cleveland Ave
Porterville, CA 93257

Ship To: **City of Porterville Fire Dept**

40 W. Cleveland Ave
Porterville, CA 93257

Phone: (559) 782-7526

Fax:

Date	Ship Via		F.O.B.	Terms	
03/04/20			Origin	Net 30	
Purchase Order Number		Sales Person			Required
		Derek Marchini			03/04/20
Quantity		Item Number	Description	Unit Price	Amount
Required	Shipped				
1		KPG-22UM	USB Programming Cable for Kenwood 2 Prong Portable	115.00	115.00

Quote subtotal 50363.95

Sales tax @ 9.25000% 4658.67

Quote total 55022.62

We appreciate your continued patronage

Thank You



361 Railroad Ave
Nevada City, CA 95959
Phone 530-477-2590
Fax 530-478-9188
E-Mail cs@49er.cc

Quote 51830



Quoted 1/22/2020

Bill To

Porterville Fire Dept
40 W. Cleveland Ave.
Porterville, CA 93257

Ship To

Porterville Fire Dept
Attn: David Smith
40 W. Cleveland Ave.
Porterville, CA 93257

Quote Expires

3/21/2020

Purchase Order	Ship Via	FOB	Reference	Entered By	Terms
	UPS Ground	Destination		JLC 1/22/2020	Prepaid
Product	Description	Ordered	Price	Amount	
HHKNGVHREDKC	KNG-P150CMD Command Version, Digital APCO P25 , VHF 136-174 MHZ, 5000 Channels, 6 Watt, Full Keypad - RELM BK Portable Radio	32	1,200.00	38,400.00	
ANKNGWP10.5V	10.5 Inch Flexible Antenna, KAA0818 - VHF 150-170 MHz, SMA Male Connector, 0db Gain for RELM BK KNG-P150	32	32.50	1,040.00	
BAKNGRCBA36	Black, 3600 mAh, Li-Ion Rechargeable Battery, BAKNGRCBA36 - Includes belt clip, Equivalent to KAA0101 for RELM BK Radio KNG	32	132.00	4,224.00	
CHKNGDT9R1BE	Desktop Charger, CHKNGDT9R1BE - Rapid Rate, Quad-Chemistry, BLACK, CA Energy Certified Equivalent to KAA0300P for RELM BK Radio KNG	32	65.00	2,080.00	
BAKNGCSBAO	Orange "AA" Clamshell, BAKNGCSBAO - Equivalent to KAA0120 for RELM BK Radio KNG	32	42.25	1,352.00	
AAKNGSPREFE	Fire Rated Mic, KAA0206 - IP68 (Submersible), Rated to 500 Degrees, Emergency Button for RELM BK Radio KNG P Series	32	250.00	8,000.00	
CHKNGVC9R1BE	Vehicle Charger, CHKNGVC9R1BE - CA Energy Certified, Rapid Rate, Quad-Chemistry, Black, Includes mounting bracket and cigarette lighter plug, Equivalent to KAA0355P for KNG	14	100.75	1,410.50	
PACH9RVCHW	Hardwire, Charger Install Kit, PACH9RVCHW - Includes DC Power Cables and Fuses, Replaces KAA 0602P, Use with BK and 49er Chargers	14	26.00	364.00	
PRKNGCLREXS	Universal Cloning Cable, KAA0701 - Legacy to KNG Cloning for All RELM BK Radios	1	357.50	357.50	
Pricing Based on NASPO Contract 7-16-58-15					
HHTC8VHHYAK	TC-580, Analog, VHF 150-174 MHZ, 256 Channels, 5 Watt - Hytera Portable Radio	5	269.00	1,345.00	
AAHY1SPMMR3	Ruggedized Miner Mic, AAHY1SPMMR3 - IP56 (Drive n Rain) Equivalent to Speaker Mic SM08M3 for Hytera Radio TC-508, TC-580, TC-610, TC-700	5	74.80	374.00	

WE WILL BEAT ANY OTHER DEALERS PRICE!

\$59,491.70

Tax 9.25%



361 Railroad Ave
Nevada City, CA 95959
Phone 530-477-2590
Fax 530-478-9188
E-Mail cs@49er.cc

Quote 51830



Quoted 1/22/2020

Bill To

Porterville Fire Dept
40 W. Cleveland Ave.
Porterville, CA 93257

Ship To

Porterville Fire Dept
Attn: David Smith
40 W. Cleveland Ave.
Porterville, CA 93257

Quote Expires

3/21/2020

Purchase Order	Ship Via	FOB	Reference	Entered By	Terms
	UPS Ground	Destination		JLC 1/22/2020	Prepaid

Product	Description	Ordered	Price	Amount
AALO9RS3I	Acoustic Tube Listen Only Ear Piece, AALO9RS3I - Surveillance Design, 30" Straight Cord, 3.5mm Jack	5	61.15	305.75
PR580SWHY	Programming Software, PCS580 - for Hytera Radio TC-580	1	57.20	57.20
PRHY1PCHYUS.1	PC Programming Cable, PC26 - USB, for Hytera Radio TC-500, TC-508, TC-580, TC-600, TC-610, TC-620, TC700 - Version 1.0 Compatible with Windows XP, Vista, 7, 8 and 10	1	55.00	55.00
CHTC2VC9R1BE	Vehicle Charger, CHTC2VC9R1BE - Includes, Mounting Bracket and Cigarette Lighter for Hytera TC-508, TC-580 Radios	1	100.75	100.75
PACH9RVCHW	Hardwire, Charger Install Kit, PACH9RVCHW - Includes DC Power Cables and Fuses, Replaces KAA 0602P, Use with BK and 49er Chargers	1	26.00	26.00

Freight Included in order

WE WILL BEAT ANY OTHER DEALERS PRICE!

Sub-total	\$59,491.70
Discount 8.07%	4,800.00
Tax 9.25%	5,058.98
Total	\$59,750.68



5773 E. Shields Ave.
Fresno, CA 93727

559-292-7010
559-292-7132 Fax

Quote

Customer No.: PORTERVILLE

Quote No.: 50058

Quote To: **City of Porterville**
40 W. Cleveland
Porterville, CA 93257

Ship To: **City of Porterville**
40 W. Cleveland
Porterville, CA 93257

(559) 782-7468

Date			Ship Via		F.O.B.		Terms		
01/16/20			UPS Ground		Origin		Net 30		
Purchase Order Number			Sales Person					Required	
			Scott V					01/16/20	
Quantity			Item Number	Description	Unit Price	Amount			
Required	Shipped	B.O.							
Attn: David Smith									
32			KNGP150-CMD	BK KNG-P150CMD Handheld VHF, 6 Watts, 5000 Channels, w/ Multi Command Groups	1298.00	41536.00			
32			KAA0810G2	KNG P150 VHF Antenna 136-174 New Generation	25.00	800.00			
32			BP0101LIXT	High Capacity Battery KNGP150 3600mAh Li-Ion battery comes w/ belt clip	110.00	3520.00			
32			KAA0120	KNG "AA" Battery Clamshell	42.50	1360.00			
32			EC1-V2-BK2	Endura EC Desktop Rapid Charger for KNGP150	49.00	1568.00			
32			V2-G4BB211	Otto 500 Heavy Duty KNG Speaker Microphone	205.00	6560.00			
14			EC1M-V2-BK2	Endura EC Vehicle DC Rapid Charger Single Slot for KNG Radios	65.00	910.00			
1			KAA0701	Legacy / KNG Cloning Cable KNG Portable to KNG Mobile and Legacy GPH/DPH series	357.50	357.50			
5			TK2312K	Kenwood VHF 5 Watt Handheld Radio Package Fleetsync & MDC 1200 All 312 series portables include: Li-ion Battery (KNB-45L) FastCharger (KSC-35K) Antenna (KRA-26M) Belt Clip (KBH-10) Standard Warranty: 2 Years	249.00	1245.00			
5			KMC45D	Kenwood Rugged Duty Speaker Microphone Dual Pin w/2.5mm ear jack	60.00	300.00			
5			GRSMA-3.5L-AT2	IMPACT Listen Only Earpiece Short Cord w/ 3.5mm Mono & AT2 Coiled Surveillance	35.00	175.00			
1			EC1M-KW6	Endura 12vdc in vehicle charger for Kenwood TK2312 series	75.00	75.00			

Thank You



5773 E. Shields Ave.
Fresno, CA 93727

559-292-7010
559-292-7132 Fax

Quote

Customer No.: PORTERVILLE

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Quote To: **City of Porterville**
40 W. Cleveland
Porterville, CA 93257

Ship To: **City of Porterville**
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Porterville, CA 93257

(559) 782-7468

Date		Ship Via		F.O.B.		Terms		
01/16/20		UPS Ground		Origin		Net 30		
Purchase Order Number			Sales Person				Required	
			Scott V				01/16/20	
Quantity			Item Number	Description	Unit Price	Amount		
Required	Shipped	B.O.						

1			KPG134DK	Kenwood TK2312 & TK3312 Programming Software	72.00	72.00
---	--	--	----------	--	-------	-------

1			KPG22-USB	Kenwood programming cable dual pin style w/USB	60.00	60.00
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Quote subtotal 58538.50

Sales tax @ 9.25000% 5414.81

Quote total 63953.31

Thank You



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Authorization to Purchase Specialized Parts for Dewatering Equipment

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility (WWTF) has received a quote from Huber Technology Incorporated for parts to repair the Huber screw press. The screw press dewaterers digested sludge by mixing sludge with polymer then presses the water from the mixture. The dewatered sludge is then hauled to the solar beds for further drying prior to land application.

The screw press is proprietary to Huber Technology Incorporated and is the sole source for repair parts. Due to normal wear and tear of the internal scraper assembly, sleeves, and bearings the unit is not operating efficiently allowing excess solids to return to the treatment facility. Replacing the worn parts of the screw press will increase efficiency, reduce polymer usage, and eliminate excess solids loading to the treatment facility.

Huber Technology Incorporated has submitted a quote in the amount of \$20,961.02 for the repair parts. Installation of parts will be preformed by the WWTF staff. The expenditure for the repair, in the amount not to exceed \$23,057.12, which includes the repair parts, freight, taxes and a ten percent (10%) contingency, will be funded from the 2019-2020 Wastewater Operating Budget.

RECOMMENDATION: That City Council:

1. Award the purchase of specialized equipment to Huber Technology for a not-to-exceed amount of \$23,057.12 which includes freight, taxes and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to Huber Technology for a not-to-exceed amount of \$23,057.12 which includes freight, taxes and a ten percent contingency; and
3. Direct the Finance Director to make payment to Huber Technology upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. Huber Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

Billing Address

City of Porterville
 291 N Main St
 Porterville, CA 93257-3737
 UNITED STATES

Delivery Address

City of Porterville
 1333 West Grand Ave.
 Porterville, CA 92357
 UNITED STATES

OFFER: 71006211 / V1
 Project: Portersville, CA 293587

Your Letter/Your Reference:

Date printed: Mar 9, 2020
 Our Reference: van Ettehoven, Johan
 Phone:
 Fax:
 Email: johan.van.ettehoven@hhusa.net

Customer No: 114377
 Phone: +1-559-782-7456
 Fax:

Customer is responsible for the following prior to Huber's technician arrival:

- (1)Removal of Huber machine from channel,
- (2)Pressure washing of machine, and
- (3)Providing lifting equipment.

Failure to do so will result in additional charges of \$1,000 per day Huber is onsite.

Pos	Qty	Unit	Item Description	Country of origin HS-Code	Price USD	Total USD Tax (%)
10/1	1.00	pcs	508625 sleeve 134H7/150h8x 85		1,165.15	1,165.15 9.25%
20/1	2.00	pcs	711159 grooved ring 150/174x12		368.75	737.50 9.25%
30/1	1.00	pcs	510975 sealing 802/938x4 BC895 12xbo18		251.00	251.00 9.25%
40/1	3.00	m	713831 strip sealing adhesive half-round 14/ 9	DE 40161000	15.32	45.96 9.25%
50/1	1.00	pcs	714226 grooved ring 625/652x16		4,460.29	4,460.29 9.25%
60/1	9.00	wdg	714160	US	111.92	1,007.28

Quotation No: **71006211**
Date: Mar 9, 2020
Page: 2 (8)

Pos	Qty	Unit	Item Description	Country of origin HS-Code	Price USD	Total USD Tax (%)
			strip brush D 800 d 758 d0,60 W 8 h10 BL11 96035000 H21			9.25%
70/1	165.00	pcs	702502 set screw DIN 914 M 8x 8		1.45	239.25 9.25%
80/1	2.00	pcs	510971 ring segment 718/ 210x25		235.00	470.00 9.25%
90/1	8.00	pcs	510973 plate 305x 57x15 2xsh14x22	84219990	412.50	3,300.00 9.25%
100/1	8.00	pcs	510979 plate 305x 57x20 2xsh14x22	84219990	392.70	3,141.60 9.25%
110/1	1.00	pcs	713955 self-aligning ball bearing 22313EA W33 D140 d 65 W 48		308.66	308.66 9.25%
120/1	2.00	pcs	702333 Nilos sealing ring 22313 JV CrNi d77,5 D140		54.19	108.38 9.25%
130/1	1.00	pcs	50181000 ring 878/ 964x20	84219990	1,725.60	1,725.60 9.25%
140/1	1.00	pcs	50181013 ring 878/ 964x20	84219990	1,725.60	1,725.60 9.25%
150/1	1.00	pcs	410500 Freight Estimate		500.00	500.00 9.25%
					Total net	USD 19,186.27
					including Tax	USD 1,774.75
					Total gross	USD 20,961.02

Valid for: 90 days
Delivery: prepaid and add
Payment terms: Net 30 days



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Authorization to Repair Refuse Truck

SOURCE: Public Works

COMMENT: Vehicle #6696, a 2019 Peterbilt Refuse Roll-Off truck, was involved in a non-injury traffic collision on February 21, 2020. The truck has approximately ten (10) years of remaining active service life.

Staff is requesting authorization to utilize E.M. Tharp, Inc., which is the nearest heavy-duty repair service center with a paint booth large enough for a refuse truck, at an estimated cost of \$29,921.34 (inclusive of all parts, taxes, labor, including a 10% contingency). Staff will be seeking reimbursement of costs from the auto insurance company involved.

RECOMMENDATION: That the City Council:

1. Authorize the refuse truck repair by E.M. Tharp, Inc. at a cost not to exceed \$29,921.34 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. Estimate #6696

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

ATTN RALPH

E.M.THARP, Inc.
 15243 ROAD 192
 PORTERVILLE, CA, 93257
 Tel: 559-719-2033 Fax: 559-784-5672
 BILLYWEST@EMTHARP.COM
 Tax ID: 94-1218910

Estimate - Preliminary

Estimate Prepared by: BILLY WEST

Appraised for:

Accident Date:

Date of Loss:

Date: 3/13/2020

Arrival Date:

Estimate#:

Type of Loss:

Policy Number:

Claim Number:

Insured:

Company: CITY OF PORTERVILLE

Contact: RALPH

City, State, Zip Code: PORTERVILLE, CA 93257

Telephone, Fax: 559-782-7597

Year	Make	Model	Color	Trim
2019	PETERBILT	320		
Unit Number	License Plate #	Mileage	Serial#/VIN#	
6696	1504821		108302	

Sup	Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
	1	Body	Rem/Rep	FRONT BUMPER	New		\$1,709.13	T 1.0*
	2	Body	Rem/Rep	RH FOG LIGHT	New		\$232.33	T .4*
	3	Body	Rem/Rep	Grille (a)	New	N.A.	\$659.59	T 1.4#*
	4	Body	Rem/Rep	Panel, Front w/o Dual Steer Right	New	N.A.	\$515.11	T 6.0#*
	5	Body	Rem/Rep	Front Panel Insulation kit	New		\$148.12	T .6*
	6	Body	Rem/Rep	Panel, Floor R	New	N.A.	\$971.75	T 4.5*
	7	Body	Rem/Rep	Molding-Floor Mat	New		\$37.66	T .2*
	8	Body	Rem/Rep	Shell Assy, Door R	New	N.A.	\$2,248.38	T 4.7*
	9	Body	Rem/Rep	RH Door Jamb	New		\$356.05	T 1.0*
	10	Body	Rem/Rep	Pilar,Front(a)R	New		\$149.90	T 2.5*
	11	Body	Rem/Rep	Pillar Slant Front	New		\$734.58	T 1.0*
	12	Body	Rem/Rep	Support,Fender Skirt{a}	New		\$201.98	T 1.5*
	13	Body	Rem/Rep	Well;Upper Step(a)R	New		\$253.88	T 1.5*
	14	Body	Rem/Rep	Step,Cab Access R	New		\$233.58	T .5*
	15	Body	Rem/Rep	Lower Spep Supports	New		\$358.66	T .6*
				2@\$179.33 Ea				

Sup	Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
	16	Body	Rem/Rep	Guard, Splash R	New	N.A.	\$159.00	T .4*
	17	Body	Rem/Rep	Panel, Back R	New	N.A.	\$753.83	T 4.0*
	18	Mech	Rem/Rep	Tank, Fuel R	New	N.A.	\$1,457.52	T 1.5*
	19	Body	Rem/Rep	core	New		\$450.00	T .0*
	20	Body	Rem/Rep	Strap, Fuel Tank (2/Side) R	New	N.A.	\$249.70	T .2*
	21	Body	Rem/Rep	RH FRAME MOUNTER TOOL BOX	New		\$643.17	T 2.0*
	22	Body	Rem/Rep	RH DECALS BEHIND DOOR	New		\$171.00	T 1.0*
	23	Body	Rem/Rep	Shell Assy, Door R	New	N.A.	\$2,248.38	T 4.7*
	24	Body	Rem/Rep	Panel, Inner Door R	New	N.A.	\$176.86	T .4#*
	25	Body	Rem/Rep	Master Door Sill	New		\$484.06	T 1.0*
	26	Body	Rem/Rep	Door Hinge R S/S	New		\$315.23	T .0*
	27	Body	Rem/Rep	Pillar, Front (a) R	New	N.A.	\$236.00	T 2.5*
	28	Body	Rem/Rep	corner Sill Brkt	New		\$130.29	T .3*
	29	Body	Rem/Rep	Support, Floor (a) R	New	N.A.	\$201.98	T 1.0*
	30	Body	Rem/Rep	Rail, Lower Slant R	New	N.A.	\$116.00	T 1.0*
	31	Body	Rem/Rep	Rail, Floor R	New	N.A.	\$160.55	T 2.0*
	32	Body	Rem/Rep	Rail, Corner R	New	N.A.	\$98.94	T 1.0*
	33	Body	Rem/Rep	Rail, Upper Slant (a) R	New	N.A.	\$104.56	T 1.0*
	34	Body	Rem/Rep	Support, Fender Skirt (a) R	New	N.A.	\$148.56	T 1.5*
	35	Body	Rem/Rep	Panel, Door Trim R	New	N.A.	\$348.19	T .4*
	36	Body	Rem/Ins	R&I Mirror Assy R	Exist			1.0#
	37	Body	Rem/Ins	R&I Seat Assy	Exist			.5
	38	Body	Rem/Rep	R Bottom A/C -Heater Access Panel	New		\$65.00	T .2*
	39			Shop Materials			\$250.00	T *
	40			Shipping			\$400.00	*
	41	Body	Rem/Ins	R&I Rear Trim Panel	Exist			.8
	42	Body	Rem/Ins	Panel, Rear Trim	Exist			
	43	Ref	Ref	Refinish Tool Box	Exist			2.0*
	44	Ref	Ref	Refinish Step Well R	Exist			1.0*
	45	Ref	Ref	Refinish Front Panel Outside R	Exist			2.0
	46	Ref	Ref	Refinish Back Panel Outside R	Exist			2.0
	47	Body	Rem/Ins	R&I Exhaust For Access To Repairs	Exist			2.0#*
	48			Paint Materials			\$350.00	

* - Judgement Item

- Labor Note Applies

Labor

Body	56.3	Hrs @	\$110.00	\$6,193.00	Parts Subtotal	\$17,529.52
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Parts

2019 PETERBILT 320

Version 3.0

Database Edition PHT 19-02

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Page 2 of 3

Sup	Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
		Refinish	7.0	Hrs @ \$110.00		\$770.00	Less Adjustments	
		Mechanical	1.5	Hrs @ \$142.00		\$213.00	Parts Total	\$17,529.52
		Labor Total				\$7,176.00		
Additional Costs and Operations								
							Addl. Costs/Ops Total	\$1,000.00
Tax								
						Parts Tax @ 8.25%		\$1,446.19
						Addl. Costs Tax @ 8.25%		\$49.51
						Tax Total		\$1,495.70
Totals								
							Sub Total:	\$27,201.22
							Customer Resp.	\$0.00
							Net Total	\$27,201.22

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

This is a preliminary estimate. Additional changes to the estimate may be required for the actual repair.

TruckEst does not automatically include items required by many business repair partners. This application allows the author to manually enter line items such as overlap deductions.

2019 PETERBILT 320



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Bid Results - Public Safety Building Storage Buildings and Painting of Fire Station 71

SOURCE: Public Works

COMMENT: On Tuesday, March 31, 2020, staff received two (2) bids for the Public Safety Storage Buildings and Painting of Fire Station 71 Project. The projects consists of the construction of two (2) separate storage areas for the Public Safety Building; one area is just under 114 square feet and the other area is 657 square feet. This project also includes repairs to the stucco exterior and the painting of Fire Station 71.

The bids are as follows:

<u>Contractor</u>	<u>Amount</u>
Dayco Construction Inc Porterville, CA	\$335,579.00
JTS Construction Bakersfield, CA	\$ 456,250.00

The Engineer's Estimate of Probable Cost for the project was \$85,000. The lowest responsive bid is \$335,579, 294.8% above the Engineer's estimate. It is City's Council's policy to reject all bids when the bid exceeds ten percent (10%) of the Engineer's Estimate. With the lowest bid being significantly higher than this limit, staff believes that it is in the best interest of the City for all bids to be rejected and that staff be directed to redesign the storage areas portion of the project.

Staff recommends that the stucco repair and painting of Fire Station 71 be removed from this project and move forward separately. The nature and size of this work makes it difficult to procure a contract via the open bid process unless it is tied to another contract. As this bid has failed, staff recommends moving forward with this work via the open market. Section 61 of the City Charter allows the City Council to re-advertise for bids, or by a four-fifths (4/5) of all of its members, determine and declare that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market, and after the adoption of a Resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section. City staff has prepared such a Resolution and respectfully requests that Council approve and adopt said Resolution so that the necessary steps may be taken to

complete the proposed work at Fire Station #71 in a timely manner.

Funding for the work at Fire Station #71 in the amount of \$36,000 is available in Equipment Replacement Funds and was previously approved by Council.

RECOMMENDATION: That City Council:

- 1) Reject all bids;
- 2) Adopt the draft Resolution Authorizing the Procurement of Bids through an Open Market Process for the Stucco Repair and Painting of Fire Station #71;
- 3) Authorize staff to negotiate and execute contracts at an amount not to exceed \$36,000; and
- 4) Authorize staff to make payments up to 100% upon satisfactory completion of all work.

ATTACHMENTS:

1. Draft Resolution
2. Locator Map - Fire Station 71

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____ - 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE PROCUREMENT OF LABOR AND MATERIALS THROUGH AN
OPEN MARKET PROCESS FOR THE STUCCO REPAIR AND PAINTING OF FIRE
STATION #71

WHEREAS: the "City's" Fire Station #71 is in need of repairs that include stucco repairs and painting; and

WHEREAS: the "City" has attempted to procure bids through a competitive bid process as required by Section 61 of the City Charter; and

WHEREAS: the "City" did not receive any acceptable bids for the project; and

WHEREAS: readvertising for bids is not anticipated to generate an improved response from the previous formal bidding process due to the nature and size of the project; and

WHEREAS: Section 61 of the City Charter allows the City Council to declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

NOW, THEREFORE BE IT HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Porterville, State of California, that City Staff may seek labor and materials through an open market process directly from at least three (3) contractors for the project and shall proceed with contracting to have the work completed.

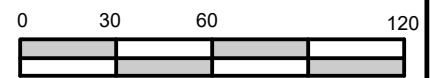
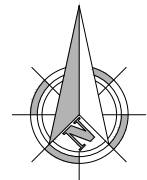
BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED and ADOPTED this 7th day of April, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



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 7, 2020

SUBJECT: Approval of Measure R Program Supplement to Cooperative Agreement - Environmental Clearance for the Butterfield Corridor Project

SOURCE: Community Development

COMMENT: The Tulare County Association of Governments ("TCAG"), acting as the Local Transportation Authority ("Authority") is requesting that the City of Porterville approve and submit a Supplemental Agreement for the Butterfield Stage Corridor project. Inclusive of this scope is the Environmental Review to include Phase 1 Environmental Site Assessment, CEQA review and technical studies to be completed at a level to cover any potential future Federal funding. Staff, utilizing its On Call Environmental Consulting Services received task orders for the project and proposes to enter into a contract with Provost and Pritchard Consulting Group for the price of \$84,900, plus \$20,000 for contingencies and administrative costs.

A locator map identifying the project limits for this project is attached. The Authority requires the processing of a Supplemental Agreement for the purpose of reimbursing 100% of the cost for this phase of the project. In addition to the Supplemental Agreement, to include a Resolution and Exhibit 'A' must be received by the Authority before the City can seek reimbursement. Exhibit 'A' provides the project title, project scope, and estimate of probable cost for this phase of the project.

RECOMMENDATION: That the City Council:

1. Approve the draft Resolution in support of the Program Supplement to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

ATTACHMENTS:

1. Project Locator Map
2. Supplemental Agreement and Draft Resolution

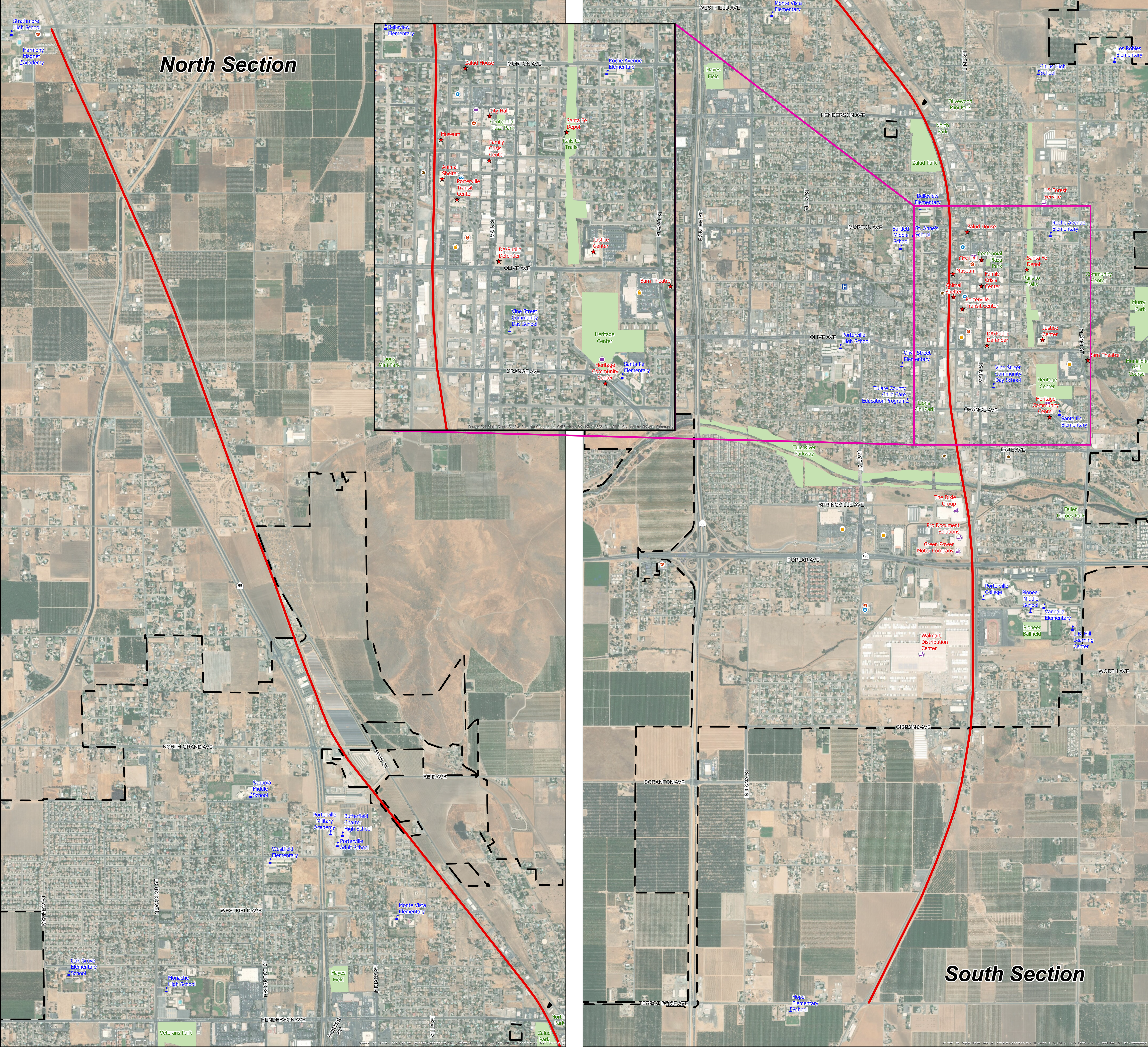
Appropriated/Funded:

Review By:
Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Butterfield Stage Corridor



MEASURE 'R' PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on _____, by and between the City of Porterville ("Sponsor") and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

This Program Supplement hereby incorporates the "Measure 'R' Cooperative Agreement" for Measure 'R' expenditures, which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program Supplement is executed under authority of Resolution No. ____-2020, approved by the Sponsor on April 7, 2020 (see copy attached).

Project scope and costs are incorporated herein as Exhibit "A" and agreed upon by Sponsor and Authority.

Covenants of Sponsor

- 1.1. SPONSOR agrees that it will only proceed with work authorized for specific phase(s) with a written "Authorization to Proceed" or AUTHORITY action and will not proceed with future phase(s) of this project(s) prior to receiving a written "Authorization to Proceed" or AUTHORITY action.
- 1.2. The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.
- 1.3. Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.
- 1.4. Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.
- 1.5. If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and billing amount.

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

COUNTY OF TULARE
TRANSPORTATION AUTHORITY

CITY OF PORTERVILLE

By: _____
Authority Director

By: _____
Martha A. Flores, Mayor

Attest:

By: _____
John D. Lollis, City Clerk

RESOLUTION NO. _____ - 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE
BUTTERFIELD STAGE CORRIDOR PROJECT

WHEREAS, the City of Porterville Bike and Pedestrian Program is eligible to receive 100% reimbursement for non-participating construction costs, including Environmental Review to include Phase 1 Environmental Site Assessment, CEQA review and technical studies to be completed at a level to cover any potential future Federal funding (\$84,900), plus \$20,000 for contingencies and administrative costs associated with the Butterfield Stage Corridor Project, which meets the Measure 'R' guidelines and City General Plan for alternate modes of travel; and

WHEREAS, the Tulare County Association of Governments is requesting that the City of Porterville approve and submit a Supplemental Agreement that will allow the City to receive reimbursement for all environmental costs incurred in Fiscal Years 2019/2020 through 2020/2021;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve support of the Butterfield Stage Corridor Project (ATP Grant) and authorizes the Mayor and City Clerk to execute the Program Supplement and any other related documents as may be required.

PASSED, APPROVED and ADOPTED this 7th day of April, 2020

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT “A”

Butterfield Stage Corridor Project

Project Scope

The Butterfield Stage Corridor Project consists of the development of eight miles of former Union Pacific Railroad between Tea Pot Dome Avenue to the south and Avenue 196 in Strathmore to the north, which transects the City of Porterville. The transportation facility would be for non-motorized users to provide safe, improved access to education, retail opportunities, job centers, housing and the city's transit center. The enclosed Supplemental Agreement is for the required environmental documentation phase.

Project Costs

Butterfield Stage Corridor Environmental Review Tasks	Estimate
Phase 1 Environmental Site Assessment	\$18,500.00
Preparation of Environmental Documentation	\$66,400.00
Contingency and Administrative Costs	\$20,000
Total Estimated Costs	\$104,900.00

Project Schedule

Butterfield Stage Corridor Environmental Review Tasks	Date
Phase 1 Environmental Site Assessment complete	05/01/2020
Project Kick Off – Native American Notification	05/22/2020
Finalize Draft Initial Study	07/31/2020
Circulate Environmental for 30 days	08/30/2020
City Council Review	09/01/2020



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Addendum No. 1 to 4Creeks Villa Street Reconstruction Service Agreement

SOURCE: Public Works

COMMENT: At its meeting on February 19, 2019, the City Council authorized staff to execute a consultant service agreement for the reconstruction of Villa Street between Henderson Avenue and Olive Avenue. The proposal from 4Creeks for the reconstruction design was for an amount of \$247,215. This included project management, surveying, geotechnical investigation, and construction plans.

Staff met with the consultant to discuss the 30% design submittal at the end of January 2020. Based on that meeting and recent direction taken on including recycled water pipe as part of major road reconstructions in anticipation of the future wastewater treatment plant project to produce tertiary treated effluent, an addendum is necessary to cover the consultant's design costs. The addendum will also cover additional design costs necessary to design a box culvert bridge in lieu of a culvert pipe at the Porter Slough crossing.

Staff recommends approval of the addendum in order to allow the consultant to proceed to a 60% design submittal to maintain the project's schedule. Local Transportation Fund (LTF) funding is available for this addendum.

RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute Addendum No. 1 to 4Creeks' Service Agreement at an agreed upon fee of \$51,900 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a ten percent (10%) contingency to cover unforeseen costs.

ATTACHMENTS:

1. Villa Street Change Order 1 Proposal
2. Villa Street Reconstruction Location Map

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

February 20, 2020

Mr. Javier Sanchez

Engineering & Project Management Director
City of Porterville
291 N. Main St.
Porterville, CA 93257



Subject: Change Order 1 Design Proposal for Villa Street Reconstruction and Porter Slough Improvement Project, Reclaimed Water Design and Box Culvert Design

Dear Mr. Sanchez,

This Change Order 1 is being provided at the request of the City to add reclaimed water to the design of Villa Street Reconstruction and designing a box culvert for the Porter Slough Improvement project. Listed below is the general scope of work and fees for these services. This work will be completed and ready to bid according to the modified project schedule.

Task 1: Reclaimed Water Design

A reclaimed water line design will be incorporated into the Villa Street Reconstruction project plans. In general we anticipate the following items will be included in this task.

- The reclaimed water line will be designed with the intent of being in the same location as the existing water main so that the old water main infrastructure will be removed. This will be dependent on sewer-water separation requirements. Our understanding is that the reclaimed water mains and valves will be installed with this project and will be stubbed out past the project limits.
- According to City staff our understanding is that the reclaimed water line will be treated like a storm drain line for water-sewer separation requirements.
- The proposed water line that was included in the 30% project plan submittal will be relocated as necessary.
- Include this work in the cost estimates and specifications for the project.
- We anticipate submitting a 30% water alignment to the City for review.
- This task also includes additional project management and coordination work due to the addition of the reclaimed water line and the 6 month delay between the 30% submittal and plans review.

The above **Task 1** services will be provided for a **Fixed Fee of \$46,910**.

Change Order 1, Task 2: Box Culvert Design

- The City has requested that the double RCP culverts shown on the current plans be replaced with a 10'x10' box culvert and wingwalls on the Porter Slough Improvement Project plans. The box culvert will replace the dual 60 inch RCP culverts and wingwalls included in the 30% project plans. This task will require a re-design of the culvert, wingwalls, channel grading, stormwater outfall, and utility crossings.
- We assume that Task 8A will still be used for specialized wing wall design and the design of the box culvert skew.

The above **Task 2** services will be provided for a **Fixed Fee of \$4,990**.

Total Change Order 1 Amount = \$51,900

City of Porterville Responsibilities

- Same as the original proposal.

Exclusions

- Any work not specifically listed in this scope of services.

If you have any questions or need any additional information, please feel free to give us a call to discuss.

Sincerely,



Chris Crawford, PE 71192
Sr. Civil Engineer



Matthew D. Ainley, PE 66233
Principal-In-Charge

Approval:

City Signature

Date

Villa St - Change Order 1

Fee Breakdown

C. Crawford

Project Technician II	Project Technician III	Project Tech IV	Project Tech V	Engineer I	Engineer IV	Engineer V	Principal Engineer	Utility Designer II	Structural Engineer II	Reimbursable Expenses	TOTAL
\$65	\$75	\$85	\$95	\$110	\$140	\$150	\$170	\$130	\$135	Fee Varies	

Task 1 - Reclaimed Water Design

Reclaimed Water Design				60	150	20	10					\$26,500
Modifications to the Proposed Water Main Alignment				20	40	15	10					\$9,900
Cost Estimate and Specifications					20	6	4					\$3,640
Project Management/Quality Control						30	2			\$500.00		\$5,840
Admin.	8						3					\$1,030
												\$46,910

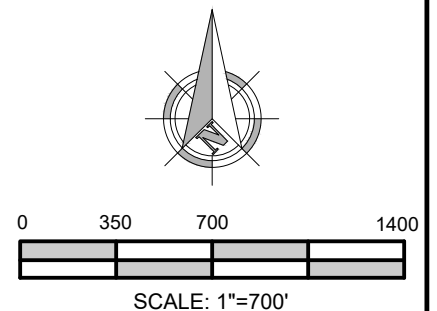
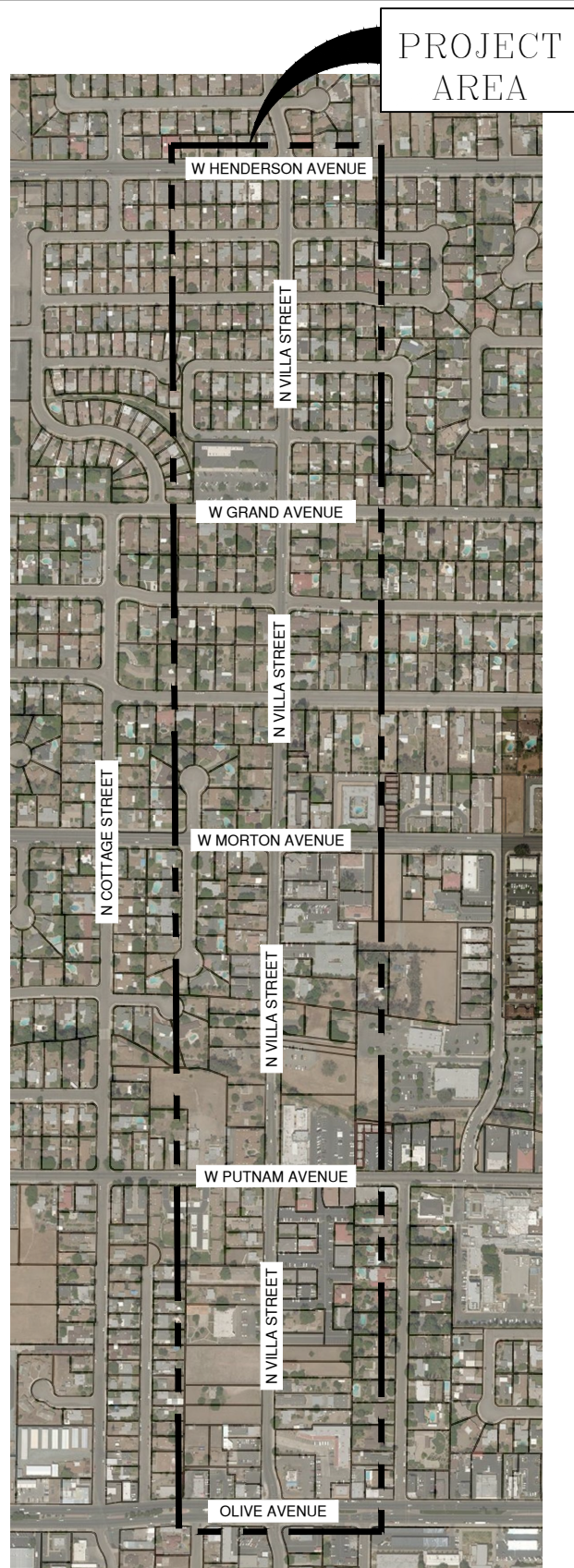
Task 2 - Box Culvert Design

Porter Slough Box Culvert Design					25		8					\$3,950
Project Management					4		2					\$740
Admin.	2							1				\$300
												\$4,990

TOTAL:

10	0	0	80	239	41	64	6	0	0	500
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TOTAL = \$51,900



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

VILLA STREET RECONSTRUCTION
BETWEEN OLIVE AVENUE AND
HENDERSON AVENUE

DRAWN BY	KRS
CHECKED BY	MKR
SCALE	1" = 700'
DATE	2/14/2019

SHEET
1
OF
1



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Airport Lease Agreement - Skydive Elsinore, LLC

SOURCE: Finance

COMMENT: At its meeting on October 1, 2019, the City Council authorized staff to negotiate a lease with Skydive Elsinore, LLC, and at its meeting on December 3, 2019, the Council approved the terms of the lease. Skydive Elsinore, LLC agreed to enter into a new lease agreement for approximately 179 acres of property located at the Porterville Municipal Airport for use as a skydive landing zone for their professional skydive and parachuting training facilities operation.

Skydiving is an FAA-recognized aeronautical activity and regulations require airports that have received FAA funding to accommodate this activity.

Lessee agrees to pay a rental rate of \$35 per acre per year, \$6,265.00 annually or \$522.09 per month, payable in advance with annual adjustments subject to the change in the Consumer Price Index. The lease effective date is April 1, 2020, and will expire April 1, 2025.

RECOMMENDATION: That the City Council approve the Lease Agreement between the City of Porterville and Skydive Elsinore, LLC, for the operation of professional skydive and parachuting training facilities at the Porterville Municipal Airport for a term of five (5) years commencing on April 1, 2020.

ATTACHMENTS:

1. Exhibit A - Lease Area
2. Lease Agreement Airport Property (Final Draft)

Appropriated/Funded:

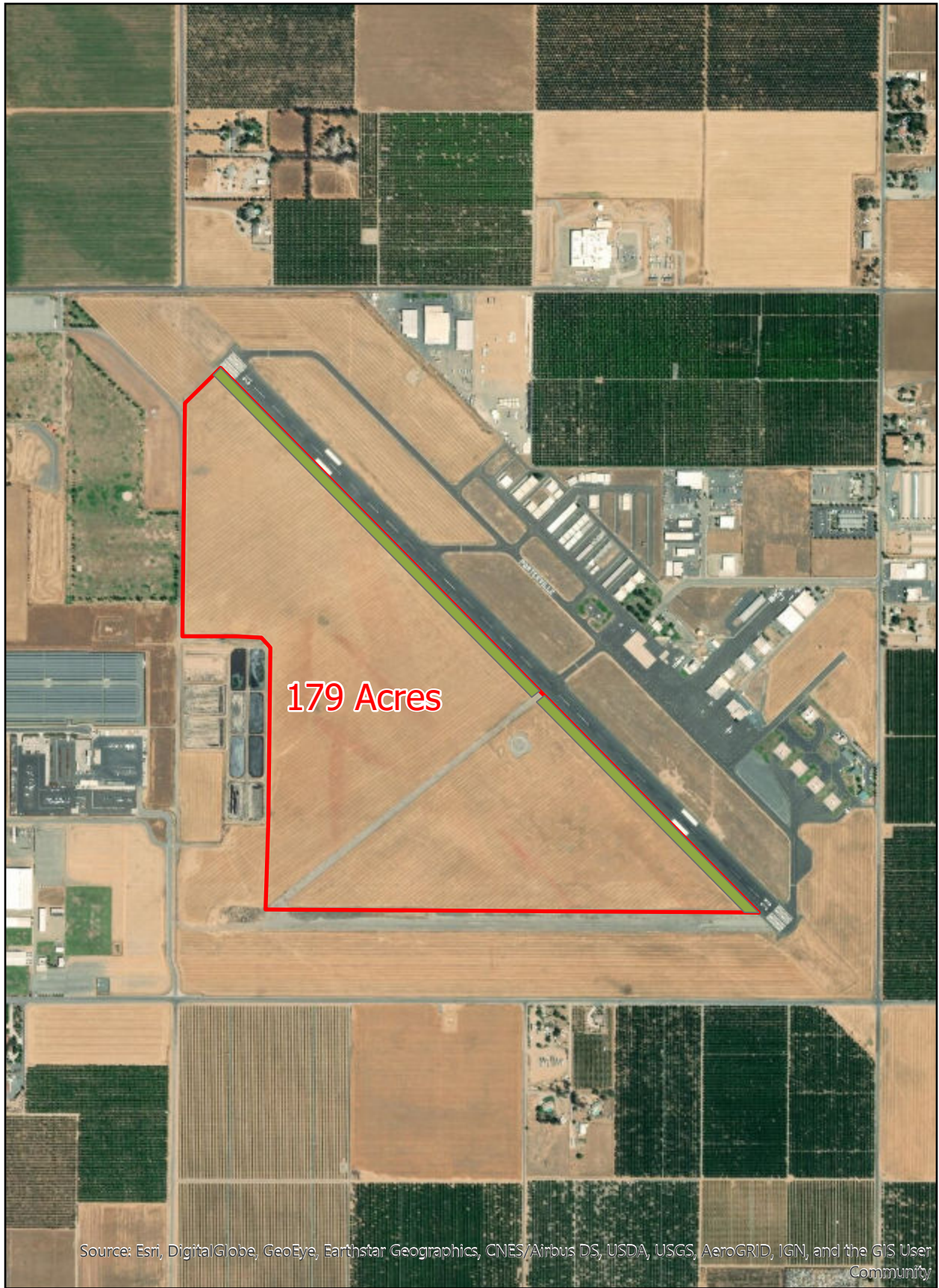
Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

Exhibit A



-  Leased Area: 179 Acres
-  Weed Abatement - 9.6 Acres

0 500 1,000 Feet



Date Printed: 1/9/2020 by the Community Development Department

LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT (“Lease”), executed at Porterville, California the 7th day of April, 2020, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and Skydive Elsinore LLC., hereinafter referred to as “Lessee.”

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport property for the purpose of a sky dive landing zone; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and operations in providing aeronautical-related uses.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, those certain premises situated in the City of Porterville, State of California, described as a portion of APN 302-110-076 and APN 302-110-079 located at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence on April 1, 2020, both parties having executed the same, and shall terminate on April 1, 2025, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Notwithstanding the stated term of the Lease, the City may terminate this Lease at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee. The parties will follow Charter

Section 68 concerning the determination of the value of the improvements.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of \$35.00 per acre per year. Inasmuch as the lease site (See Exhibit "A" attached) contains approximately 179 acres of land area, said rental rate will be \$6,265.00 annually, or \$522.09 per month, payable in advance.

Beginning January 1, 2021, and each January 1 thereafter for the term of this Lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CPI index will be "All Urban Consumers."

4. Purpose: This Lease is made for the purpose of operating professional skydive and parachuting training facilities. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City

Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice of said nuisance.

5. Right of Ingress and Egress: Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

6. Condition of Premises: Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.

7. Alteration: Lessee shall make no structural modifications to existing structures or make permanent improvements or additions in or on the demised premises without the written consent of the City Airport Manager first being obtained.

8. Maintenance: Lessee agrees to keep the improvements in a good state of repair by periodic maintenance and to keep the grounds of Lessee in a good state of maintenance and repair. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said property and any improvements in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final. Additionally, Lessee shall, at Lessee's sole cost and expense, perform weed abatement on the property adjacent to the runway, more particularly

described in Exhibit A, attached hereto.

9. Utilities: Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall include, but is not limited to, telephone, electrical, water , sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

10. Utility Extension or Modification: Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

11. Taxes and Assessments: Lessee understands that the Lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and /or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

12. Compliance with Law: Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.

13. Liens and Encumbrances: Lessee shall keep the premises and all structures and improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

14. Negation of Partnership: City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee’s operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee’s use of the premises as in this Lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee’s improvement and

personal property caused by the exercise of the rights reserved in this paragraph.

15. Indemnification: Lessee agrees to indemnify, defend, and hold harmless the City, its officers, employees, agents and volunteers (“City indemnitees”), and each of them, from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels’ fees and costs of litigation (“claims”), arising out of the Lessee’s performance of its obligations under this lease or the activities on or operations conducted by Lessee on or at the demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over, including the City’s active or passive negligence, EXCEPT for such loss or damage arising from the sole negligence or willful misconduct of the City. In the event the City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Lessee’s operations or performance of this Lease, the Lessee shall provide a defense to the City indemnitees, or at the City’s option, reimburse the City indemnitees their costs of defense, including reasonable legal counsels’ fees, incurred in defense of such claims.

16. Liability Insurance:

Commercial General Liability

a. Lessee shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than five million dollars (\$5,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Lessee’s general liability policies shall be primary and shall not seek contribution from the City’s coverage, and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies.

b. Any failure to comply with reporting provisions of the policies by Lessee shall not affect coverage provided the City.

c. Coverage shall state that Lessee insurance 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.

Aircraft Liability Insurance

a. Lessee shall provide and maintain Aircraft liability insurance coverage of at least one million dollars (\$1,000,000) per accident (at least \$2,000,000 in aggregate).

b. The policy shall be endorsed to include the City, its officers, employees, and agents as additional insureds.

17. Nondiscrimination: Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, ancestry, disability, gender, age, religion, sexual orientation or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, ancestry, disability, gender, age, religion, sexual orientation or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally - Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or

other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

18. Improvement of Land Area: City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

19. Maintenance of Landing Area: City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard; providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.

20. Lease Subordinate to Agreements with the United States Government:
This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.

21. Non-Exclusive Right: It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. Rights of United States Government: This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation, or taking over of said airport.

23. Notices: All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

To the Lessee: Skydive Elsinore LLC
20701 Cereal St
Lake Elsinore, CA 92530

To the City: Airport Manager
 City of Porterville
 291 N. Main Street
 Porterville, CA 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

24. Authorized Agent of the City: The Airport Manager of the City of Porterville is the duly authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. Assignment and Subletting: This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto. Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City, which may be withheld for any reason. In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

26. Removed

27. Breach by Lessee: In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written

notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney's fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee's right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

28. Waiver of Breach: The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

29. Bankruptcy: In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee's rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee's rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term "Lessee," as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership who is a Lessee hereunder. Any consent by City to

any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

30. Quiet Possession: Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

31. Surrender of Premises: On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee's occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

32. Removal of Improvement at Termination: Upon the termination of this Lease, or any holding over, for any reason other than Lessee's failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee's sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City's total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee's failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory

security for the amount of its costs, expense, loss and damage accruing from Lessee's failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. Incorporation of Prior Agreements and Amendments: This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

34. Severability: The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

35. Construed Pursuant to California Law: The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

36. Venue: If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that this Agreement is entered into and to be performed in Tulare County, and the venue thereof shall be the County of Tulare, State of California. To the fullest extent permitted by law, Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

37. Covenants and Conditions: Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.

38. Captions: The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

39. Time of Essence: Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

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

41. Legal Fees: In the event that an action shall be instituted by either party hereto for the enforcement of any of its rights or remedies in or under this Lease, the party in whose favor judgment shall be rendered therein shall be entitled to recover from the other party all costs and expenses incurred by said prevailing party in said action, including reasonable attorney's fees as fixed by the court therein.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE

LESSEE

By: _____
Martha A. Flores, Mayor

By: _____
Skydive Elsinore LLC

ATTEST:

By: _____
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: _____
Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Consideration of an Amendment to the Lease of 466 E. Putnam Avenue to Allow Use of a Cargo Container

SOURCE: Community Development

COMMENT: On January 15, 2020, a representative from Comision Honorifica Mexicana-Americana, Inc. (CHMA) approached staff with a request to place one (1) cargo container at 466 E. Putnam Avenue, which is a building owned by the City and leased to CHMA. At the meeting of February 4, 2020, the City Council evaluated the existing lease agreement and directed staff to proceed with CHMA's request, subject to Council's consideration of a modification to the lease.

Staff has reviewed the requested cargo container permit, and has advised CHMA that such a permit may be approved subject to certain conditions. The Council provided direction to staff in consideration of the short-term and long-term use of cargo containers through Resolution 14-2014; fees related to such use were established through Resolution 15-2014. The limitations are as follows:

Where appropriate and necessary for longer term use, the Zoning Administrator may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:

- The number of containers allowed shall not exceed three (3) containers.
- The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by the Zoning Administrator. Extensions will not be permitted. However, the applicant may apply for another long-term, administrative, permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.
- The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including but not limited to, parking and loading areas, on-site circulation, and accessibility.
- The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off-site or public streets.
- Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Zoning Administrator permit application plus an initial fee for the first site visit and an annual fee applicable upon approval. The annual fee would apply for any year or portion thereof the container continues to be stored

on site.

- The Zoning Administrator may require additional conditions intended to ensure the use does not create blight.

While the specific language of the Resolution addressed Commercial and Industrial zone districts, the Council has considered the appropriateness of the placement of cargo containers in association with public and semi-public uses and determined that this equally suits the intent of Resolution 14-2014.

Based on the proposed location of the cargo container as shown in Attachment 1 and conditions as outlined above, including screening, placement such that the container shall not encroach into setbacks, and a time limit not to exceed five (5) years, staff seeks Council's direction related to the necessity to amend the lease of 466 E. Putnam Avenue to CHMA to accommodate the placement of one (1) cargo container.

RECOMMENDATION: That the City Council:

- 1) Authorize the tenant of 466 E. Putnam Avenue to proceed with a long-term cargo container permit for one (1) cargo container for a period not to exceed five (5) years;
- 2) Direct the Zoning Administrator to process said cargo container permit subject to all terms and conditions outlined in Resolution 14-2014, subject to fees established by Resolution 15-2014; and
- 3) Direct the City Manager or his designee to complete any necessary amendments to the lease agreement between the City of Porterville and the Comision Honorifica Mexicana Americana, Inc. for the property identified as 466 E. Putnam Avenue.

ATTACHMENTS:

1. Site Plan
2. Addendum 1 to Lease of 466 E. Putnam Avenue
3. CHMA Lease Agreement

Appropriated/Funded:

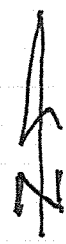
Review By:

Department Director:

Final Approver: John Lollis, City Manager

Cleveland Ave

226'

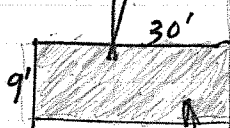


Residential

Parking

Proposed Seatrain location

ex. trash enclosure



exist. conc. Pad

Playground

sidewalk

Lawn

Lawn

Patio

ex. building

466 E. Putnam
APN 253-124-04

Parking

Putnam Ave

Residential

Residential

291'

ADDENDUM NO. 1 TO PROPERTY LICENSE AGREEMENT
BETWEEN THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA INC.
AND AGREEMENT CONCERNING RIGHTS AND
OBLIGATIONS OF THE PARTIES

This Addendum to the Property License Agreement between the City of Porterville ("City") and the Comision Honorifica Mexicana Americana Inc. ("CHMA") and, was approved by the Porterville City Council on March 17, 2020 and is hereby made a part of the Property License Agreement entered into by the parties on March 21, 2017.

1. **Section 4.h.** is hereby added to the Agreement, as follows: CHMA shall be permitted to have one cargo container present on the property site, subject to the following conditions: a) Prior to placement of the container of the property, CHMA must submit a site plan to the Zoning Administrator depicting the location and the screening (e.g. vegetation or other appropriate materials) of container, b) said plan is subject to the Zoning Administrator's conditions and approval, c) the placement of the container must be in conformity with the approved Site Plan, and d) the container must be removed no later than five years after placement on the property.
2. All other terms as outlined in the License Agreement, executed on March 21, 2017, and not inconsistent with this Addendum, shall remain in full force and effect.

Dated: _____

COMISION HONORIFICA MEXICANA AMERICANA INC.

BY: _____
Roberto de la Rosa, President

CITY OF PORTERVILLE

BY: _____
Martha A. Flores, Mayor

ATTEST:

John Lollis, City Clerk

Approved as to Form:

Julia Lew, City Attorney

**PROPERTY LICENSE AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
COMISION HONORIFICA MEXICANA AMERICANA INC.
AND**

**AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS
OF THE PARTIES**

Parties

1. This License agreement is entered into by and between the City of Porterville ("City"), and Comision Honorifica Mexicana Americana, Inc. ("CHMA") of said property.

Description of Property

2. Licensor is rightful possessor of certain real property situated at 466 East Putnam Avenue in the city of Porterville, and more particularly described as the Porterville Community Center ("Center").

Grant of License

3. In consideration for and in accordance with the terms and conditions of this agreement, the City grants to CHMA a License ("the License") for exclusive use of the Center at all times, unless otherwise permitted by CILMA or set forth via this Agreement. CHMA intends to operate the Center Monday through Friday during normal business hours and on weekend days. The parties agree that CHMA will utilize the Center for multi-cultural, community benefit, and educational events, exhibits, workshops and classes. The parties further agree that CHMA will utilize the Center for business and operational activities of CHMA as well as other social service and community non-profit organizations.

Rights and Obligations

4. The following rights and obligations accompany the License and the use of the property:

- a. Except as otherwise provided herein, CHMA shall have full and exclusive management authority over the Center, and shall assume full responsibility for and provide all facility management oversight, all building and grounds maintenance and

repairs as necessary to make the building fully operational. CHMA shall maintain the property, including all facilities located upon the property, in a neat and cleanly appearance, with mature trees preserved and all landscaping sustained in a healthy and vigorous growing condition.

- b. CHMA shall assume full responsibility for all utilities service for the Center.
- c. CHMA shall assume full responsibility for the Center and facilities, including the structural integrity of the Center building. In doing so, CHMA acknowledges and accepts the present condition (except as otherwise provided in item h below) of the facility, including deficiencies in the kitchen floor structure, as well as code limitations and restrictions on use of the kitchen for cooking purposes.
- d. CHMA shall provide the following insurance certificates to the City naming the City as an additional insured:
 - i. Comprehensive general liability insurance, including contractual liability, and personal injury liability and property damage with at least two million dollars (\$2,000,000) liability limit per occurrence, and having a deductible of not more than \$5,000. CHMA shall require any renters or other users for which regular programs and exclusive-use space is provided within the Center, to provide evidence satisfactory to CHMA of general liability insurance, in amounts and terms not less restrictive than above, and naming City and CHMA as additional insured.
 - ii. Commercial property insurance providing basic coverage for fire, lightning, explosion, smoke, windstorm, vandalism, etc., in the name of City, and in a sum equal to the full replacement cost of the building.
- e. CHMA shall have control and assume all responsibility for the scheduling of the building. City programs and uses, when requested, will be accommodated on a scheduled basis, and not in conflict with prior scheduled programs and uses.
- f. CHMA shall provide a one-time payment of \$100.00 to the City to be used in consideration for this License. Payments shall be due and payable within thirty-days after execution of this License. In the event any possessory interest tax is assessed as a result of this Agreement, CHMA shall pay and be responsible for the full amount assessed.
- g. CHMA shall be allowed to modify the Center building and facilities, with written consent from the City, which shall not be unreasonably withheld.

License Non-assignable

5. This License is personal to CHMA and shall not be assigned. Any attempt to assign the License shall automatically terminate it. No legal title or leasehold interest in the Property is created or vested in Licensee by the grant of this License.

Term of License

6. This License shall be for a term of 10 years, commencing on April 1, 2017, and terminating on March 31, 2027. The parties may agree to extend this Agreement for an additional 15 years, with the terms of said Agreement to be reviewed and adjusted as the parties deem to be appropriate prior to renewal.

Termination of Occupancy

7. On or before the termination date for this License specified in paragraph 6 of this agreement, CHMA shall remove all of its personal property from the Property and shall surrender possession of the Property to the City in good order and repair to the reasonable satisfaction of the City, normal wear and tear excepted.

Default

8. In the event CHMA fails to comply with any of the material terms of this Agreement, in addition to any and all other remedies available under the law, this License may be revoked by the City, upon CHMA's receipt of written notice of the violation to the parties and its failures to cure within ten (10) days.

More time may be granted for the cure of any violations if agreed to in writing by the parties.

Compliance with all Local, State and Federal Laws

9. CHMA shall comply with all local, State, and Federal laws and regulations, in the operation and use of the License and the premises, and its programs on the premises, including but not limited to State and Federal discrimination and disability laws and regulations. Failure to comply is grounds for immediate termination of this License by the City, and the notice requirements in Section 8 will not apply.

Indemnification

10. To the fullest extent permitted by law, CHMA will hold harmless, defend and indemnify City from and against any liability, claims, actions, costs, damages or losses and expenses (including, without limitation, reasonable attorneys' fees and expenses) for injury, including death, to any person or damage to any property resulting from CHMA's acts or omissions with respect to the Premises. CHMA's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination. The City will hold harmless, defend and indemnify CHMA from and against any liability, claims, actions, costs, damages, losses and expenses (including, without limitation, reasonable attorney's fees and expenses) for injury, including death, to any person, damage to any property, resulting from the City's acts or omissions with respect to its use of the Premises as permitted by this Agreement. City's obligation will continue beyond the expiration or termination of this Agreement as to any act or omission, which occurred before expiration, or termination.

Attorneys' Fees

11. In any action or proceeding involving a dispute between the City and CHMA, arising out of the execution of this Agreement, or to enforce the terms and conditions of this Agreement, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

Ambiguities

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

Venue

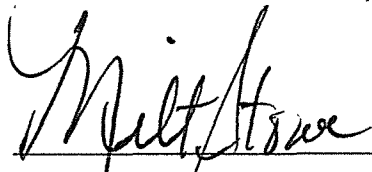
13. This Agreement is entered into and to be performed in Tulare County, California.

Entire Agreement

14. This Agreement constitutes the entire agreement between the City and CHMA relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by all parties named above.

Executed on March 21, 2017, at Porterville, California.

CITY OF PORTERVILLE, LICENSOR



Milt Stowe, Mayor

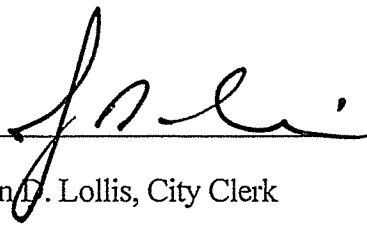
COMISION HONORIFICA MEXICANA AMERICANA, INC., LICENSEE



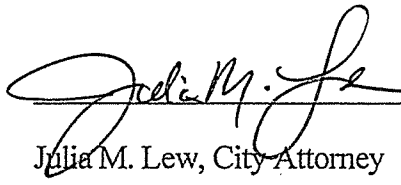
Roberto de la Rosa, President

ATTEST:

APPROVED AS TO FORM



John D. Lollis, City Clerk



Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Intent to Set a Public Hearing Moving to 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 conservation results, reducing the overall residential consumption and continue to provide uninterrupted services to the community without compromising the operation of the City 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 State Governor 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 the current imposed conservation standard of 26% less than the production of 2013. The continuation of the current conservation goal keeps 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 (5) 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 conservation total reduction of 26.3%

Gallons Per Capita Per Day (June 2015 through March 2020). In order to maintain conservation reductions, while providing flexibility to our residents, it is staff's recommendation to evaluate seasonal changes in temperature and the need to transition from Phase IV to Phase III of the City's Water Conservation Plan. Staff recommends Council consider setting a Public Hearing for April 21, 2020, to determine the transition to Phase III of the City's Water Conservation Plan (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: That City Council direct the City Clerk to notice a Public Hearing to discuss the transition from Phase IV to Phase III of the Water Conservation Plan at the meeting of April 21, 2020.

ATTACHMENTS: 1. Drought Response Phase III Flyer
2. Drought Response Phase IV Flyer

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

If your address ends with an “odd” number, 1, 3, 5, 7, or 9, your watering days are Tuesday and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



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 7, 2020

SUBJECT: Transit Service Modifications

SOURCE: Public Works

COMMENT: At the City Council meeting of August 20, 2019, the Council approved Phase 1 - Transit Service Modifications and authorized staff to enter into an agreement with TransLoc for microtransit software services. Council also authorized staff to implement the Phase 1 - Transit Service Modifications once the battery-electric microtransit vehicles had been delivered and the microtransit service had been designed and marketed.

Phase 1 - Transit Service Modifications included the following:

- 1) Eliminate low productive fixed routes 7 and 8;
- 2) Reduce Route 9 service from every hour to every two (2) hours;
- 3) Reduce Weekday Service from 6:00 am to 11:00 pm, to 6:00 am to 9:20 pm;
- 4) Reduce Saturday Service from 8:00 am to 11:00 pm, to 8:00 am to 7:10 pm;
- 5) Increase Sunday Service from 8:00 am to 6:00 pm, to 8:00 am to 7:10 pm.

TransPort, the City's branded microtransit service design has been completed. Based on Council's direction, the microtransit service hours were to supplement the reduced transit service hours while providing late evening service to local employees and college students, as well as provide expanded coverage to the airport and the community of Strathmore. The proposed TransPort (microtransit) service hours are as follows:

Monday - Friday

6:00 am to 11:00 pm

Saturday and Sunday

8:00 am to 8:00 pm

The proposed TransPort User Guide and TransPort Service Area (zone) are attached and the zone is generally within the boundaries described below:

North - Avenue 200

South - Teapot Dome Avenue

East - Doyle Street

West - West Street

A fare structure was not determined during the August 20, 2019 meeting.

Due to delays in the delivery of the battery-electric vans as a result of the current coronavirus COVID-19 pandemic, staff has had to delay the TransPort microtransit project. Based on the latest production schedule, staff estimates that the vehicles will be delivered in August 2020.

The COVID-19 pandemic has had a tremendous impact on the City's public transportation system, as well as public transportation systems overall. Due to the public health emergency, fixed route ridership has decreased nearly 75% during the month of March 2020, causing a significant loss in revenue and increased costs in preventative maintenance (fleet disinfection/sanitation). The attached Figure 1 depicts the total daily boardings for the month of March 2020. Total daily boardings began to decline on March 13, 2020, due to local schools' in Spring Recess, which is typical for March. However, total boardings declined further on March 19, 2020, when Governor Newsom issued a statewide Shelter-at-Home Executive Order.

On March 20, 2020, the Tule River Tribe requested that the City significantly reduce service to their community due to the temporary closure of Eagle Mountain Casino. Route 9, which serves the Tule River Tribal community, was reduced from hourly service seven (7) days per week to service every three (3) hours Monday through Friday, from 8:00 am to 8:00 pm.

Although Route 9 is the only route that has temporarily been modified, the remaining eight (8) routes have also had a significant decline in ridership. The attached Figure 2 depicts the daily boardings per route for the month of March 2020.

With the Shelter-at-Home Order, many local businesses have been ordered closed. Essential businesses like grocery stores, pharmacies, banks, and laundromats remain open, however, most have reduced their hours open to the public. As depicted in Figure 3, boardings per hour, most passengers are using public transportation between the hours of 8:00 am and 8:00 pm. It should also be noted that the performance measure of 15 passengers per hour is only being met once a day, and only on a single route.

Therefore, it is staff's recommendation to implement Phase 1 - Transit Service Modifications effective Sunday, April 12, 2020. Staff also recommends the following temporary COVID-19 service reduction plan for fixed route service:

- 1) Fixed Routes will operate seven (7) days a week on a Sunday Schedule, 8:00 am to 7:10 pm, until further notice;
- 2) Route 9 will operate every three (3) hours, Monday through Friday, from 8:00 am to 8:00 pm;
- 3) The front ten (10) feet of all buses will be available for bus drivers and ADA customers only, and
- 4) Passengers continue to practice good hygiene and appropriate social distancing to protect other customers as well as our drivers.

In order to meet the needs of the senior and ADA population, it is staff's recommendation to implement the following temporary COVID-19 service reduction plan for Dial-A-Ride service:

- 1) Monday through Friday - 6:00 am to 9:00 pm
- 2) Saturday and Sunday - 8:00 am to 7:00 pm

To ensure that Porterville Transit continues to meet the essential transportation needs of the community, it is staff's recommendation to start the TransPort microtransit service effective Monday, April 13, 2020. Due to the delay in the delivery of the battery-electric vans and the current availability of vehicles, TranPort will begin service as a pilot with limited capacity. Staff is working with the Federal Transit Administration to modify an existing executed grant to allow the City to purchase additional TransPort vehicles to increase capacity. If approved, additional vehicles can be delivered within three (3) weeks. It is staff's recommendation to set the one-way TransPort fare at \$3.00 per rider. The \$3.00 per rider is comparable to a fixed route trip requiring a transfer. Due to COVID-19, it is staff's recommendation to initially operate the Transport service during the following hours:

Monday through Friday

6:00 am to 9:00 pm

Saturday and Sunday

8:00 am to 8:00 pm

Finally, since the COVID-19 pandemic is changing rapidly, it is staff's recommendation to authorize the City Manager's discretion and independent authority to make additional service modifications, as needed, to refine our response to this crisis.

RECOMMENDATION: That the City Council approve the following:

- 1) Implement Phase 1 - Transit Service Modifications effective Sunday, April 12, 2020;
- 2) Implement the following temporary COVID-19 service reductions for fixed route service:
 - a) Fixed Route will operate seven days a week on a Sunday Schedule, 8:00 am to 7:10 pm, until further notice;
 - b) Route 9 will operate every three hours, Monday through Friday, from 8:00 am to 8:00 pm;
 - c) The front 10 feet of all buses will be available for bus drivers and ADA customers only;
 - d) Passengers continue to practice good hygiene and appropriate social distancing to protect other customers as well as our drivers.
- 3) Implement the following temporary COVID-19 service reductions for Dial-A-Ride service:

- a) Operate Monday through Friday from 6:00 am to 9:00 pm;
- b) Operate Saturday and Sunday from 8:00 am to 7:00 pm.
- 4) Start TransPort microtransit service effective Monday, April 13, 2020;
- 5) Approve a Transport one-way per rider fare of \$3.00;
- 6) Operate the Transport service during the following hours:
 - a) Monday through Friday from 6:00 am to 9:00 pm;
 - b) Saturday and Sunday from 8:00 am to 8:00 pm.
- 7) Authorize the City Manager's discretion and independent authority to approve further service modifications as needed.

ATTACHMENTS:

- 1. Staff Report - August 20, 2019
- 2. TransPort User Guide
- 3. TransPort Service Area
- 4. Figure 1 - Daily Boardings
- 5. Figure 2 - Daily Boardings Per Route
- 6. Figure 3 - Boardings Per Hour

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – AUGUST 20, 2019

SUBJECT: Phase 1 - Transit Service Modifications

SOURCE: Public Works

COMMENT: At the City Council meeting of July 2, 2019, the Council considered an agenda item covering staff's recommended strategies to improve the City's public transit system. Staff presented and proposed a phased approach intended to make Porterville Transit financially compliant with state and federal requirements, easier to understand and use, increased frequency and expansion, and new mobility on-demand services. It was staff's recommendation to conduct a Public Hearing regarding Phase 1 - Transit Modifications. Phase 1 proposed service hour reductions to address farebox recovery requirements and low-productivity night service. Council provided staff direction to proceed with a Public Hearing on July 16, 2019.

At the Council meeting of July 16, 2019, having conducted the Public Hearing and received comments in regards to the proposed service reductions, the Council continued its deliberations to its meeting of August 6, 2019, desiring further information in regards to the Tulare County Association of Government's (TCAG) draft Regional Transit Coordination Study and the City's plan to provide mobility on-demand services.

At the Council meeting of August 6, 2019, TCAG staff presented its draft Regional Transit Coordination Study, which recommends improved coordination and the formation of a regional joint powers authority. TCAG has scheduled a workshop at its meeting on August 19, 2019, for the Board of Directors to provide direction regarding Transit coordination and the potential formation of a transit joint powers authority.

Comments received from the Public Hearing and recommendations identified in both the short range transit plan and Regional Transit Coordination Study, staff is recommending to combine the first three phases into Phase 1 - Transit Service Modifications.

Phase 1 - Proposed transit service hour reduction to address Transit Development ACT (TDA) farebox recovery requirements and low-productivity service.

Phase 2 - Proposed Mobility on Demand Services will provide flexible and convenient transportation options, match demand and supply, extend efficiency, accessibility, mobility, and service area.

Phase 3 - Proposed replacement of low-productivity route segments with Mobility on Demand services.

According to TDA requirements, operators of general public transit within urbanized areas are required to achieve a farebox ratio (the ratio of revenue recovered from ticket/fare purchases, advertising, and other local sources to total operating expenses) of 20 percent (20%).

The following table represents the farebox ratio the City has achieved the past six (6) fiscal years, and have attached the corresponding calculations:

Prelim

<u>18-19</u>	<u>17-18</u>	<u>16-17</u>	<u>15-16</u>	<u>14-15</u>	<u>13-14</u>
20.01%	19.25%	19.87%	18.84%	24.74%	29.49%

Should the City fail to comply with the 20% standard, the following three (3) year penalty process is outlined as follows. The first fiscal year of non-compliance is a grace year and there is no change in eligibility. The second fiscal year of non-compliance is no change in eligibility, but the year is the determination year, which means TCAG will calculate the audited amount of the difference between the required and actual fare revenue to operating cost ratio as reported in the compliance audit for the fiscal year for which the required ratio was not met. Should the City fail to comply with the required farebox ratio again in the succeeding third fiscal year, the calculated difference will determine how much State Transit Assistance (STA) money it might lose. The third fiscal year of non-compliance is the penalty year, and the City has three options to consider: 1) request from TCAG a temporary farebox ratio reduction; 2) supplement the difference with local monies (General Fund or Measure I); or 3) State Transit Assistance (STA) money is reduced by the difference between the required and actual fare revenue to operating cost ratio. Should the City be in non-compliance for two (2) consecutive years, TCAG staff recommend a temporary farebox ratio reduction rather than supplementing the difference with local monies or a reduction in STA funds. As an example, both the Cities of Tulare and Visalia have requested a temporary farebox ratio reduction in the recent past.

For fiscal year 2016-2017, TCAG made the determination that the City complied with the 20% farebox standard, but did not comply in fiscal year 2017-2018. This first fiscal year of non-compliance is the grace year and there is no change in eligibility. Based on preliminary figures, the City will once again comply with the 20% standard in fiscal year 2018-2019, due in large part to TCAG recently determining to again consider Measure R Transit funds as a local revenue source in the farebox calculation.

Additionally, SB 508 states that as a requirement to receive STA funds for operating purposes, according to Public Utilities Code section 99314.6, the transit operator's total operating cost per revenue hour must be maintained at or less than the previous year's cost, as adjusted by the CPI. SB 508 provides a sliding scale or proportional approach to penalizing the City. As an example, should the City

exceed their required cost per hour target by 10 percent (10%), then 10% of the City's STA funds could be withheld from operations.

Complicating the City's ability to comply with TDA and STA funding requirements is the increase in cost of operations due to the minimum wage order that went into effect on January 1, 2017. As the Council is aware, from January 1, 2017 to January 1, 2022, the minimum wage increases from \$10.50 per hour to \$15.00.

Staff's recommendation for Phase 1, service hour reduction, is based on the decline of ridership, an average decline of 3 percent (3%) the past three (3) years, the increasing cost of operations, and the shift from a service to maximize ridership to a service that provides lifeline or minimal service to everyone in the community. Staff's Phase 1 reduction and the Council's direction to provide on-demand service to supplement the core fixed route is often referred to as the ridership vs coverage. Based on comments received during the Public Hearing and Council's direction, staff analyzed the use of on-demand services to provide minimal service to everyone in the community.

Staff's recommendation for Phase 2, On-Demand Service, or microtransit, offers flexible routing and/or flexible scheduling of a minibuss vehicle. Microtransit providers build routes to match demand and supply and extend the efficiency and accessibility of the transit service. Possible pick-up/drop-off stops are restricted (usually within a geofenced area), and transit can provide either as a stop-to-stop service or curb-to-curb service. Conceptually, microtransit fits somewhere between the private individual transportation (Uber and Lyft) and public mass transit.

Riders within microtransit zones will be able to request a ride from one of four ways: 1) through the web application and receiving SMS updates about the ride's status; 2) through a microtransit mobile application directly on the rider's mobile device; 3) by calling the dispatch office and manually booking a ride over the phone; or 4) by hailing a microtransit vehicle at a designated pickup location and manually booking the ride.

When a rider books through the app, the service zone is displayed to them on the map. Riders can book vehicles with wheelchair access as needed when scheduling a ride. Microtransit can take riders directly to where they need to go, or to a fixed-route bus stop to continue their journey. Rides can be booked in real time or in advance. Estimated arrival times and ride updates will be accessible to riders through the mobile app, web app, or via SMS so they can plan their journey accordingly.

Payment for rides is done in a way that is convenient for the rider and the agency. Unbanked riders can pay with a preloaded smart card or on the vehicle with cash. Riders will be charged the fare set by the City.

Staff received microtransit proposals from three (3) vendors, TransLoc, RouteMatch, and Ecolane. Staff determined that TransLoc provided the

recommended service for the lowest overall cost. TransLoc's proposal is attached for Council's review.

Staff recommends entering into a one (1) year Agreement with TransLoc to provide the microtransit software, for a one (1) year pilot program. TransLoc's Program Launch Service cost is a one-time fee of \$15,000 and a monthly service of \$450 per vehicle per month. Staff estimates to use eight (8) vehicles for the yearlong pilot. Staff recommends the microtransit service be branded as TransPort.

Staff is also requesting authorization to purchase the following equipment that is required to provide a fully functional TransPort service; Eight (8) Apple iPad's, twelve (12) HiNT tablet docking stations, twelve (12) cellular network Cradlepoint router hardware, eight (8) Genfare Fast Fare-e fare systems, and eight (8) monthly Verizon cellular network services. The Genfare Fast Fare-e equipment will allow the current fare solution to be provided on the TransPort service, allowing customers to purchase ride's through the web application, mobile app, or load money on a smart card.

The following table represents the estimated capital cost to provide the TransPort service:

Genfare	Fast Fare-e Fare System	\$39,050.32
Cradlepoint	Modem, Router, Antenna	\$18,892.69
Hint	Tablet Docking Station	\$9,085.23
Apple	Apple iPad	\$2,185.00
Total		\$69,213.24

Annual operational cost is estimated on the table below:

TransLoc	Program Launch Services and vehicle licensing	\$57,000.00
Verizon	Service Fee	\$3,360.00
Operations (M-F)	6:00 am - 11:00 pm	\$250,000.00
Operations (Sat/Sun)	8:00 am - 8:00 pm	\$100,000.00
Total		\$410,360.00

Staff preliminarily recommends a single ride fare of \$4.00 per person per trip, but will seek Council adoption of the fare prior to the implementation of the microtransit system.

TransPort will be designed to provide service in zones. Zones will be created to supplement service from low-productivity routes 7 and 8, new areas such as the Sports Complex and Strathmore, and provide evening service when fixed route service ends. Staff will work with TransLoc to create zones that are focused on

efficiency, cost-effectiveness, and improved rider experience. TransPort service will be designed as a curb-to-curb service. However, if a rider starts or ends a trip outside a zone, the TransPort service will take you to the nearest bus stop where the rider can connect to the existing route system.

Based on the comments received during the Public Hearing, coordination with County service, the draft Regional Transit Coordination Study, and Council's discussions, it is staff's recommendation to eliminate low-productivity routes 7 and 8 (Phase 3), reduce hourly route service for route 9 to every two hours, and reduce fixed route service hours to the following in tandem with the implementation of the microtransit service:

	Weekday	Saturday	Sunday
Current Service	6:00 am - 10:40 pm	8:00 am - 10:40 pm	8:00 am - 6:00 pm
Proposed Service	6:00 am - 9:20 pm	8:00 am - 7:10 pm	8:00 am - 7:10 pm

Staff's recommendation for Phase 3, replacement of low-productivity routes with on-demand services, would eliminate Routes 7 and 8, which currently operate at one-half of the frequency of the other routes, are the least productive in the system by a significant margin. Route 7 productivity performance is 44% below the system average, and Route 8 was 32% below the average. The key performance measure for productivity for Porterville Transit routes is 15 passengers per hour. Routes 7 and 8 average 6 passengers per hour. The elimination of both Routes 7 and 8 were recommendations in the short range transit plan and Regional Coordination Study.

Due to the decrease in Federal Transit Administration (FTA) Section 5311 funding, the City is funding more than 60% of the cost of operations to operate Route 9. The Tule River Tribe of California is preparing to start a Tribal Transit service and the frequency of Route 9 will no longer be needed. The Tule River Tribe of California is also considering changing the farebox agreement with the City to only pay the fare for tribal residents. If approved, staff anticipates a significant reduction in ridership for Route 9. With these planned changes, it is staff's recommendation to reduce the hourly service to every two (2) hours for Route 9.

Staff estimates that the updated Phase 1 - Transit Service Modifications will reduce approximately 16,000 annual service hours and reduction in operating costs by \$500,000. Staff anticipates that the transit service modifications will fully fund the new On-Demand services, operate transit services efficiently, and improve mobility with our service area.

Depending upon Council's direction on the authorization to purchase electric passenger vans, the new TransPort service is projected to begin in January 2020. This will allow staff sufficient time to purchase the equipment, design and market the new TransPort service.

It is staff's recommendation to use Local Transportation Funds (LTF), which have

been budgeted for this fiscal year, to purchase the equipment. Operating expenses will be funded by the annual operating budget for this fiscal year.

RECOMMENDATION: That the City Council authorize the following Phase 1 - Transit Service Modifications:

- 1) Eliminate Fixed Route's 7 and 8;
- 2) Reduce Route 9 service from every hour to every two (2) hours;
- 3) Reduce Weekday Service from 6:00 am to 11:00 pm, to 6:00 am to 9:20 pm;
- 4) Reduce Saturday Service from 8:00 am to 11:00 pm, to 8:00 am to 7:10 pm;
- 5) Increase Sunday Service from 8:00 am to 6:00 pm, to 8:00 am to 7:10 pm;
- 6) Enter into an Agreement with TransLoc for a one (1) year pilot;
- 7) Authorize staff to purchase the required TransLoc Program Launch Service and required equipment; and
- 8) Authorize the Phase 1 - Transit Service Modifications to start once the TransPort microtransit service has been designed and marketed, with an estimated start date of January 2020.

ATTACHMENTS:

1. Staff Report - July 2 2019
2. Staff Report - July 16 2019
3. Staff Report - August 6 2019
4. Transit Fare Box Ratio Calculations
5. Genfare Fast Fare-e Proposal
6. HiNT Tablet Mount Proposal
7. SHI Cradlepoint Proposal
8. TransLoc Proposal - 8.13.19

Appropriated/Funded: JR for MB

Review By:

Department Director:

Michael Knight, Deputy Public Works Director/Field Services Manager

Final Approver: John Lollis, City Manager

TRANSPORT



User Guide

Operated By

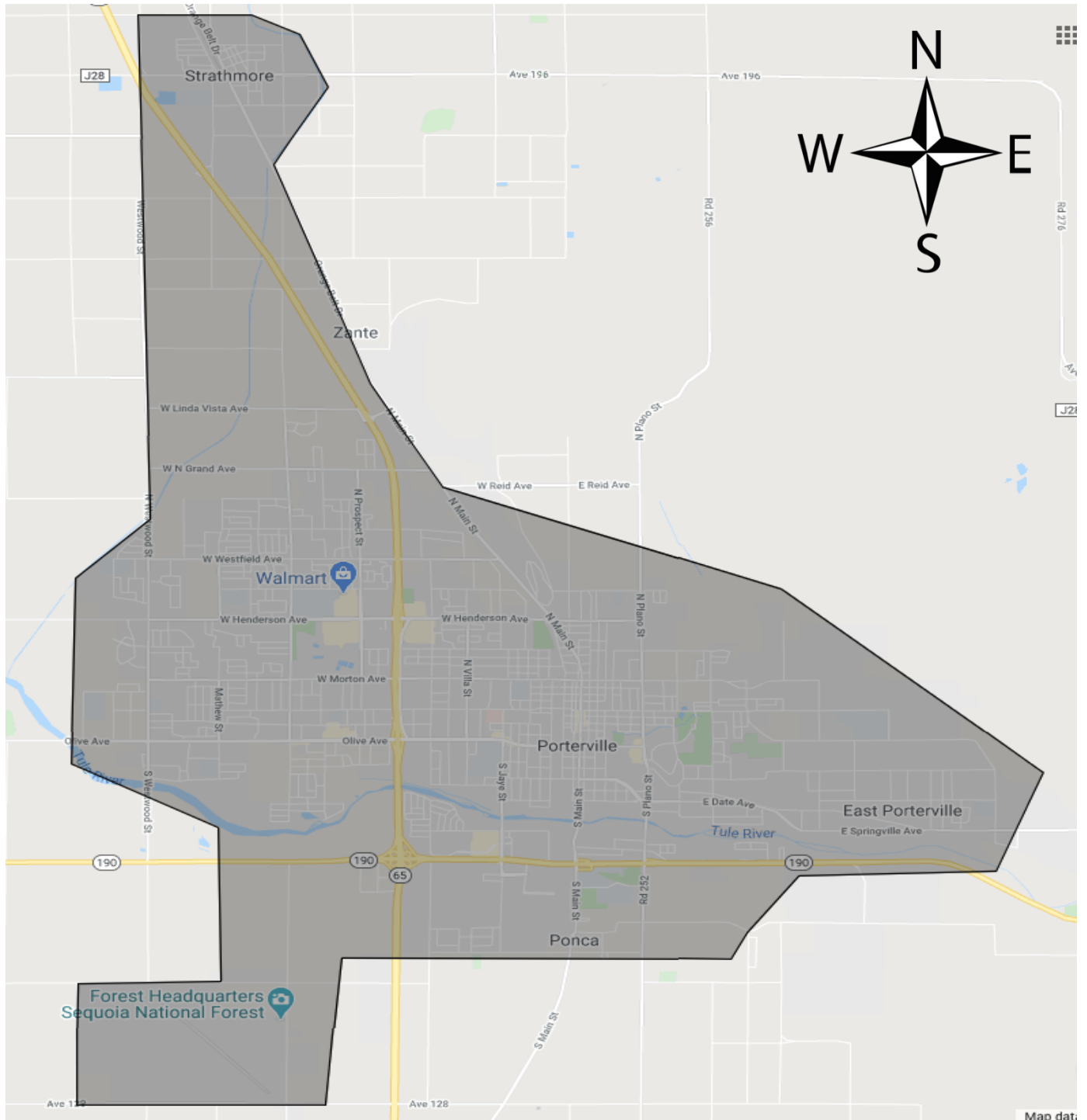


Version 1.0 - April 7, 2020

Page 1 of 13

TRANSPORT

Service Area (Zone)



What is TransPort?



Have you ever used Uber or Lyft for travel? If you have, you're already familiar with an on-demand or microtransit-type service. Instead of relying on fixed-route transit at fixed times, TransPort allows you to request travel as-needed from Porterville Transit. If

TransPort is available in your area, it will show up as a colored card when you open the TransLoc app. TransPort is an on-demand, curb-to-curb shuttle service in the Porterville and Strathmore communities. Within the zone, rides are only \$3.00 one-way and offered seven days a week as part of the pilot program.

Monday – Friday: 6:00 am to 9:00 pm
Weekends – 8:00 am to 8:00 pm



Where can I take TransPort?

Transport can take you anywhere within the zone – restaurants, shopping centers, movies, medical offices, existing bus stops. You decide where you want to go – and when.

Once you book a TransPort:

- If you are staying in the zone, TransPort will take you curb-to-curb.
- If you are leaving the zone, TransPort will either take you to the downtown transit center where you will connect with existing Porterville Transit route system or the nearest Porterville Transit bus stop to your destination.

There are several ways to book a TransPort

Use the TransLoc app to schedule and pay for your trip. Simply enter your information regarding pickup location and time, destination, and billing (if you are paying with a credit card). Or use the app to schedule your trip and pay in cash when boarding. Drivers do not carry cash, so please remember to bring exact change. You can schedule a TransPort trip by phone at 559-791-7800 and pay cash

when you are picked up. You can walk up to a TransPort vehicle, if one is located within the zone, just remember to tell the driver where you are going. Porterville Transit GoCard's will be accepted in the future.

How do I know when my vehicle will arrive?

Once you've scheduled a TransPort, click View Ride on the TransLoc app and you will be taken to a live map showing your pickup and drop-off locations along with the vehicle itself. This page also displays your estimated pickup time. We will also send a text message to the phone number you provided for your account (Note: you will not receive text messages if you did not provide a mobile phone number for your account). This message will be sent between 3-5 minutes prior to the vehicle arriving to your pickup location, giving you plenty of time to prepare and be waiting for the vehicle. A text message will also be sent to you when the driver arrives at your location to provide yet another reminder to go to the vehicle.

How can I cancel a TransPort request?

Canceling a TransPort is simple. To do so, follow these steps:

1. Sign into the TransLoc App via the app or your computer.
2. On the left-hand menu, tap or click My Rides.
3. Tap or click the ride you would like to cancel.

Tap or click the Cancel Ride button at the bottom of the screen. Your TransPort is now canceled.

Can I request more than one TransPort at a time?

No. If you wish to change your TransPort or schedule a new one, you must cancel the one you currently have scheduled.

As an ADA rider, do I have the ability to request a wheelchair-enabled vehicle?

All users have the ability to enable the Wheelchair Access Required option before confirming their trip on the TransLoc app. All TransPort shuttles are wheelchair-enabled vehicles.

How much does TransPort cost?

Each TransPort is \$3.00 one-way per rider and can be paid on the TransLoc app or cash onboard. Drivers do not carry cash, so please remember to bring exact change. Porterville Transit GoCard's will be accepted in the future.

I don't see a card for an TransPort service, what does that mean?

If TransPort is available in your area, it will show up as a colored card when you open the TransLoc app. If you are not seeing one of these colored cards, it is likely that one of the following is true:

1. You are currently outside of scheduled service hours, but you can still request a TransPort using the in-advance feature (by altering the time from ASAP to a time within service hours).
2. You are currently not located within an area serviced by TransPort.

My vehicle hasn't moved and the ETA is still the same. What's going on?

The TransLoc system uses a constantly-learning algorithm to determine when a vehicle will arrive. A 15-minute arrival prediction can be interpreted as "it should take the vehicle 15 minutes to get to the stop from where it is now." Service outages, unusual traffic, are unpredictable; arrival predictions will constantly update to give our estimated time for a vehicle behaving normally.

How is on-demand TransPort service different from fixed-route service?

TransPort does not run on a fixed schedule like the Porterville Transit fixed-route bus service. TransPort picks up and delivers travelers to their destination on demand. Within the zone, TransPort can go wherever they want during hours of operation.

How is TransPort different from other on-demand services?

Like other rideshare services, TransPort will pick you up and take you where you want to go within the service area (known as the zone), but there are some differences:

- Other on-demand services can use surge pricing to change more during busier times. The TransPort price stays the same all day.
- Other services employ independent operators.
- TransPort drivers are professionals who have undergone rigorous background checks and safety training.
- TransPort drivers are professionals who have undergone rigorous background checks and safety training.
- TransPort has safety cameras on the vehicles.

Does TransPort share the vehicle with other passengers?

Yes. As travel requests come into the system, your TransPort may be grouped with other Transporters going to similar destinations within the zone.

How do I connect outside the TransPort zone?

TransPort's will be picked up and dropped off curb-to-curb within the TransPort zone. When traveling outside of the zone, TransPort can connect to the existing route system at any of the bus stops in Porterville Transit.

How long will I have to wait for my TransPort?

Our goal is to keep wait time to under an hour. If you book your trip using the TransLoc App, you will receive real-time predictions as soon as a TransPort vehicle has been assigned. Your TransPort will wait at your pick up point for up to 5 minutes.

How will I know TransPort is on the way, can I track it?

You can track TransPort through the TransLoc app. Download the app in the Apple Store or on Google Play. Once you are the next pickup, your TransPort card will be updated and you will be able to watch the estimated time of arrival updates as your TransPort moves towards you. If you provide your mobile number in your account, you will also receive text alerts when our TransPort is on its way.

Who can TransPort?

Anyone can TransPort. Just as on Porterville Transit's fixed route service the first two children (6 years and younger) may ride for free. Persons 12 years and under must be accompanied on TransPort by a fare-paying passenger 19 years and older.

Does TransPort provide car seats?

TransPort does not provide car seats or booster seats. Children must travel on TransPort properly buckled in the vehicle's back seat in a car seat or booster seat until they are eight years of age or at least 4'9" tall per California law.

What kind of vehicle is TransPort?

TransPort vehicles are compact, Van shuttles that can comfortably accommodate 6 people and all vehicles are wheelchair accessible. Larger TransPort vehicles will be available in the future with the capacity to carry 9 people or more. As larger vehicles are added to TransPort, the option to carry more passengers in your group will increase.

Does TransPort have wheelchair access?

Yes. TransPort is accessible for all passengers, just request a ride on the app or call in at 559-791-7800 and pay cash when you are picked up.

What can I carry onboard TransPort?

Please limit yourself to two small carry-on items that fit on your lap or under the seat. Carry-ons must be loaded in a single trip without assistance and cannot block aisles or doors or take seats, with the exception of a customer providing car or booster seat for children.

Who operates TransPort?

TransPort is operated by Porterville Transit (City of Porterville)

Can I book group trips with the TransLoc mobile app?

Yes. You can book reservations for up to 6 riders using the app. Enter your information and select the number of passengers in your party. TransPort riders traveling together must board and de-board at the same locations with the person who booked the reservation. Each rider needs to pay the \$3.00 fare. Larger TransPort vehicles will be available in the future with the capacity to carry 9 people or more. As larger vehicles are added to TransPort, the option to carry more passengers in your group will increase.

What else can I use the TransLoc mobile app for?

You can use the TransLoc app to explore the Porterville Transit fixed-route system near you. The app also has trip-planning functionality where you can type in a destination and it will show you options and fares for ways to get there from where you are using transit.

Will TransPort be replacing fixed-route service?

At this time, TransPort will not be replacing fixed-route service. TransPort provides service in addition to the current Porterville Transit services.

If I have feedback about the TransLoc app, what should I do?

We love to hear from riders! Look for the “App comments” section of the settings menu in the TransLoc app to send feedback. You can also send an email to feedback@transloc.com



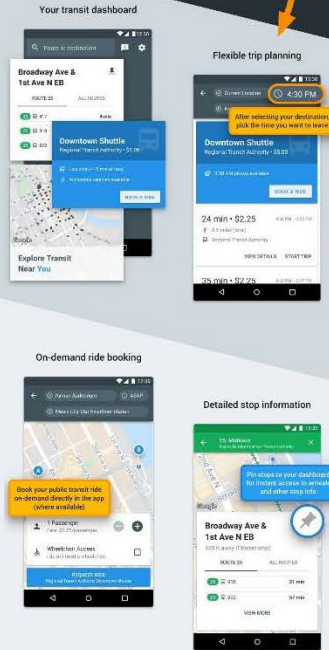
Find more information and current local routes:

transloc.com/app



FEATURES

From a customizable transit dashboard to on-demand ride booking and trip planning, TransLoc is the tool of choice for staying in control of your transit experience.



transloc.com/app

WHY TRANSLOC?

TransLoc knows your trip is more than just getting on a bus—it's making that doctor's appointment or getting to work on time.

These are the micro-moments that make up your transit experience. TransLoc gives you the freedom and flexibility to move through your day according to your schedule, with on-demand convenience.

Stay informed when expecting a ride!



HOW DOES IT WORK?

Use TransLoc to see services available in your area, plan trips, book rides, and pay for services in-app*.

This is your local transit agency's chosen app for demand-response service. Using TransLoc means the "bus" (car or shuttle) chases you—not the other way around.

Requesting your ride is simple—here's how it works:

- Open the app to see which services are available to you
- Input your destination and book a ride through the OnDemand service
- Or, find what other transit options are available to you using our trip planner
- Based on your transit agency, payment can be made by credit card in the app or via other agency-accepted payment methods*

*where available

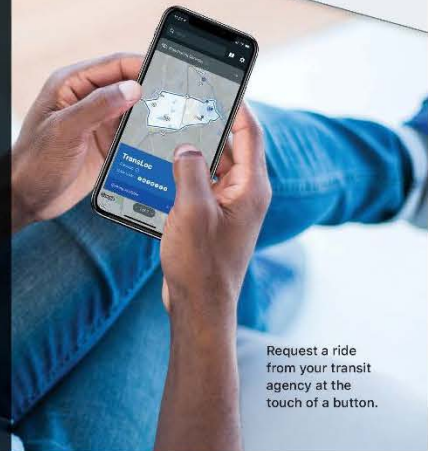
transloc.com/app

TransLoc®



Download on the App Store

GET IT ON Google Play



Request a ride from your transit agency at the touch of a button.

HOW TO BOOK A RIDE

Follow the steps below to book your on-demand or in-advance ride.



1
Open the app and review the available services. Choose the service you want to use by tapping "Book a Ride"



2
Confirm your pick-up location and select your drop-off location. These must be within the service's region parameters shown on the map.
Change your pick-up time by tapping "⌚ ASAP" and selecting a new time and date to schedule your ride ahead of time.



3
Select the number of passengers with you and if you need a wheelchair-accessible vehicle. Tap "Request Ride" when ready.



5
Stay informed of your ride status.



4
The first time you use the app, the system will require you to log in or create an account* with TransLoc (the company behind the app).

*This is a free account, and your information will not be shared, however, you will need to include your mobile phone number if you would like to receive text message notifications.

TransLoc®



transloc.com/app

transloc.com/app

GET STARTED IN SIX EASY STEPS



User Guide



1

DOWNLOAD

The TransLoc App is available for Android and iOS



2

EXPLORE TRANSIT

TransLoc App is your portal to explore both fixed-route and on-demand transit services available in your area. Simply scroll left and right to navigate between the services available near you.



3

FIND SERVICES

Available services will be shown along with their daily schedule, fare (if applicable), and service area.



4

BOOK A TRIP

Once you provide an Origin and Destination, the TransLoc app will provide an estimated drop-off window.



5

LOG IN

You will be asked to create an account the first time you use the service.



6

TRACK YOUR RIDE

The TransLoc App will keep you updated with your arrival estimate. Follow your assigned vehicle in real time all the way through to your destination.

Note: location services must be turned ON for the app to function properly

How to Book a Ride Using TransLoc



Visit <https://ondemand.transloc.com>



1 Create

Create a free account and log in.



2 Select

Select your agency.



3 Pickup

Choose a pickup location by typing in the address.

Selections must be within the highlighted service area.



4 Drop-Off

Choose a drop-off location by typing in the address.

Selections must be within the highlighted service area.



5 Confirm

Confirm passenger details then tap "next" button.



6 Review

Review your ride and tap "confirm ride" to submit ride request.



You should receive real-time predictions as soon as a vehicle has been assigned. If following online, you will also be able to view the vehicles' position in real-time.

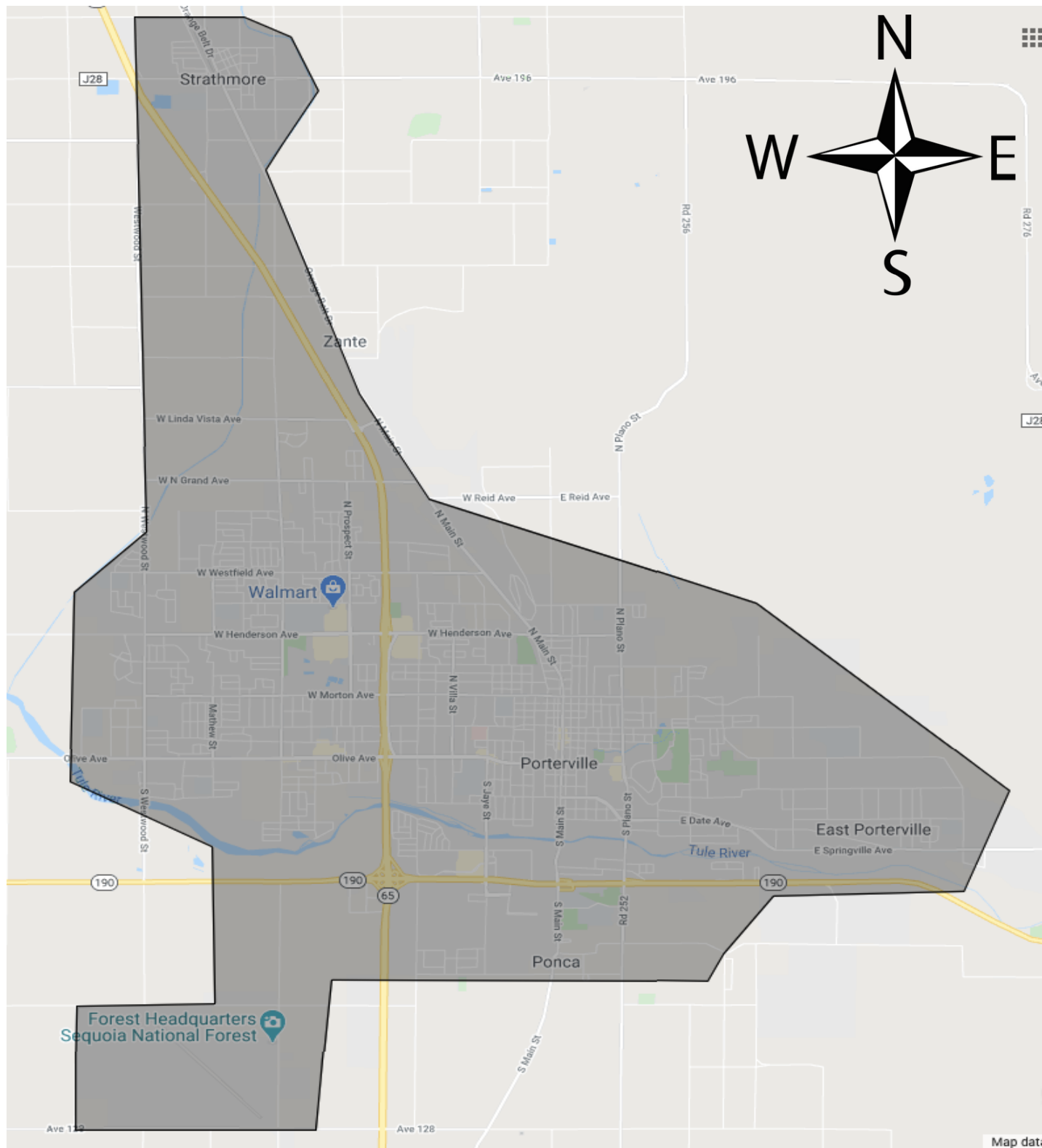
To cancel a booked ride made in error, click on "cancel ride" located at the bottom of the screen. Complete the cancellation by confirming you wish to cancel your reserved ride.



TransLoc

TRANSPORT

SERVICE AREA



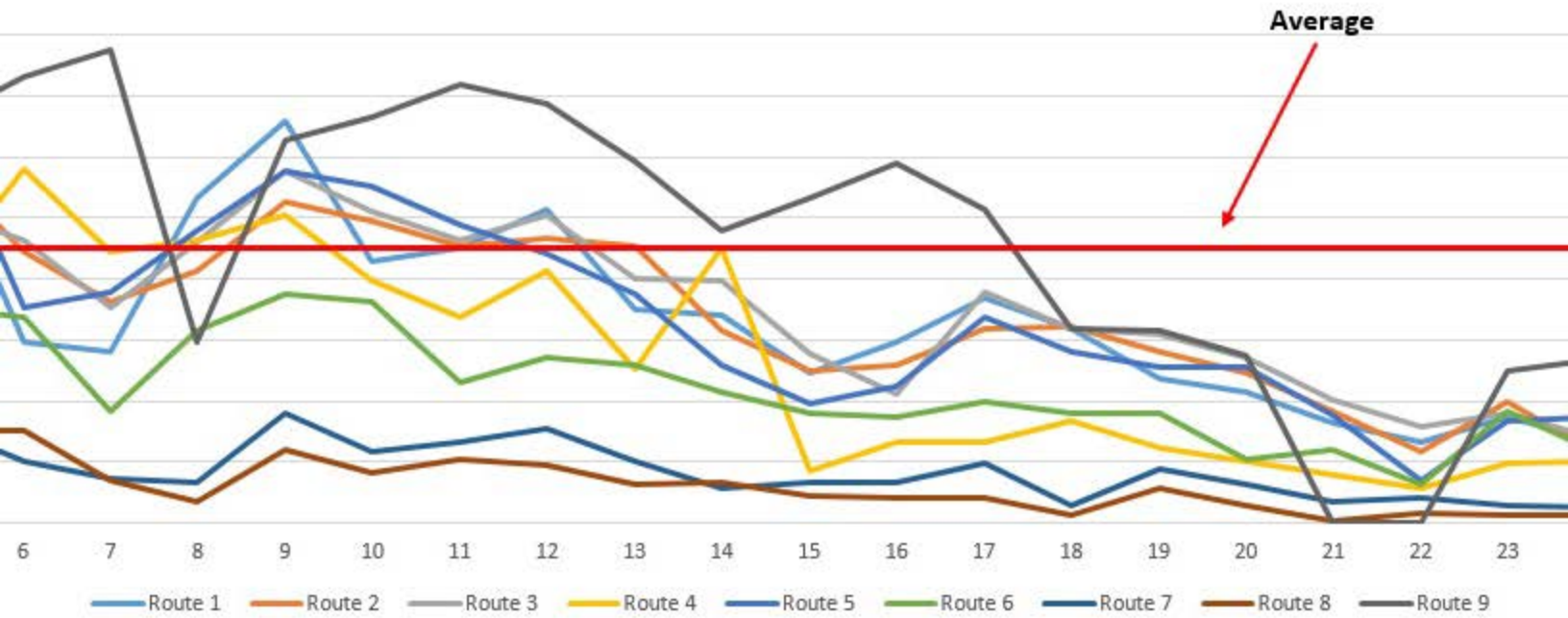
**Download the
TransLoc app**

March 2020
Daily Boardings

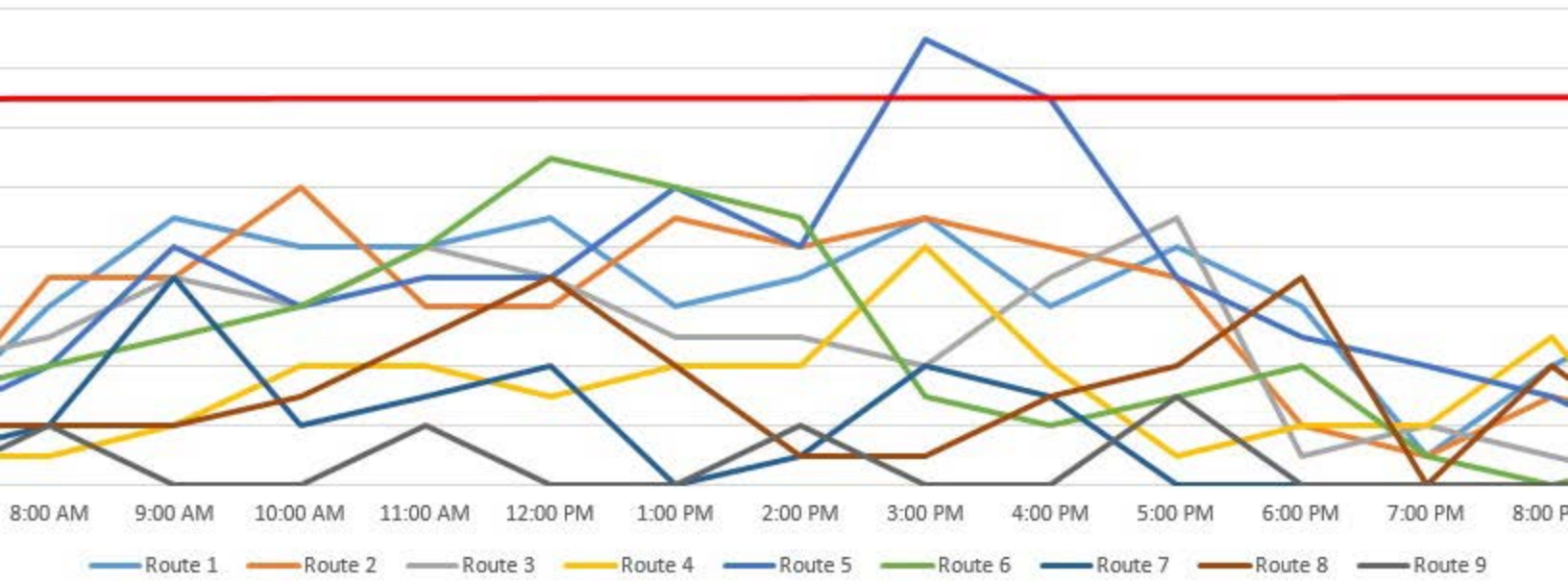
Historical Average



March 2020
Daily Boardings Per Route



March 2020
Ridership Per Hour





CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Authorization to Initiate a Proposition 218 Vote Regarding the Formation of a Landscape Maintenance District for the Chelsea Glen Subdivision

SOURCE: Parks and Leisure Services

COMMENT: Landscape and Lighting Maintenance Districts are residential subdivisions with public improvements that benefit the property owners, such as street lighting and aesthetic landscaping. New subdivisions within the City are required to petition for the creation of a Lighting and Landscape Maintenance District or annexation into an existing district. The districts are formed to secure funding from parcels within the subdivisions for operational and maintenance expenses of public lighting and any public landscape areas.

For each subdivision, the City utilizes the authority governed by the 1972 Lighting and Landscape Assessment Act to create a district or annex the area into an existing district. Proposition 218 requires a 45-day mailed notice to the owner on record of each parcel. Should the vote pass in favor of forming the district, thereafter, every year a process must be followed of evaluating maintenance needs and establishing an assessment to be placed upon the tax rolls for every parcel within each district. These public improvements are managed by the City of Porterville. The City has created 64 Landscape and Lighting Maintenance Districts since 1989.

The Chelsea Glen subdivision was not built within city limits, thus no Landscaping and Lighting Maintenance District was originally established. Chelsea Glen was annexed into the City in December 2015. The number of lots, the number of streetlights, and the extent of the landscaping determines the annual assessments. The 90 parcel subdivision contains 12 street lights and 4,560 square feet of landscaping. The Home Owners Association President of Chelsea Glen, along with the subdivision's developer, has requested that City staff initiate the LMD formation process.

RECOMMENDATION: That the City Council:

1. Adopt Resolution:
 - a. Ordering the formation of Landscape and Lighting Maintenance District Number 47;
 - b. Ordering the preparation of the Engineer's Report;
 - c. Giving preliminary approval to the Engineer's Report;
 - d. Declaring intent to levy and collect assessments for Fiscal Year 2020/21, and offering a time and place for hearing

objections thereto.

2. Schedule a Public Hearing for 6:30 PM on June 2, 2020 regarding the Engineer's Report and proposed assessment for Chelsea Glen.

ATTACHMENTS:

1. Chelsea Glen Subdivision Maps
2. Draft Resolution
3. Engineer's Formation Report
4. Engineer's Report

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

" AMENDED MAP "

PHASE 1

TRACT NO. 678

'Chelsea Glen Subdivision'

AMENDING OF LOTS 1, 8 THRU 19 INCLUSIVE, AND 34 BEING A SUBDIVISION OF A PORTION OF LOTS 36 AND 37 OF PIONEER LAND COMPANY'S SECOND SUBDIVISION, SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

SUBDIVIDER: BENNY J. MARTINEZ AND REBECCA MARTINEZ
PORTERVILLE, CA 93257

ENGINEER: CHARLES W. ROBERTS,
CONSULTING CIVIL ENGINEER, INC.
PORTERVILLE, CA 93257

GROSS AREA: 35.81 ACRES

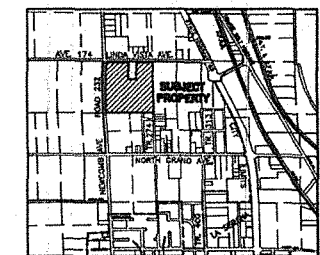
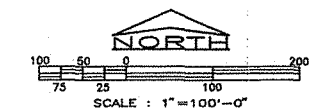
PHASE ONE: 13.83 ACRES

BASIS OF BEARING

THE MONUMENT CENTERLINE OF AVENUE 174 (LINDA VISTA AVENUE) WHICH BEARS S.89°22'00"E. PER RECORD OF SURVEY.

LEGEND

- △ MONUMENT FOUND AS DESCRIBED
- SET 2" DIA. BRASS DISK STAMPED RCE 15287 AS PER PLATE NO. A-31
- SET 2" I.P. TAGGED RCE 15287
- SET 3/4" I.P. TAGGED RCE 15287 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- WAVE OF ACCESS RIGHTS
- (R) RADIAL LINE
- (REC) RECORD PER RECORD OF SURVEY
- (R1) RECORD PER PIONEER LAND COMPANY'S SECOND SUBDIVISION OR CALCULATED THEREFROM
- RECORDED IN VOL. 3, PG. 23, T.G.R.
- RECORDED IN BK 18 OF LICENSED SURVEYS, PG. 42
- 31 LOTS - PIONEER LAND COMPANY'S SECOND SUBDIVISION



VICINITY MAP

(LINDA VISTA AVENUE) AVENUE 174

PARCEL MAP NO. 3518

2656.60(R1) 2658.23(REC) 2658.25

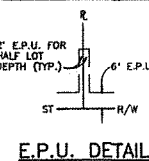
E. 1/4 COR., NW. 1/4, SEC. 15-21/27, 2" I.P. CAPPED I.P. 1" DEEP.

CURVE DATA

DESIGN.	DELTA	RADIUS	ARC	TANGENT
A	90°00'00"	10.00	15.71	10.00
B	39°51'51"	475.00	330.49	172.25
C	25°16'01"	445.00	198.24	99.74
D	25°49'25"	505.00	227.61	115.77
E	05°08'28"	505.00	45.01	22.52
F	09°41'00"	505.00	85.35	42.78
G	11°02'00"	505.00	97.25	48.77
H	05°07'53"	505.00	45.23	22.83
I	09°02'11"	445.00	70.18	35.16
J	16°13'50"	445.00	128.08	63.45
K	04°34'28"	445.00	35.53	17.77
L	05°00'42"	410.00	16.58	10.92
M	59°01'55"	50.00	51.52	28.31
N	23°01'54"	53.00	221.11	70.04
O	105°46'17"	53.00	97.84	23.70
P	48°11'15"	53.00	44.57	22.27
Q	45°34'33"	53.00	42.16	19.03
R	36°29'49"	53.00	38.54	19.27
S	39°57'52"	53.00	36.97	25.82
T	52°06'53"	53.00	48.21	32.68
U	63°18'40"	53.00	58.56	32.68
V	63°18'40"	53.00	58.56	32.68
W	20°19'49"	53.00	18.81	9.50
X	45°30'36"	53.00	42.10	22.23
Y	59°22'37"	53.00	30.72	15.93
Z	50°53'42"	53.00	47.08	25.22
AA	83°15'00"	53.00	77.01	47.10
AB	89°40'21"	375.00	586.91	372.66
AC	84°25'08"	405.00	386.72	367.35
AD	82°51'43"	345.00	378.52	210.84
AE	70°16'16"	345.00	43.78	21.82
AF	20°49'09"	345.00	125.36	63.38
AG	20°52'29"	345.00	125.69	63.55
AH	21°10'05"	345.00	127.46	64.47
AI	01°36'23"	405.00	11.36	5.68
AJ	12°45'31"	405.00	90.19	45.28
AK	12°45'31"	405.00	90.19	45.28
AL	13°10'56"	405.00	107.32	53.98
AM	13°39'49"	405.00	96.23	48.34
AN	12°57'54"	405.00	91.64	46.02
AO	15°32'03"	405.00	109.81	56.24

CURVE DATA

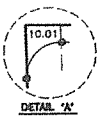
DESIGN.	DELTA	RADIUS	ARC	TANGENT
C	84°44'47"	10.00	14.79	9.12
D	90°00'00"	10.00	15.71	10.00
E	05°58'37"	405.00	42.01	21.03
F	00°08'29"	405.00	1.00	0.50
G	05°48'07"	405.00	41.01	20.52
H	11°07'11"	345.00	66.08	33.58
I	05°10'34"	345.00	31.17	15.59
J	00°08'58"	345.00	1.00	0.50
K	05°48'07"	345.00	41.01	20.52
L	05°48'07"	345.00	41.01	20.52
M	28°13'25"	345.00	34.78	17.41
N	96°30'48"	10.00	16.84	11.21
O	40°46'30"	50.00	35.58	18.58
P	28°13'25"	345.00	34.78	17.41
Q	11°25'13"	53.00	104.47	79.98
R	63°46'54"	53.00	59.00	32.98
S	84°46'52"	53.00	78.47	48.42
T	63°46'52"	53.00	78.47	48.42
U	13°50'48"	280.00	67.66	34.00
V	00°12'17"	280.00	1.00	0.50
W	13°38'29"	280.00	66.66	33.49
X	20°35'11"	220.00	79.05	39.95
Y	06°44'25"	220.00	25.88	12.98
Z	00°15'38"	220.00	1.00	0.50
AA	13°35'08"	220.00	32.17	26.21
AB	13°35'08"	250.00	59.28	29.78
AC	05°47'27"	375.00	37.90	18.97
AD	30°39'16"	48.00	29.68	13.16
AE	106°32'07"	55.00	105.15	77.87
AF	92°42'40"	10.00	16.18	10.48



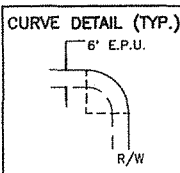
LOT 35
21.98 GROSS ACRES
21.78 NET ACRES

W. 1/4 COR., NW. 1/4, SEC. 15-21/27, 2" I.P. WITH PLASTIC PLUG RCE 17064, 12" DEEP

NW. COR. LOT 37 P.L.C. 2nd.



(NEWCOMB STREET) ROAD 232



W. 1/4 COR. SEC. 15-21/27, B.C. MON. IN MON. WELL, STAMPED RCE 24673.

W. 1/4 COR. SW 1/4, SEC. 15-21/27, 2" I.P. 8" DEEP, W/ PLUG & NAIL (NO TAG)

PARCEL MAP NO. 1826

PARCEL MAP NO. 2929

TRACT NO. 274

CTR. SEC. 15-21/27, B.C. MON. IN MON. WELL, STAMPED RCE 24673

W 1/4 COR. NW 1/4
SEC. 15-21/27, 2" I.P.
WITH PLASTIC PLUG
RCE 17004, 12" DEEP

(LINDA VISTA AVENUE) AVENUE 174

PARCEL MAP NO. 1826

E 1/4 COR. NW 1/4
SEC. 15-21/27
1" CAPPED I.P.
11" DEEP

TRACT NO. 781
PHASE 1 & 2
'Chelsea Glen Subdivision'

BEING A SUBDIVISION LOT 35 OF THE "AMENDED MAP" OF TRACT 678, "CHELSEA GLEN SUBDIVISION", PHASE (R₂), SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

SUBDIVIDER: BENNY J. MARTINEZ AND REBECCA MARTINEZ
P. O. BOX 1505
PORTERVILLE, CA. 93258

ENGINEER: ROBERTS ENGINEERING
P. O. BOX 908
PORTERVILLE, CA. 93258

CURVE DATA

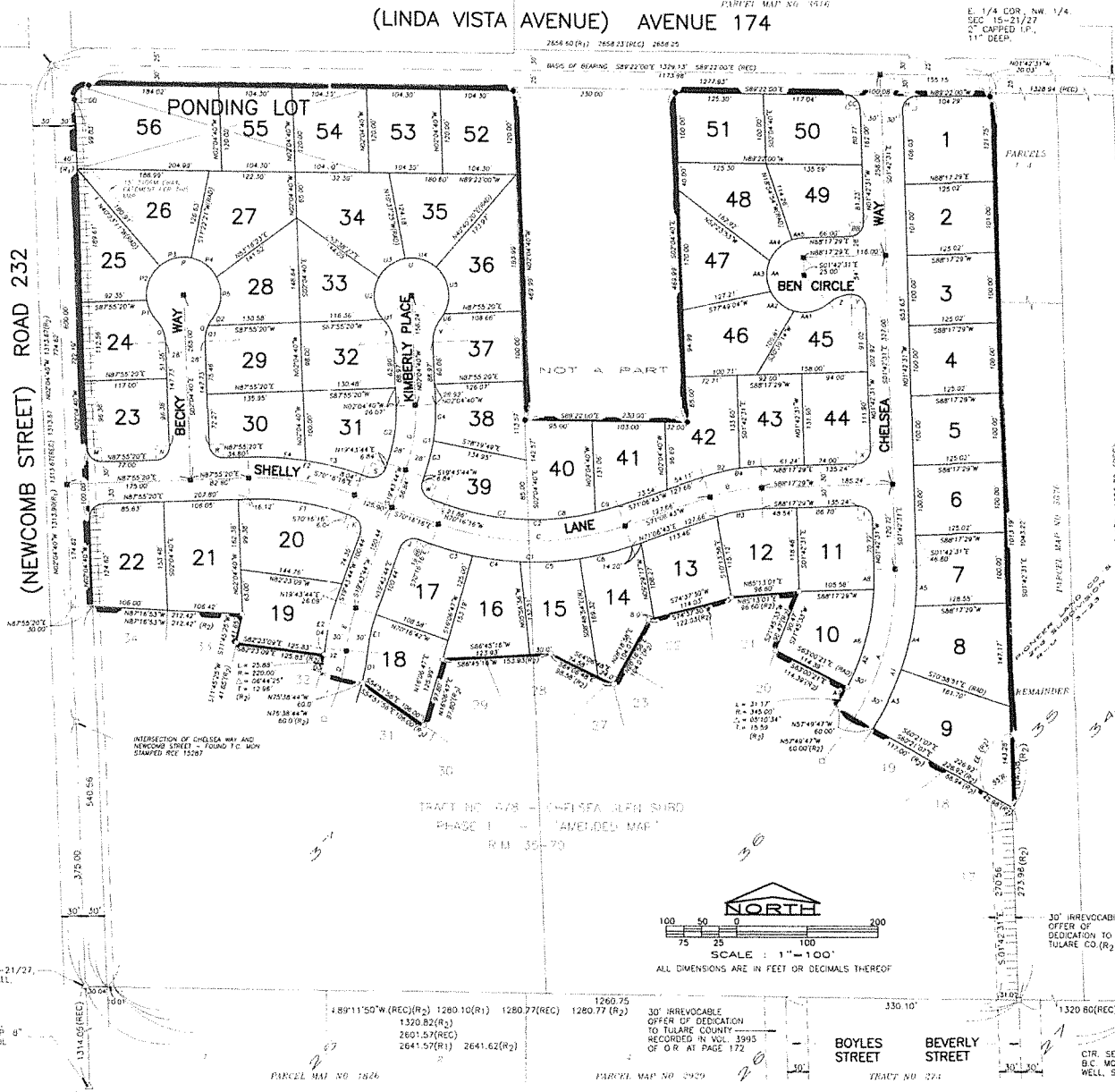
LINE	ARC	RADIUS	DELTA	TANGENT	LINE	ARC	RADIUS	DELTA	TANGENT
A	221.74	375.00	33.5244	114.22	H	32.23	20.00	92.2031	20.83
A1	239.48	405.00	33.5244	123.35	I	31.42	20.00	90.0000	20.00
A2	204.00	145.00	13.5133	105.08	J	31.42	20.00	90.0000	20.00
A3	92.98	405.00	13.0904	46.69	K	31.42	20.00	90.0000	20.00
A4	92.98	405.00	13.0904	46.69	L	31.42	20.00	90.0000	20.00
A5	53.55	405.00	07.3435	26.82	M	31.42	20.00	90.0000	18.09
A6	145.04	145.00	24.0174	71.61	N	31.42	20.00	90.0000	20.00
A7	31.17	345.00	03.1034	15.59	O	35.58	50.00	40.4630	18.58
A8	27.79	345.00	04.3858	11.90	P	241.94	53.00	261.3300	16.31
B	74.96	250.00	17.1046	32.78	Q	31.64	53.00	34.1230	16.31
B1	30.81	280.00	06.1028	15.41	R	62.02	53.00	67.0238	35.11
B2	53.13	280.00	10.5218	26.64	S	47.88	53.00	51.4532	25.71
B3	65.98	220.00	17.1046	33.23	T	46.51	53.00	50.1851	24.87
B4	43.95	280.00	17.1046	42.22	U	62.02	53.00	67.0238	35.11
C	269.80	400.00	38.3701	140.14	V	35.58	50.00	40.4630	18.58
C1	269.82	430.00	38.3701	150.68	W	23.39	50.00	28.4752	11.91
C2	249.38	370.00	38.3701	129.63	X	12.20	50.00	13.5638	6.13
C3	61.05	430.00	08.0804	30.58	Y	31.42	20.00	90.0000	20.00
C4	68.07	430.00	09.0413	34.71	Z	31.42	20.00	90.0000	20.00
C5	85.10	430.00	11.2021	42.69	AA	35.58	50.00	40.4630	18.58
C6	75.60	430.00	10.0423	37.80	AB	241.94	53.00	261.3300	16.31
C7	120.44	370.00	10.5111	60.76	AC	31.15	53.00	03.2406	1.57
C8	95.42	370.00	14.4632	47.97	AD	62.81	53.00	67.5419	35.69
C9	33.52	370.00	05.1128	16.77	AE	47.10	53.00	50.5520	25.24
D	40.23	250.00	09.1318	26.18	AF	47.45	53.00	51.1745	25.45
D1	43.79	280.00	08.5708	21.94	AG	72.41	53.00	78.1701	43.14
D2	34.41	220.00	08.5736	17.24	AH	9.01	53.00	09.4429	4.52
D3	25.88	220.00	06.4425	12.56	AI	35.58	50.00	40.4630	18.58
D4	8.53	220.00	02.7131	4.28	AJ	31.42	20.00	90.0000	20.00
E	62.55	250.00	14.2005	31.44	AK	31.42	20.00	90.0000	20.00
F	55.04	220.00	14.2005	27.67	AL	31.42	20.00	90.0000	20.00
F1	70.05	280.00	14.2005	35.21	AM	34.78	50.00	36.5059	18.12
F2	152.74	400.00	21.4824	71.77	AN	203.37	53.00	219.3059	28.60
F3	163.66	430.00	21.4824	82.83	AO	45.00	53.00	48.3851	23.96
F4	82.02	430.00	10.5545	41.14	AP	45.00	53.00	48.3851	23.96
G	91.63	430.00	10.5545	40.94	AQ	45.00	53.00	48.3851	23.96
G1	95.15	250.00	21.4824	48.16	AR	15.92	53.00	17.1223	8.03
G2	105.81	278.00	21.4824	53.53	AS	31.42	20.00	90.0000	20.00
G3	84.49	222.00	21.4824	42.76	AT	30.60	20.00	87.3929	18.29
G4	52.90	278.00	10.5412	26.53	AU	32.16	20.00	92.4140	20.97
G5	52.90	278.00	10.5412	26.53	AV	105.15	53.00	109.3208	77.87

LEGEND

- △ MONUMENT FOUND AS DESCRIBED
- FOUND COUNTY STANDARD STREET MONUMENT
- SET COUNTY STANDARD STREET MONUMENT
- FOUND 3/4" I.P. TAGGED RCE 15287
- FOUND 2" I.P. TAGGED RCE 15287
- SET 3/4" I.P. TAGGED RCE 15287 AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- FOUND TAG AT TOP OF BLOCK WALL
- WAY OF ACCESS RIGHTS
- (RAD) RADIAL LINE - SEE SHEET 3
- (REC) RECORD PER RECORD OF SURVEY
- (R₁) RECORD PER PIONEER LAND COMPANY'S SECOND SUBDIVISION OR CALCULATED THEREFROM
- (R₂) RECORD PER "AMENDED MAP" TRACT 678 RECORDED IN VOL. 35 OF MAPS AT PAGE 78, T.C.R.
- RECORDED IN VOL. 3, PG. 23, T.C.R.
- RECORDED IN BK. 18 OF LICENSED SURVEY, PG. 4, T.C.R.
- LOTS - PIONEER LAND COMPANY'S SECOND SUBDIVISION
- SUBDIVISION BOUNDARY

SHEET 2 OF 3

(NEWCOMB STREET) ROAD 232



W 1/4 COR. SEC. 15-21/27,
B.C. MON. IN MON. WELL,
STAMPED RCE 24673

W 1/4 COR. SW 1/4,
SEC. 15-21/27, 2" I.P. 8"
DEEP, W/ PLUG & NAIL
(NO TAG)

PARCEL MAP NO. 1826

PARCEL MAP NO. 1829

BOYLES STREET
BEVERLY STREET

TRACT NO. 774

CTR. SEC. 15-21/27,
B.C. MON. IN MON.
WELL, STAMPED RCE 24673

3-26-01

RESOLUTION NO. – 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE FORMATION OF LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT NUMBER 47,
ORDERING PREPARATION OF ENGINEER’S REPORT,
APPROVING PRELIMINARY ENGINEER’S REPORT FOR SAID DISTRICT, AND
APPROVING THE METHOD AND LEVY OF ASSESSMENTS**

WHEREAS, the City Council of the City of Porterville did on the 7th day of April 2020, adopt Resolution No. – 2020 declaring its intention to order the formation of Landscape and Lighting Maintenance District number 47; and

WHEREAS, in conjunction with the land division and development process, petitions to form said districts were filed by the owners of the lands included within each of said proposed Districts; and

WHEREAS, a duly noticed public hearing has been held to receive objections to the formation of said Districts, or the levy of assessments.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Porterville as follows:

- (1) The public interest, convenience and necessity require the formation of Landscape and Lighting Maintenance District number 47, and that the District shall hereby be formed.
- (2) The Engineer’s Report and diagram for District 47 is hereby approved, and the work as set forth therein is to be done.
- (3) That the method of assessment and the levy of assessments as indicated within said Engineer’s Reports is hereby approved.

APPROVED AND ADOPTED THIS 7th DAY OF APRIL 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 47

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. _____. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Chelsea Glen Subdivision into the Landscape and Lighting Maintenance District No. 47. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on Chelsea Way, Shelly Lane, Kimberly Place within the subdivision, along with two on N Newcomb St. The landscaping includes 1,190 feet of masonry wall along Newcomb on the west side of the subdivision, as well as a landscaped area along the Newcomb frontage. The landscape and wall maintenance includes: irrigation, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside amount for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 12. Total landscaped area to be maintained is 1,190 lineal feet of masonry wall, and 4,560 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No. 47 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Chelsea Glen Subdivision.

SECTION 5. Estimated Costs

The construction cost was borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed.

Estimated Assessment 2020-2021

Maintenance	4,560	sq ft of landscaping area	
Lighting	12	10 ea. @ 5,800 lumens, 2 ea. @ 16,000 lumens	
Project Management	90	lots	
Fund balance	\$	-	
Landscape	4,560	sq ft. @ \$0.190 =	\$866.40
Graffiti Maintenance	4,560	sq ft. @ \$0.090 =	\$410.40
Tree Maintenance	4,560	sq ft. @ 0.150 =	\$684.00
Postage/Printing	4,560	sq ft. @ 0.040 =	\$182.40
Utilities	4,560	sq ft. @ 0.250 =	\$1,140.00
Repair/Maintenance	4,560	sq ft. @ <u>0.030</u> =	<u>\$136.80</u>
		\$0.750 =	\$3,420.00
Maintenance	4,560	sq ft. x \$0.750 =	\$3,420.00
Administrative Fee	\$3,420.00	x \$0.10 =	\$342.00
County Fee	90	x \$1.00 per lot =	\$90.00

Reserves 15% of total cost of maintenance = \$513.00
\$4,365.00

Estimated Cost Per Year \$4,365/90 = \$48.50

**Lighting costs are based on 29% benefit of total cost because lights are spaced closer together resulting in 40% more lights than the city standard outside the maintenance district.

After the 2020-21 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2021/22 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 47 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 47. The establishment and maintenance of the improvements is a vital part of the development of Chelsea Glen Subdivision. The City Council

of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Chelsea Glen Subdivision, it should become Landscape and Lighting Maintenance District No. 47. The subdivision consists of 90 Lots. The Landscape area, which benefits the 90 lots, is located along the westerly boundary of the district along Newcomb.

Landscape and Lighting Maintenance District No. 47 will consist of an area comprising approximately 640 acres. A total of 90 lots have been developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit for the maintenance equally to those lots adjacent to the improvements.

Estimated 2020-2021 Assessment

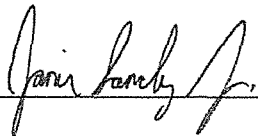
$$\text{Assessment (A)} = \frac{4,365.00}{90}$$

$$A = \frac{4,365.00}{90} = \$48.50 \text{ per lot for Chelsea Glen Subdivision}$$

Total Assessment for 2020-2021 = \$4,365.00
Total developed lot count is 90 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 47 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 47.
5. Every year between May and July the Engineer of Work file a report with the City Council.
6. Every year between May and July the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
City of Porterville Engineer

Chelsea Glen Subdivision Fiscal Year 2020/2021
--

Estimated Accumulated Costs 2020/2021

\$ 4,365.00

Maintenance:	4,560	sq. ft. of landscaping area
Lighting	12	ea. @ 16,000 lumens
Project Management:	90	lots
Fund Balance:	\$ -	

1. Landscape	4,560	sq.ft. @ \$	0.190	=	\$	866.40
2. Graffiti Maintenance	4,560	sq.ft. @ \$	0.090	=	\$	410.40
3. Tree Maintenance	4,560	sq.ft. @ \$	0.150	=	\$	684.00
4. Postage/Printing	4,560	sq.ft. @ \$	0.040	=	\$	182.40
5. Utilities	4,560	sq.ft. @ \$	0.250	=	\$	1,140.00
6. Repair/Maintenance	4,560	sq.ft. @ \$	0.030	=	\$	136.80
		\$	0.750	=	\$	3,420.00

Maintenance	4,560	sq.ft. x \$	0.750	=	\$	3,420.00
Administrative Fee	\$ 3,420.00	x \$0.10		=	\$	342.00
County Fee	90	x \$1.00/per lot		=	\$	90.00
Reserves 15% of total cost of maintenance				=	\$	513.00
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
					\$	4,365.00

Estimated Cost Per Year	\$	<u>4,365.00</u>	=	\$	48.50
		90			

2020/2021 Assessment	\$	<u>4,365.00</u>	=	\$	48.50
		90			



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Status and Review of Local Emergency: Drought

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 March 3, 2020, 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 were 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. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State 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 initial 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 eighty (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 forty (40) homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (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 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 continues to work 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.

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. Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work began on the project. At its meeting on October 1, 2019, the Council accepted the public works segment of the project in the installation of water mains as complete, with Self-Help and CSET continuing to collaborate on the completion of the individual private connections and abandonment of private wells. City staff has recently been made aware that there may be a couple of additional residences whose wells are dry that are located along existing City water mains or may require further extension of water mains. Staff is coordinating with State staff on addressing these new isolated needs.

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. At its meeting on October 1, 2019, the Council directed staff to proceed with the amendment of the UDB to facilitate annexation, which a public meeting with the affected residents was conducted on Wednesday, October 9, 2019.

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 fourteen (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.

DDW has further reported to the City that the Beverly Grand Mutual Water Company water system, located north of West North Grand Avenue, is experiencing problems with its existing well and water quality issues, and desires its connection to the City's system to serve the 31 residences the system serves. 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 has agreed to pay appropriate fees toward developing a capacity development project, which at its meeting of October 3, 2017, the Council approved a purchase agreement with Smee Homes, Inc. for the acquisition of property along the Tule River for the development of a new municipal well. At its meeting of October 1, 2019, the Council approved proceeding with the consolidation of the Beverly Grand water system.

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

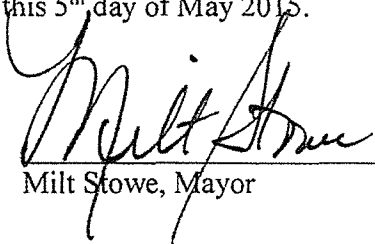
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

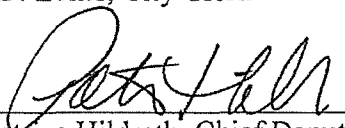
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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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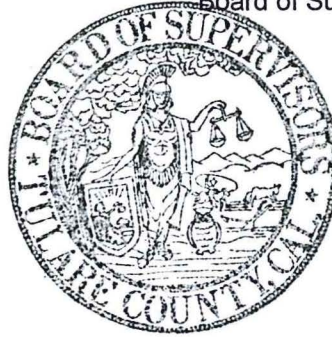
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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. Ennis for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY John Lollis
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

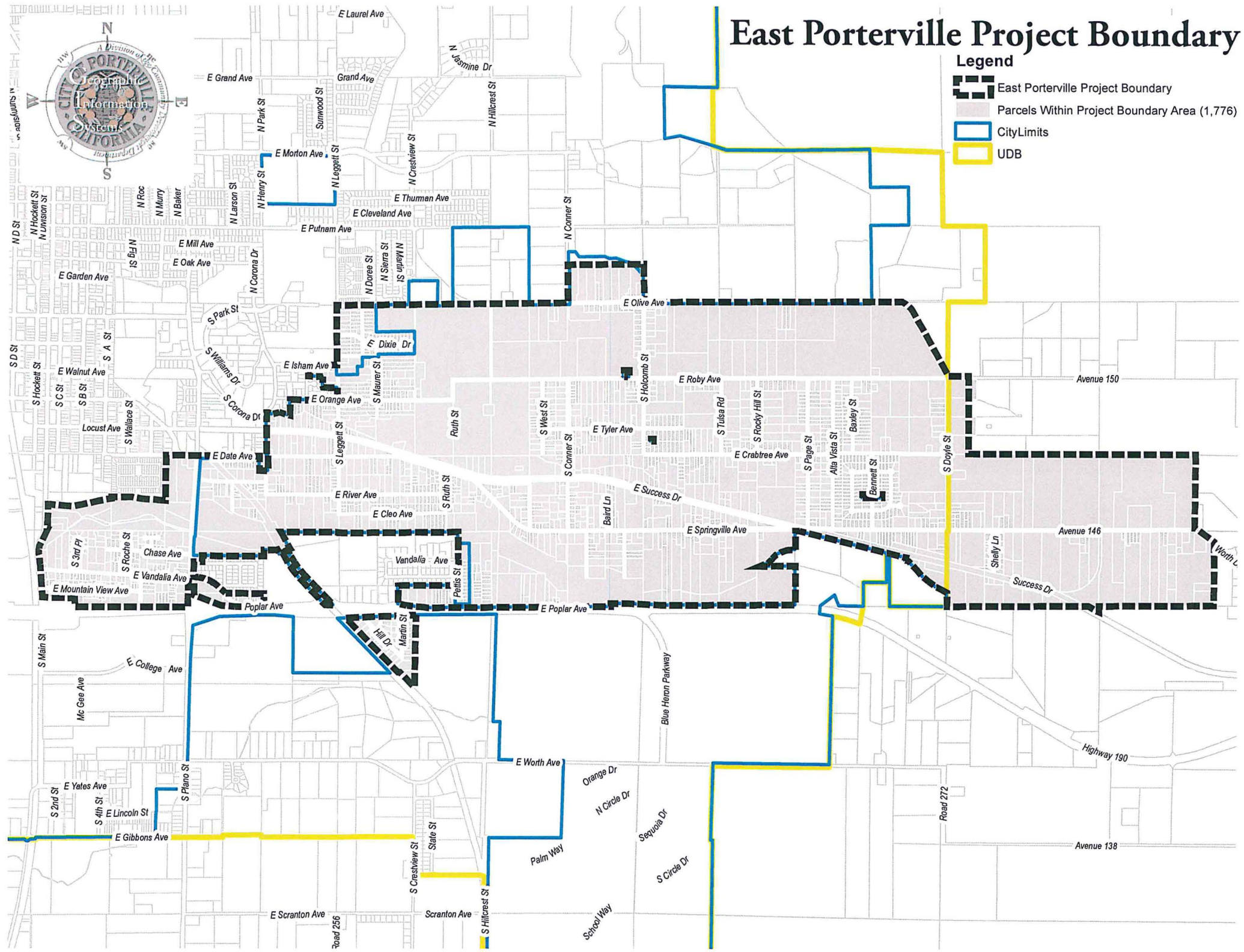


EXHIBIT 'B'

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:

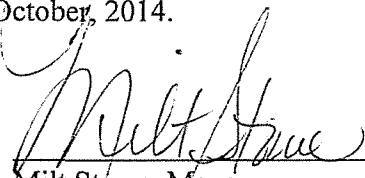
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

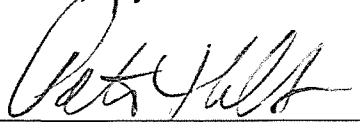
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

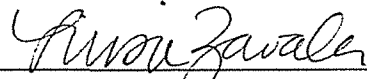
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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.

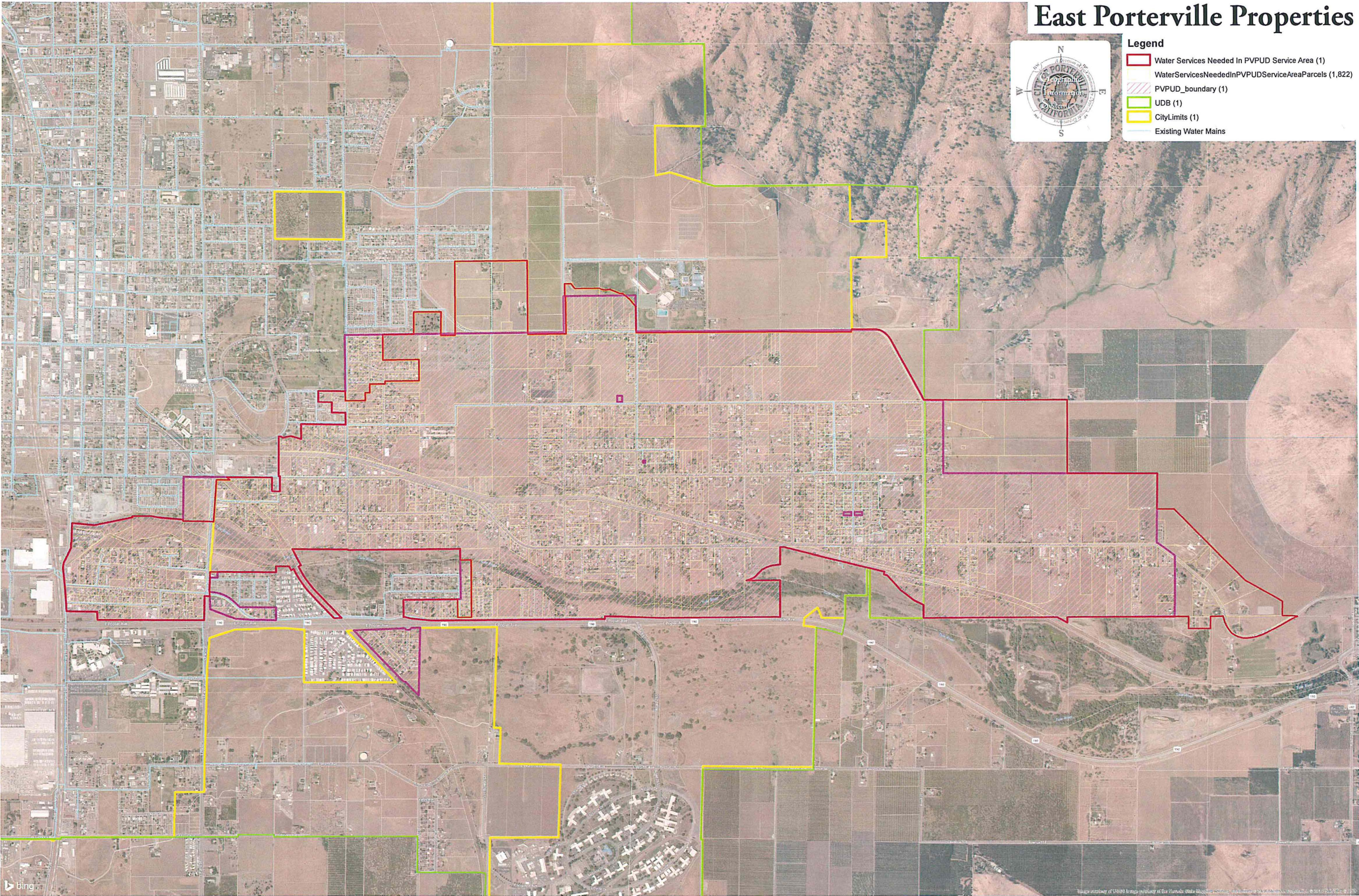
3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues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

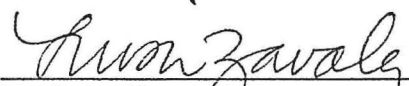

By: Luisa Zavala, Deputy City Clerk

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~~County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

City of Porterville

County of Tulare



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

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

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of April 2017.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Approval of a Conditional Use Permit for The Pub restaurant

SOURCE: Community Development

COMMENT: The applicant is requesting a Conditional Use Permit (CUP) for The Pub restaurant to allow the sale of alcohol under a Type 47 on-sale general license (beer, wine and distilled spirits) for a bona fide eating establishment to be located at 152 N. Hockett Street.

The operational hours are proposed to be from 10:00 a.m. to 2:00 a.m., seven (7) days per week. The hours during which alcoholic beverages may be sold shall be limited to hours of operation. The applicant is additionally proposing live music, as well as karaoke, DJ's and themed events which may involve dancing. The facility will allow the space to be rented for special events. The applicant will be required to provide security personnel during the times when recorded or live entertainment is featured. The project will additionally be subject to the criteria and restrictions of the Noise Ordinance, Article IX of the Porterville Municipal Code.

The site is located within Census Tract 38.02. The California Department of Alcoholic Beverage Control ("ABC") allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains 14 on-sale alcohol sales, (seven – Type 41, five – Type 47, one – Type 48 and one – Type 50). Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

The request for the alcohol license is not anticipated to cause a negative impact on the surrounding community. The project is also conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, and to prevent the use from becoming a nuisance. The property is zoned DR-N (Downtown Retail – North of Olive Avenue) with a General Plan Land Use designation of Downtown Retail, which is intended to attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character. The restaurant also supports the general plan economic development guiding policies to retain, improve and promote businesses in Porterville. The restaurant is a permitted use in the DR-N Zone District and alcohol sales may be permitted with approval of a Conditional Use Permit.

On March 26, 2020, 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.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving Conditional Use Permit (PRC 2019-016-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. Floor Plan
3. The Pub Operational Statement
4. Existing ABC Licenses
5. Draft Resolution
6. Letter of Public Convenience or Necessity

Appropriated/Funded:

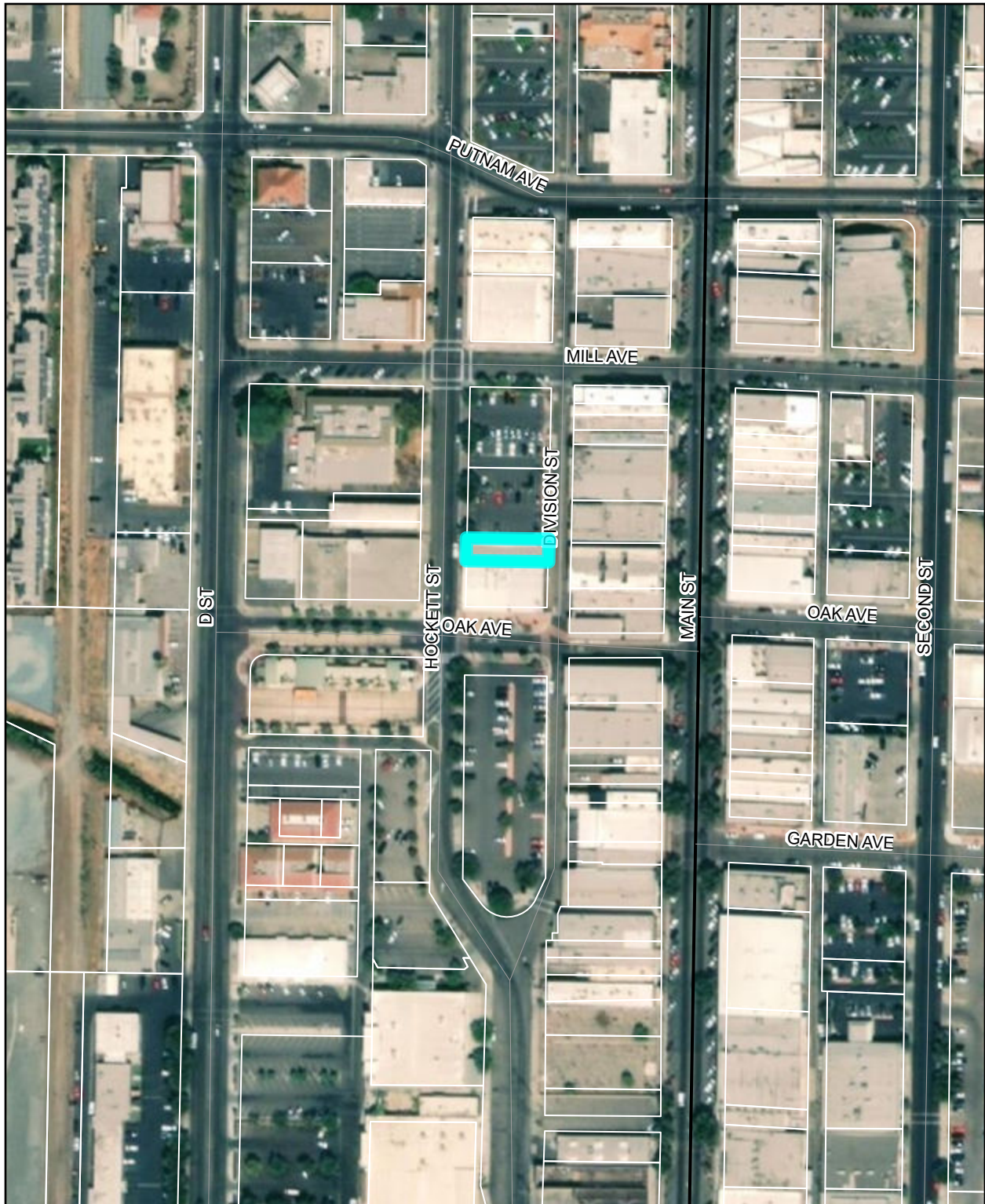
Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Locator Map PRC 2019-016



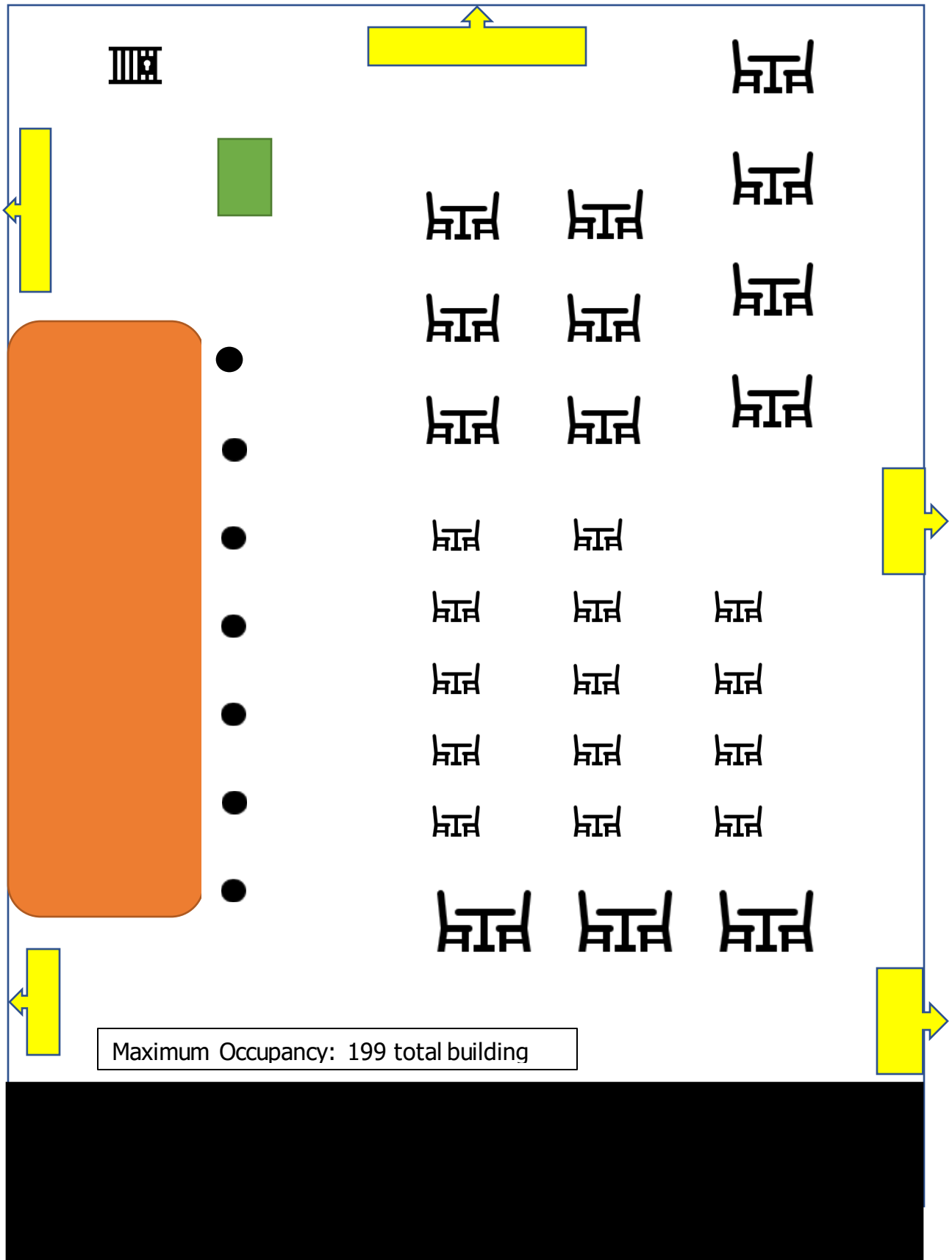
PRC 2019-016
CUP for The Pub
@ 152 N. Hockett St.

 Project Location

1' = 200 feet



Lower Level



Upper Level



Legend



----- Stairs



----- Exit/Entrance



----- Host



----- Table (smaller are 2-tops, larger are 4-tops)



----- Bar



----- Stage

Operational Statement

The Pub will be operating as a pub style restaurant. The pub will offer food options ranging from burgers, pizza, sandwiches, and array of appetizers, and much more. The Pub will offer a wide span of drink options. Some examples: imported beers, domestic beers, custom cocktails, and non-alcoholic drinks.

We plan on allowing customers to rent the entire space for special events for a fee to be determined.

We will host live music, karaoke and DJ's. We may also have themed events involving dancing.

Proposed Hours of Operation: 10:00 am – 2:00 am

Days of Week in Operation:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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Number of Employees per Day: Existing: 0 Proposed: 10-15

Number of Customers per Day (Estimated): Existing: 0 Proposed: 100-150

Predicted Peak Operating Hours: 12:00 pm – 2:00 pm; 4:00 pm-12:00 am

Describe any truck delivery schedule and/or operations: at this time, it is unknown when deliveries would take place for The Pub. Once more planning has taken place, this information will become more detailed.

Signature of authorized person to update Operational Statement for 152 N. Hockett St.
Porterville, CA 93257:

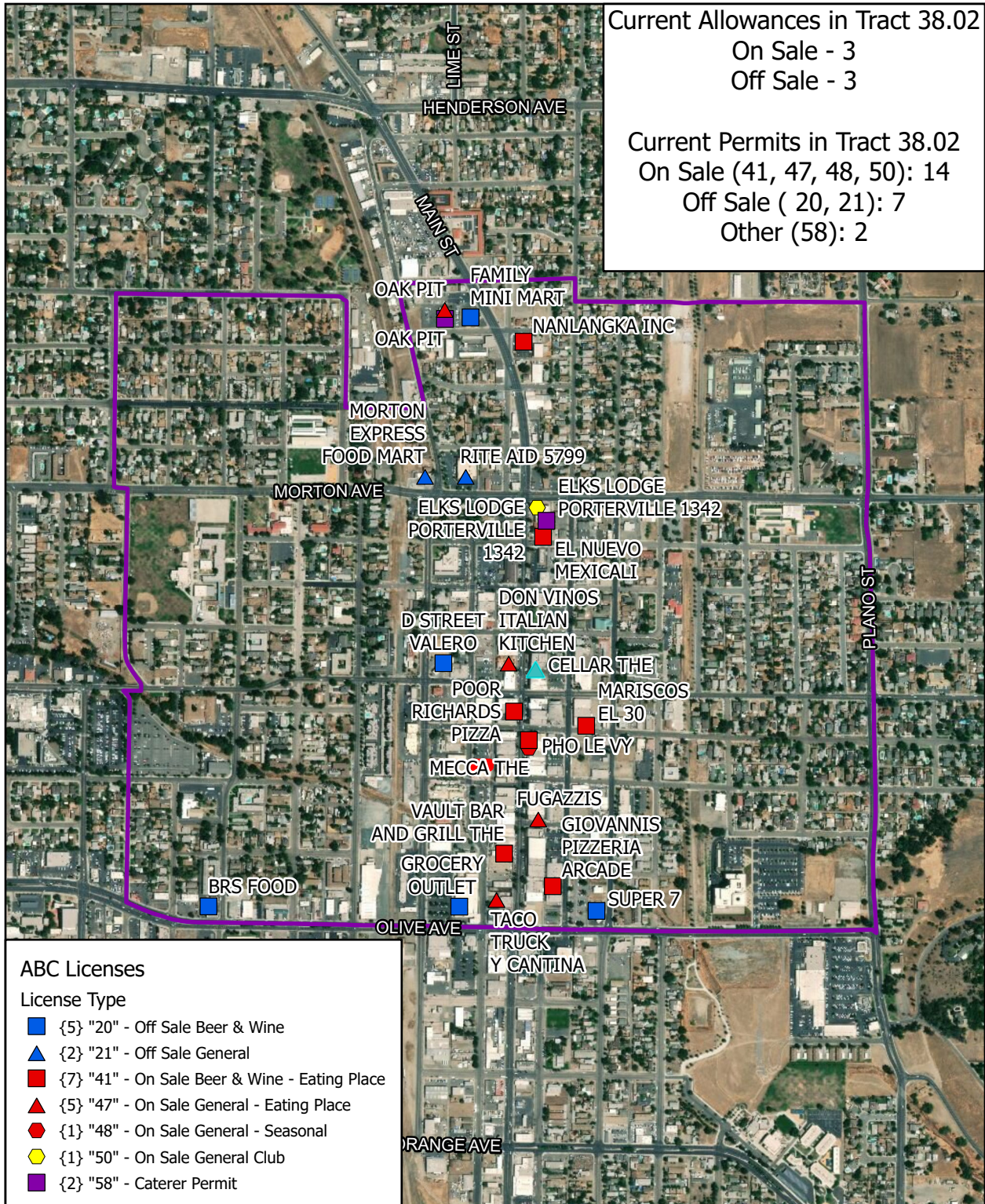


Signature and Title:

3-9-20

Date:

ABC Map PRC 2019-016



**CUP for The Pub
@ 152 N. Hockett St**

Census Tract 38.02
 Project Location

1 in = 1,000 feet



RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2019-016-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE
47 ON-SALE GENERAL (BEER, WINE AND DISTILLED SPIRITS) ALCOHOL LICENSE
FOR A BONA FIDE PUBLIC EATING PLACE FOR THE PUB RESTAURANT

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of April 7, 2020, conducted a public hearing to consider Conditional Use Permit (PRC 2019-016-C) to allow for the sale of alcohol under a Type 47 (beer, wine and distilled spirits) alcohol license for a restaurant located at 152 N. Hockett Street, The Pub Restaurant; and

WHEREAS: On March 26, 2020, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the “General Rule” exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted:

The subject site is consistent with the Zoning Standards for DR-N (Downtown Retail - North of Olive) zone and the General Plan Land Use Designation of Downtown Retail. The Downtown Retail designation is specifically intended to attract and retain specialty retail and restaurant businesses that will enhance Porterville’s unique character.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol on premises, in association with the Type 47 on-sale license shall be exclusively confined to the interior of the building.

Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to the “General Rule” exemption §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The site is located within Census Tract 38.02. The California Department of Alcoholic Beverage Control (“ABC”) allows a specific number of licenses per census tract population. In Census Tract 38.02, three on-sale and three off-sale are permitted. Census Tract 38.02 contains 14 on-sale alcohol sales, (seven – Type 41, five – Type 47, one – Type 48 and one – Type 50). Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2019-016-C) subject to the following conditions:

1. The hours and days of operation during which alcoholic beverages may be sold under the Type 47 on-sale license shall be from 10 a.m. to 2 a.m., seven days a week.
2. The applicant/owner shall provide security personnel during the times when recorded or live entertainment is featured or during special events.
3. The restaurant will be required to comply with the Noise Ordinance, Article IX of the Municipal Code. Violations may result in revocation of the Conditional Use Permit.
4. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.
5. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
6. Any violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.
7. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.
8. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the on-sale Type 47 (beer, wine and distilled spirits) is not active or actively pursued. The City Council may approve a one year extension of any permit or approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.
9. The applicant shall operate the establishment in such a manner as to preserve the public

safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

10. All alcoholic beverages sold under the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a “take out” basis shall be expressly prohibited.
11. Pursuant to Section 601.10(d) The City Council may revoke the permit if it makes any of the following findings:
 - a. That approval was obtained by means of fraud or misrepresentation of a material fact;
 - b. That the use in question has ceased to exist or has been suspended for one year or more;
 - c. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this ordinance, law or regulation; or
 - d. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare or so as to be a nuisance.
12. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.
13. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

PASSED, APPROVED AND ADOPTED this 7th day of April, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

April 8, 2020

California Department of Alcoholic Beverage Control
Fresno District Office
3640 East Ashlan Ave
Fresno, CA 93726

RE: The Pub Restaurant, 152 N. Hockett Street, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 47 On-Sale General – Eating Place (beer, wine and distilled spirits) alcohol license for The Pub Restaurant located at 152 N. Hockett Street.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code,” the subject site is located within Census Tract 38.02 which allows three on-sale licenses. At the present time 14 on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity was required.
2. On April 7, 2020, the City Council conditionally approved Conditional Use Permit (PRC 2018-016-C), review attached resolution, to allow the on-sale of beer, wine and distilled spirits for a bona fide restaurant. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of a Type 47 On-Sale General – Eating Place (beer, wine and distilled spirits) alcohol license in conjunction with a bona fide restaurant.

Further issuance of an on-sale license allowing alcohol sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The site is consistent with the General Plan Land Use Designation of Downtown Retail policies that promote attracting and retaining specialty retail and restaurant businesses that will enhance Porterville’s unique character. The proposed Type 47 On- Sale General alcohol license for a bona fide restaurant would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve and promote existing businesses in Porterville. The restaurant is permitted in the DR-N (Downtown Retail – North of Olive Avenue) land use designation and alcohol sales may be permitted with review and approval of a Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 47 On-Sale, (beer, wine and distilled spirits) license for The Pub Restaurant located at 152 N. Hockett Street, Porterville, CA.

Sincerely,

Martha A. Flores, Mayor

Attachment: Resolution



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Central Mutual Water Company Consolidation and Associated Entitlements

SOURCE: Community Development

COMMENT: In 2017, staff was contacted by the Department of Water Resources Division of Drinking Water to request that the City support the consolidation of the Central Mutual Water Company, a small water system that serves approximately thirty (30) residences on South Kessing Street, south of Gibbons Avenue, just outside the city limit. The system's well has endured a series of failures in recent years, and the State recommended consolidation with the City's water system as a more long-lasting solution than well replacement. Having received direction from the City Council to proceed, staff has been working with the Central Mutual Water Company; their agent, Self-Help Enterprises; and staff with the State Water Resources Control Board Division of Drinking Water toward completion of a consolidation plan.

On March 6, 2020, the City published a notice of Public Hearing to advise the community that the Council would be considering entitlements associated with the proposed consolidation at the meeting of April 7, 2020. Since that notice was published, the COVID-19 pandemic has extended into California, including a statewide stay-at-home order. The applicant – Central Mutual Water Company – has requested that the Council postpone the meeting to a future date to better allow for their participation in the process. Not all of the residents are familiar with web-based meetings, and the additional time would allow their agent to assist them so that they can fully participate.

As the Public Hearing was duly noticed, staff recommends that the Council open the Public Hearing to offer the opportunity to any who may choose to participate at this time, and then continue the item to the meeting of April 21, 2020.

RECOMMENDATION: That the City Council open the Public Hearing, accept comments, and continue the Public Hearing to the regularly scheduled meeting of April 21, 2020.

ATTACHMENTS: 1. Project Locator Map

Appropriated/Funded:

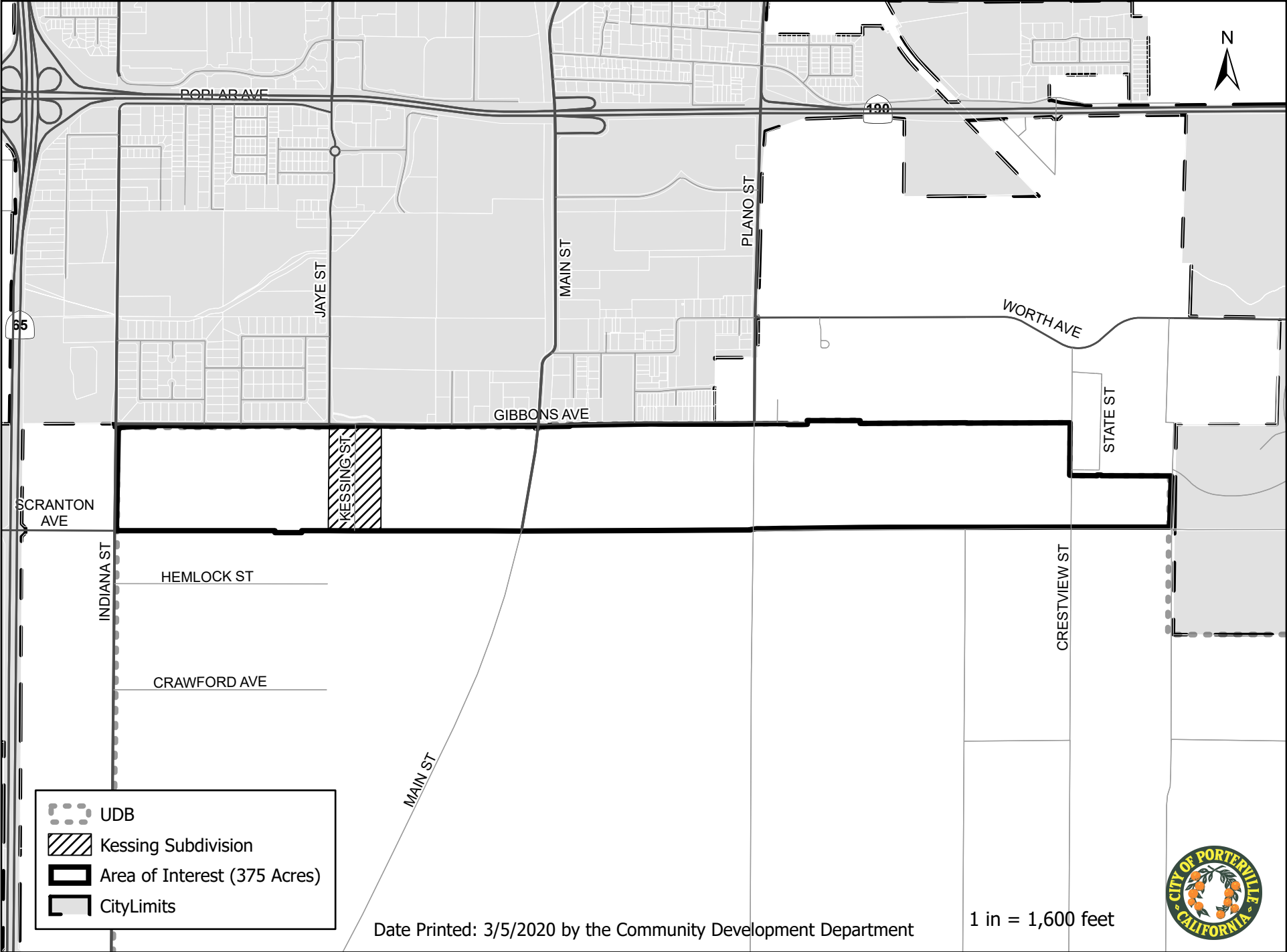
Item No. 16.

Review By:

Department Director:

Final Approver: John Lollis, City Manager

SOI Amendment Alternatives





CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Administrative Hearing for a Special Assessment on 472 N. Villa Street

SOURCE: Community Development

COMMENT: In 2015, the City Council directed staff to initiate efforts to mitigate a residence (472 N. Villa Street) that through fire, abandonment, and lack of maintenance, had become a public health hazard and nuisance. At that time, the City hired Silver & Wright, LLP as Special Counsel to assist, given the firm's expertise in resolving such issues through use of receivership.

Since that time, the property has changed hands multiple times, and numerous court hearings and rulings have been filed to attempt to assure correction of the many property violations. The current Property Owner has finally completed a majority of the improvements required in the Notice and Order initially posted. Accordingly, on February 14, 2020, the City sent the Property Owner an invoice for the fees and costs the City incurred in abating the code violations on the property. Instead of agreeing to pay the City's fees and costs, the Property Owner filed a new lawsuit against the City for declaratory relief and an accounting of the City's fees and costs. To avoid public comment on pending litigation, staff requests that the Administrative Hearing scheduled for April 7 be taken off calendar.

RECOMMENDATION: That the City Council remove the item from the Agenda due to pending litigation.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – APRIL 7, 2020

SUBJECT: Status and Review of Proclamation of Local Emergency: COVID-19

SOURCE: City Manager's Office

COMMENT: At its meeting of March 17, 2020, the City Council took action to approve a Resolution of Proclamation of Existence of a Local Emergency for the novel coronavirus (COVID-19), which staff also initiated a soft-opening of its Emergency Operations Center (EOC) on Friday, March 20, 2020. On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency, President Trump issued a Proclamation on Declaring a National Emergency on March 13, 2020, and the Tulare County Board of Supervisors adopted a Resolution of Proclamations of Local Emergencies on March 17, 2020. The Tule River Tribal Council also adopted a Resolution of Declaration of State of Emergency on March 13, 2020. Subsequent to his Proclamation, Governor Newsom has issued fourteen (14) Executive Orders in support of the State addressing and mitigating COVID-19 impacts, several of which are pertinent to the City.

Governor Newsom's Executive Order N-25-20, issued on March 12, 2020, provided restrictions on mass gatherings of no more than 250, as well as provided accommodations to the Brown Act to encourage remote participation and social distancing. At its meeting of March 17, 2020, the Council gave direction of local gatherings not to exceed twenty-five (25), which staff has been responding to complaints and incidents accordingly. Both President Trump and the Centers for Disease Control (CDC) have recommended mass gatherings not exceed ten (10), which with Easter approaching on Sunday, April 12, 2020, the Council may wish to give direction to limit local gatherings to no more than ten (10) individuals, allowing also for 6' social distancing. In addition, the County and most cities across the county have instituted soft-closings of parks, including the closing of arbors, playgrounds and restrooms, which the Council's direction would be desired in this regard.

Governor Newsom's Executive Order N-28-20, issued on March 16, 2020, strongly advised that both private and public utilities not shutoff utilities or charge late fees for lack of payment until May 31, 2020, and directed the California Public Utilities Commission to review both private and public utilities for conformance. At its meeting on March 17, 2020, the Council acted to suspend the shutoff of utilities and the charging of late fees for lack of payment until at least its meeting of April 21, 2020 for review. Given the suspension of shutoff and charging of late fees, the City has experienced a dramatic increase in accounts not making payment since the Council's action

(approximately 70% accounts unpaid versus regularly 25%), which staff is reinforcing the message to customers that regular payments must still be made.

Governor Newsom's Executive Order N-32-20, issued on March 18, 2020, appropriated \$150 million in emergency homeless funding, of which \$284,403 was allocated to Tulare County between \$147,734 to the Continuum of Care (CoC) and \$136,669 to the County. The CoC has indicated its appropriation to the City of approximately \$40,000 based upon recent homeless population counts, which City staff is recommending be the funding source for the daily homeless lunch program the City initiated on March 27, 2020, with the closure of the local non-profit (Helping Hands of Porterville Inc.) due to pandemic concerns earlier that week. Staff estimates that the \$40,000 will allow the daily lunch program to continue through the month of April 2020. The County has indicated its allocation will be utilized in assisting with providing shelter for homeless individuals that are identified high-risk or in need of quarantine due to COVID-19. The City's contract operator of the planned navigation center, Turning Point of Central California, has been issued building permits and is currently making necessary improvements for anticipated opening in April 2020. Turning Point is indicating that due to the current pandemic, occupancy of the navigation center when opened will be half-capacity to allow adequate physical distancing given group housing.

Governor Newsom's Executive Order N-33-20, issued on March 19, 2020, ordered that state residents shelter-at-home, and that only identified essential businesses remain open and associated workforce. Much confusion has reverberated throughout the state in clarifying essential businesses, which staff has both responded to complaints and acted proactively in following the State's guidelines of essential businesses (attached). Most of the City's workforce has been deemed essential under the State's guidelines, which the City has directed its limited non-essential workers to remain at home and available for assignment if necessary, and has implemented a rotation of its essential workforce as much as possible to reduce employees public exposure. Employees required to be at work during the shelter-at-home Order are accruing special leave for later utilization and/or payment, as well as employees that are working from home. Compounding the challenge for the City's workforce has been the temporary closure of local non-profit contractor Promoting Self Worth (PSW) due to its workforce being disabled and considered highly vulnerable to COVID-19, thus causing City staff to address the contracted essential services of graffiti removal and the care for a significant number of Landscape and Lighting Maintenance Districts (LMD).

Governor Newsom's Executive Order N-37-20, issued on March 27, 2020, established a moratorium on eviction of tenants in good standing as of the date of the Order through May 31, 2020, which had been an issue of discussion by the Council at its meeting on March 17, 2020.

Governor Newsom's Executive Order N-39-20, issued on March 30, 2020, provided broad waivers of certifications and licensing for healthcare providers and locations to expand the provision of medical care in meeting an expected

patient surge. During his press conference announcing the Order, Governor Newsom mentioned that Porterville would play a role in meeting the expected patient surge, which staff has been unable to define the purpose for the city at the time of this report, but may involve the reactivation of the non-forensic portion of the Porterville Developmental Center (PDC).

On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a \$2 trillion economic recovery stimulus package. The financial recovery package includes: 1) \$604 billion for individuals/families, including \$300 billion in cash payments, \$260 billion in unemployment payments and \$44 billion in student loan assistance; 2) \$500 billion for large corporations; 3) \$377 billion for small business; 4) \$340 billion for state and local governments; 5) and \$180 billion for public services, including \$100 billion for hospitals. Within the state and local government provisions, a local government's (county or city) population must exceed 500,000 to receive direct federal recovery, which local governments with population less than 500,000 would only receive federal recovery through a state if the state was agreeable to local government distributions. Staff is focusing its efforts now in engaging with local businesses and financial institutions to ensure the emergency resources are made available to promote local economic stability upon the completion of the current state of emergency.

From a City financial perspective, there is little doubt that the pandemic is having significant negative impact on local sales tax and transient occupancy tax, which will be further compounded by a likely reassessment of property tax values. Fortunately, the conservative stewardship of the City has allowed it to have General Fund reserves for Catastrophic Emergencies and Budget Stabilization, which in addition to the recent passage of Measure I, allows the City to purposefully address the current crisis and plan for budgetary accommodations that the City's essential services to the community can continue without current modification.

RECOMMENDATION: That the City Council:

1. Receive the report of status and review of the Proclamation of Local Emergency;
2. Determine the need exists to continue said Declaration; and
3. Take action and/or provide direction as deemed necessary.

ATTACHMENTS:

1. Resolution 22-2020: Proclamation of Local Emergency
2. Governor Newsom Proclamation of a State of Emergency
3. President Trump Proclamation on Declaring a National Emergency
4. Tulare County Proclamations of Local Emergency
5. Tule River Tribe Declaration of State of Emergency
6. Governor Newsom Executive Order N-25-20 - Mass Gatherings
7. Governor Newsom Executive Order N-28-20 - Utilities
8. Governor Newsom Executive Order N-32-20 - Homeless

- Funding
9. Governor Newsom Executive Order N-33-20 - Stay at Home
 10. Governor Newsom Executive Order N-33-20 - Essential Critical Infrastructure Workers Guidelines
 11. Governor Newsom Executive Order N-37-20 - Evictions Moratorium
 12. Governor Newsom Executive Order N-39-20 - Expand Healthcare Workforce

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 22-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO PROCLAIM THE EXISTENCE OF A LOCAL EMERGENCY

RESOLVED, by the City Council (the “Council”) of the City of Porterville (the “City”),
as follows:

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease which the Centers for Disease Control and Prevention (CDC) considers to be a very serious public health threat with outcomes ranging from mild to severe sickness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to over 118 countries, infected more than 125,000, and killed more than 4,000 as of March 11, 2020 per the World Health Organization (WHO); and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services declared a public emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, WHO made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on March 12, 2020, Tulare County declared an emergency due to the confirmed case of COVID-19 at Sierra View Medical Center in the city of Porterville, thus enabling Tulare County to take extraordinary measures; and

WHEREAS, on March 13, 2020, Governor Newsom announced that California public health officials have determined that gatherings of more than 250 people should be postponed or canceled across the State at least until the end of March; and

WHEREAS, COVID-19 therefore and will continue to cause conditions of peril to the health, safety, and welfare of persons and property in the City of Porterville; and

WHEREAS, preparing for, responding to, mitigating, and recovering from the spread of COVID-19 requires the City to divert resources from normal day-to-day operations, and has and will continue to impose extraordinary requirements on and expenses to the City; and

WHEREAS, the City Council hereby finds that the above described conditions related to the COVID-19 outbreak does warrant and necessitate the proclamation of the existence of a local emergency in the city of Porterville.

NOW, THEREFORE, it is hereby **DECLARED** and **ORDERED**, as follows:

1. The proclamation of existence of a local emergency exists throughout the City of Porterville.
2. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Porterville.
3. As required by law, the City Council shall review the need to continue the state of emergency every thirty (30) days until this Resolution is terminated.

PASSED, APPROVED, AND ADOPTED this 17th day of March, 2020.



Martha A. Flores, 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 a meeting of the Porterville City Council duly called and held on the 17th day of March, 2020.

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

Council:	PEÑALOZA	REYES	FLORES	STOWE	GURROLA
AYES:	X	X	X	X	
NOES:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk



By: Fernando Gabriel-Moraga, Deputy City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

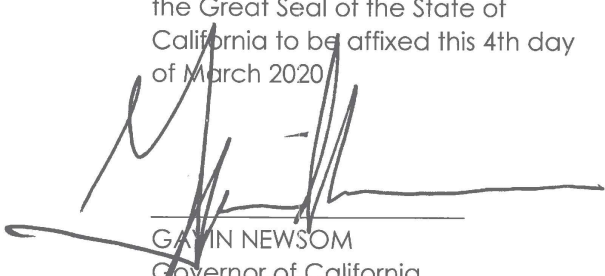
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.
14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**PROCLAMATIONS**

Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak

Issued on: March 13, 2020



In December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID-19 outbreaks have occurred, including the People’s Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that

causes COVID-19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), do hereby find and proclaim that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID-19 outbreak.

Sec. 2. Certification and Notice. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b-5(d)).

Sec. 3. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP



Health & Human Services Agency COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER

District One

PETE VANDER POEL

District Two

AMY SHUKLIAN

District Three

EDDIE VALERO

District Four

DENNIS TOWNSEND

District Five

AGENDA DATE: March 17, 2020

Public Hearing Required	Yes ☐	N/A ☒
Scheduled Public Hearing w/Clerk	Yes ☐	N/A ☒
Published Notice Required	Yes ☐	N/A ☒
Advertised Published Notice	Yes ☐	N/A ☒
Meet & Confer Required	Yes ☐	N/A ☒
Electronic file(s) has been sent	Yes ☒	N/A ☐
Budget Transfer (Aud 308) attached	Yes ☐	N/A ☒
Personnel Resolution attached	Yes ☐	N/A ☒
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes ☐	N/A ☒

CONTACT PERSON: Andrew Lockman PHONE: 624-8000

SUBJECT: Ratify Proclamations of Emergency for COVID-19

REQUEST(S):

That the Board of Supervisors:

1. Ratify a Proclamation of Local Emergency issued by the County Coordinator of Emergency Services on March 11, 2020 due to COVID-19; and
2. Ratify a Proclamation of Local Health Emergency issued by the County Health Officer on March 11, 2020 due to COVID-19.

SUMMARY:

As has been widely covered in the media, the COVID-19 outbreak originated in China beginning in December 2019. The Tulare County Department of Public Health, in cooperation with all Tulare County departments and numerous healthcare and community partners, has been actively monitoring and proactively preparing for COVID-19 since early January 2020.

Since that time, cases have been reported worldwide along with numerous deaths resulting from the disease. California has had numerous cases resulting from travel, person-to-person contact, and community spread. On March 4, 2020, Governor Newsom proclaimed a State of Emergency for COVID-19 after the first COVID-19 related death in California. Since that date, confirmed cases have also occurred in neighboring Fresno and Madera Counties.

On March 11, 2020, Tulare County had its first confirmed positive COVID-19 case. As a result, the County implemented a contingency plan under which the County's Coordinator of Emergency Services proclaimed a Local Emergency, and the County

SUBJECT: Ratify Proclamations of Emergency due to COVID-19
DATE: March 17, 2020

Health Officer proclaimed a Local Health Emergency, to enable the County to take all necessary response actions to combat the effects of the disease. Pursuant to California Government Code section 8630(b), these proclamations must be ratified within seven (7) days by the Board of Supervisors in order to remain in effect.

The Governor's State of Emergency dated March 4, 2020, waives statutory requirements to renew emergency proclamations for COVID-19, so these local proclamations will remain in effect until terminated by the Tulare County Board of Supervisors.

As a matter of information, local public health emergencies due to the threat posed by COVID-19 also have been declared by the Counties of Santa Clara, San Diego, San Francisco, Orange, Solano, Alameda, Sonoma, Marin, Placer, Los Angeles, Mendocino, Butte, San Bernardino, San Benito, Yolo, Monterey, San Mateo, Yuba, Sutter, Contra Costa, Humboldt, Lake, and Sacramento, and by numerous California cities and Indian Tribes.

FISCAL IMPACT/FINANCING:

There is no cost associated with proclaiming or terminating a local emergency or local health emergency. The proclamation of local emergency contains a request for California Disaster Assistance Act funding, which may result in cost recovery of extraordinary response costs associated with this incident.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security initiative, with a directive to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. These proclamations support the County's emergency response and coordination efforts by ensuring all necessary actions can be taken to mitigate the spread of disease.

ADMINISTRATIVE SIGN-OFF:



Timothy W. Lutz
Agency Director

Cc: County Administrative Office

Attachment(s) Proclamation of Local Emergency
Proclamation of Local Health Emergency

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF RATIFY PROCLAMATIONS) Resolution No. _____
OF EMERGENCY DUE TO COVID-19) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Ratified a Proclamation of Local Emergency issued by the County Coordinator of Emergency Services on March 11, 2020 due to COVID-19; and
2. Ratified a Proclamation of Local Health Emergency issued by the County Health Officer on March 11, 2020 due to COVID-19.

**PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, Government Code section 8630 and Tulare County Ordinance Code section 1-15-1030 authorize the Director of Emergency Services to proclaim a local emergency when the County of Tulare ("County") is threatened by conditions of disaster or extreme peril to the safety of persons and property within the County that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County, and the Board of Supervisors is not in session; and

WHEREAS, the Director of Emergency Services hereby finds:

Conditions of extreme peril to the safety of persons and property have arisen within the County due to the following:

A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China, in December 2019. The U.S. Centers for Disease Control and Prevention ("CDC") considers the virus to be a very serious public health threat, based on current information. In part, the virus is considered a serious public health threat because much is unknown. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes at this time that symptoms appear two to fourteen days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19.

The number of reported cases of COVID-19 has escalated dramatically over a short period of time. To date, worldwide there are over 125,000 confirmed cases of COVID-19 and over 4,600 deaths from COVID-19. Cases of COVID-19, though concentrated in China, have been reported in one hundred twenty-two countries, including the United States, and include individuals who never visited China. Transmission from an asymptomatic individual has been documented. In the U.S., there have been 939 total cases of COVID-19 confirmed to date in 41 different states, and at least 29 deaths reported.

The World Health Organization has declared the outbreak to be a global health emergency. Actions are being taken to protect public health and limit the spread of COVID-19 in the United States.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California. There are now almost 200 confirmed cases in California spanning some 24 counties and at least four deaths have been reported in California due to COVID-19.

Local public health emergencies due to the threat posed by COVID-19 have been declared by the Counties of Santa Clara, San Diego, San Francisco, Orange, Solano, Alameda, Sonoma, Marin, Placer, Los Angeles, Mendocino, Butte, San Bernardino, San Benito, Yolo, Monterey, San Mateo, Yuba, Sutter, Contra Costa, Humboldt, Lake, and Sacramento, and by numerous California cities and Indian Tribes; and

Tulare County has a population of over 450,000 residents, many of whom travel frequently for business or personal reasons. The Health Officer of the County of Tulare has determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in Tulare County, and has declared a Local Health Emergency as a result.

These conditions are beyond the control of the services, personnel, equipment, and facilities of the County and require the combined forces of other political subdivisions to combat.

WHEREAS, on March 11, 2020, a Tulare County resident tested positive for COVID-19; and

WHEREAS, based on the experience of other California communities, it can reasonably be expected that other positive tests will soon follow; and

WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

WHEREAS, during a local emergency, the Director of Emergency Services or other individual authorized to serve in that capacity under Tulare County Ordinance Code sections 1-15-1031 and 1-15-1032 is empowered by Tulare County Ordinance Code section 1-15-1025 to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest possible time by the Board of Supervisors; and

WHEREAS, the Director of Emergency Services is unavailable to issue a proclamation as he is currently outside of Tulare County and has authorized his successor, the County's Coordinator of Emergency Services (Assistant County Administrative Officer), as designated in Tulare County Ordinance Code sections 1-15-1010 (c) and 1-15-1030 (g) to exercise the powers of Director of Emergency Services as provided for in Tulare County Ordinance Code section 1-15-1030 (h) and thereby to issue this proclamation of local emergency; and

WHEREAS, the Tulare County Health Department must use all preventive measures, which will require access to available services, personnel, equipment, and facilities, to respond to COVID-19; and

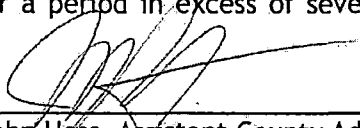
NOW THEREFORE, the Tulare County Coordinator of Emergency Services hereby:

1. Proclaims that a local emergency, as defined in Government Code Section 8558 and Tulare County Ordinance Code Section 1-15-1005, now exists within the County due to the presence of COVID-19; and
2. Requests that the Governor of the State of California request a federal declaration to provide assistance, including, but not limited to, California Disaster Assistance Act ("CDAA"); and
3. Orders that the Tulare County Health Department must use all preventive measures, which will require access to available services, personnel, equipment, and facilities, to respond to COVID-19.

The local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the Board of Supervisors.

Date: March 11, 2020

Time: 10:33 PM

By: 

John Hess, Assistant County Administrative Officer
and Emergency Services Coordinator

APPROVED AS TO FORM:
COUNTY COUNSEL

/s/ Jennifer M. Shiffert
Deputy
Matter No. 2020217

Jlk/03-11-2020/2020217/1444043

**County of Tulare
Health & Human Services Agency
Public Health Branch**

Health Officer
5957 South Mooney Blvd.
Visalia, CA 93277
559-624-8480



**PROCLAMATION OF LOCAL HEALTH EMERGENCY
REGARDING NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, California Health and Safety Code section 101080 and Tulare County Ordinance Code section 1-15-1033 authorize the local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent; and

WHEREAS, the local health emergency shall not remain in effect after 7 days from the date of this declaration unless it has been ratified by the County of Tulare's Board of Supervisors; and

WHEREAS, the Health Officer of the County of Tulare makes the following findings:

A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China, in December 2019. The U.S. Centers for Disease Control and Prevention ("CDC") considers the virus to be a very serious public health threat, based on current information. In part, the virus is considered a serious public health threat because much is unknown. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation, but are poorly characterized at this time. The best information to date suggests that the virus is spread between people primarily via respiratory droplets produced when an infected person coughs or sneezes. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death. The CDC believes at this time that symptoms appear two to fourteen days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19.

The number of reported cases of COVID-19 has escalated dramatically over a short period of time. To date, worldwide there are over 125,000 confirmed cases of COVID-19 and over 4,600 deaths from COVID-19. Cases of COVID-19, though concentrated in China, have been reported in 122 counties, including the United States. Confirmed cases of COVID-19 include individuals who never visited China. Transmission from an asymptomatic individual has been documented. The World Health Organization has declared the outbreak to be a global health emergency.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California.

**DECLARATION OF LOCAL HEALTH EMERGENCY
REGARDING NOVEL CORONAVIRUS (COVID-19)**

There are now almost 200 confirmed cases in California spanning 24 counties, and 4 deaths have been reported in California due to COVID-19.

Local public health emergencies due to the threat posed by COVID-19 have been declared by the Counties of Santa Clara, San Diego, San Francisco, Orange, Solano, Alameda, Sonoma, Marin, Placer, Los Angeles, Mendocino, Butte, San Bernardino, San Benito, Yolo, Monterey, San Mateo, Yuba, Sutter, Contra Costa, Humboldt, Lake, and Sacramento, and by numerous California cities and Indian Tribes.

Tulare County has a population of over 450,000 residents, many of whom travel frequently for business or personal reasons. As of March 11, 2020 there are 939 total cases of COVID-19 in the United States and 29 deaths. 41 states have reported cases.

WHEREAS, on March 11, 2020, a Tulare County resident tested positive for COVID-19; and

WHEREAS, based on the experience of other California communities, it can reasonably be expected that other positive tests will soon follow; and

WHEREAS, the Health Officer of the County of Tulare does hereby find that there is an imminent and proximate threat to public health from the introduction of COVID-19 in Tulare County; and

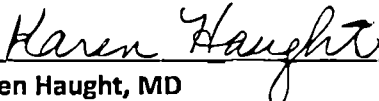
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

NOW, THEREFORE, the Health Officer of the County of Tulare hereby proclaims and declares that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by COVID-19.

Date: March 11, 2020

Time: 10:50 pm

Issued by:



Karen Haught, MD
County Health Officer
County of Tulare
Health & Human Services Agency
Public Health Branch

Approved as to Form:
COUNTY COUNSEL

By /s/Jennifer M. Shiffert
Deputy
Matter No. 2020217

Jlk/03-11-2020/2020217/1444044.DOCX



TULE RIVER INDIAN TRIBE OF CALIFORNIA

IN THE MATTER OF:

Resolution to Formally Declare a State of
Emergency for the Tule River Tribe of The)
Tule River Reservation of California)

RESOLUTION NO. FY2020-100

BE IT RESOLVED BY THE COUNCIL OF THE TULE RIVER INDIAN TRIBE:

WHEREAS, the Tule River Indian Tribe (the "Tribe") is a federally recognized Indian tribe organized pursuant to the Constitution and Bylaws of the Tule River Indian Tribe approved January 15, 1936 ("Constitution"); and

WHEREAS, pursuant to Article III, Section 1 of the Constitution the governing body of the Tribe is the Tribal Council and pursuant to Article VI, Section 1 of its Constitution it has the power to promulgate ordinance for the purpose of safeguarding the peace and safety of residents of the reservation and to adopt resolutions regulating the procedure of tribal agencies of the reservation; and

WHEREAS, On March 4th 2020, a proclaimed State of Emergency exists in the State of California, as result of the threat of COVID-19; and

WHEREAS, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS, for the safety and protection of the public health within the jurisdiction of the Tribe for the Tribe and/or its governmental agencies to obtain emergency support and funding from Federal, state and local agencies; and

WHEREAS, the Tule River Tribal Council desires to consider state and local recommendation deemed necessary in the interests of the public health, issue guidance limiting or recommend limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved thereby constituting a force majeure; and

WHEREAS, in the interest of public health and safety, it is necessary to exercise my authority under Constitution of the governing body of the Tribe to ensure adequate response and address potential issues related to the threat of COVID-19; and

NOW THEREFORE BE IT RESOLVED, the Tribal Council hereby declares a State of Emergency for the safety and protection of the public health within the jurisdiction of the Tribe for the Tribe and/or its governmental agencies to obtain emergency support and funding from Federal, state and local agencies

Page 2.

Resolution No. FY2020-100

BE IT FURTHER RESOLVED that this resolution has not been amended or rescinded in any way.

CERTIFICATION

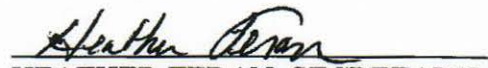
UPON MOTION OF COUNCIL MEMBER **Zachary Janoko** SECONDED BY COUNCIL MEMBER **Steve M. Peyron, Jr.**, THE FOREGOING WAS ADOPTED BY THE TULE RIVER TRIBAL COUNCIL AT A DULY CALLED MEETING HELD ON **Friday, March 13, 2020**, AT WHICH A QUORUM WAS PRESENT BY THE FOLLOWING VOTES:

AYES: 8

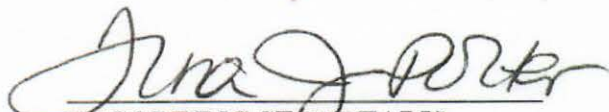
NOES: 0

ABSTAIN 0


NEIL PEYRON, CHAIRMAN
TULE RIVER TRIBAL COUNCIL


HEATHER TERAN, SECRETARY
TULE RIVER TRIBAL COUNCIL

ATTEST TO:


RECORDING SECRETARY

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

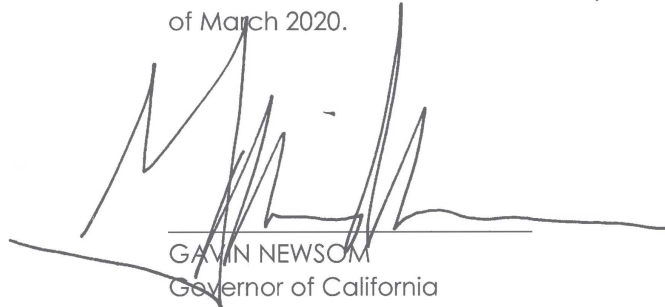
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED 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.

This 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.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 12th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This 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 proclamation 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 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-32-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS in the past two years, the State of California has allocated \$1.15 billion to local partners through the Homeless Emergency Aid Program and the Homeless Housing, Assistance, and Prevention Program, funding intended to provide for a variety of programs and facilities aimed at combatting homelessness; and

WHEREAS on March 17, 2020, I signed Senate Bill 89, emergency legislation that authorizes \$500 million in immediately available funding to help California fight COVID-19 for any purpose related to the March 4, 2020 proclamation of a State of Emergency, including to support local governments to protect the health and safety of homeless populations, reduce the spread of COVID-19 in homeless populations, and provide safe beds for people experiencing homelessness; and

WHEREAS the emergency of COVID-19 necessitates a more focused approach, including emergency protective measures to bring unsheltered Californians safely indoors, expand shelter capacity, maintain health and sanitation standards and institute medically indicated interventions, and add new isolation and quarantine capacity to California's shelter and housing inventory to slow the spread of the pandemic; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

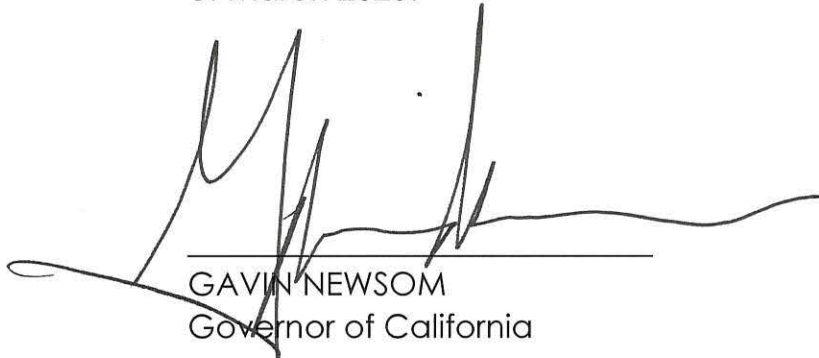
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing guidance from the Department of Public Health on hand and respiratory hygiene and protective congregate living protocols, and providing isolation and quarantine capacity, that part is suspended.

- 2) To the limited extent that any part of Health & Safety Code section 50219, subdivision (c), restricts a local jurisdiction from expending Homeless Housing, Assistance, and Prevention Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through expanding shelter and housing services and capacity, that part is suspended.
- 3) Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020.

IT IS FURTHER ORDERED 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.

This 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.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 18th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED 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.

This 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.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:



ALEX PADILLA
Secretary of State



On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

In accordance with this order, the State Public Health Officer has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

HEALTHCARE / PUBLIC HEALTH

Sector Profile

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

Essential Workforce

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response.
- Health care providers and caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists).
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, cannabis retailers).
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, [personal care/hygiene products](#), and tissue and paper towel products.

- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Behavioral health workers (including mental and substance use disorder) responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or substance use disorder services.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers that manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers conducting research critical to COVID-19 response.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
- Pharmacy employees necessary for filling prescriptions.
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral health services to the family members, responders, and survivors of an incident.
- Workers supporting veterinary hospitals and clinics

EMERGENCY SERVICES SECTOR

Sector Profile

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such

as industrial fire departments, private security organizations, and private emergency medical services providers.

Essential Workforce - Law Enforcement, Public Safety and First Responders

- Including front line and management, personnel include emergency management, law enforcement, Emergency Management Systems, fire, and corrections, search and rescue, tactical teams including maritime, aviation, and canine units.
- Emergency Medical Technicians
- Public Safety Answering Points and 911 call center employees
- Fusion Center employees
- Fire Mitigation Activities
- Hazardous material responders and hazardous devices teams, from government and the private sector.
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.
- Private security, private fire departments, and private emergency medical services personnel.
- County workers responding to abuse and neglect of children, elders and dependent adults.
- [Animal control officers and humane officers](#)

Essential Workforce - Public Works

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, [construction material suppliers](#), traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste.

FOOD AND AGRICULTURE

Sector Profile

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sectors is critical to maintaining and securing our food supply.

Essential Workforce

- Workers supporting groceries, pharmacies, and other retail that sells food and beverage products, including but not limited to Grocery stores, Corner stores and convenience stores, including liquor stores that sell food, Farmers' markets, Food banks, Farm and produce stands, Supermarkets, Similar food retail establishments, Big box stores that sell groceries and essentials
- Restaurant carry-out and quick serve food operations – including food preparation, carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution (including curbside distribution and deliveries), including warehouse workers, vendor-managed inventory controllers, blockchain managers, distribution
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Workers supporting cannabis retail and dietary supplement retail
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products

- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

ENERGY

Sector Profile

The Energy Sector consists of widely-diverse and geographically-dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power, except for hydroelectric and commercial nuclear power facilities and pipelines. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

Essential Workforce - Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data
- Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Essential Workforce - Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services

- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

Essential Workforce - Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers
- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

WATER AND WASTEWATER

Sector Profile

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

Essential Workforce

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring

- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide-variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including commercial motorcoaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of coastline, ports, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.

Essential Workforce

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Sector Profile

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involve both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and

switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

Essential Workforce - Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Essential Workforce - Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and

information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

Essential Workforce

- Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
- County workers responsible for determining eligibility for safety net benefits
- The Courts, consistent with [guidance](#) released by the California Chief Justice
- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
- Workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors

- Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures, including measures to protect homeless populations.
- Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, [construction material sources](#), and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste)
- Commercial Retail Stores, that supply essential sectors, including convenience stores, pet supply stores, auto supplies and repair, hardware and home improvement, and home appliance retailers
- Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around social distancing.
- Workers critical to operating Rental Car companies that facilitate continuity of operations for essential workforces, and other essential travel
- Workers that provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
- Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services
- Faith based services that are provided through streaming or other technology
- Laundromats and laundry services
- [Workers at animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals.](#)

CRITICAL MANUFACTURING

Sector Profile

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

Essential Workforce

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

HAZARDOUS MATERIALS

Essential Workforce

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

FINANCIAL SERVICES

Sector Profile

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

Essential Workforce

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the end product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products

Essential Workforce

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

Sector Profile

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing

incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

Essential Workforce

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This 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 proclamation 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 27th day of March 2020.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-39-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, COVID-19 continues to spread at a rapid rate, threatening to overwhelm California's healthcare delivery system; and

WHEREAS California is preparing for a surge in the number of people who will need hospital care during the COVID-19 outbreak by increasing the number of hospital beds and post-acute care facilities that can treat and serve patients; and

WHEREAS this anticipated increase in the use of the healthcare system will require an increase in the health care workforce such as nurses, doctors, medical assistants, and emergency medical technicians; and

WHEREAS maximizing the number of qualified and capable medical and healthcare workers in service in California is imperative to ensure that Californians impacted by COVID-19 can access medical treatment; and

WHEREAS, the anticipated surge requires temporary adjustment of California's staffing and health and safety standards for health providers and health facilities, which are among the strongest in the nation, as numerous professionals are unable to satisfy professional licensing requirements in light of the COVID-19 pandemic that then subsequently prevent them from providing necessary medical and healthcare assistance to the public; and

WHEREAS, our most vulnerable residents who rely on state and local government for social services need additional support during this time; and

WHEREAS the Department of Developmental Services operates Stabilization, Training, Assistance and Reintegration (STAR) community crisis homes to treat individuals with developmental disabilities in acute crisis and additional STAR homes are required to provide treatment to such individuals and to protect the public health during the COVID-19 crisis; and

WHEREAS federal guidance permits monthly caseworker visits with children under court jurisdiction to be accomplished through videoconferencing in limited circumstances, such as a declaration of an emergency that prohibits or strongly discourages face-to-face contact for public health reasons; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To assist in the care and/or to protect the health of individuals in hospitals and other health facilities, and due to the COVID-19 outbreak, the director of the State Department of Public Health may, to the extent necessary and only for the duration of the declared emergency, waive any of the licensing and staffing requirements of chapters 2 and 2.4 of division 2 of the Health and Safety Code and any accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat patients while protecting public health and safety. To the extent the facility maintains a disaster and mass casualty plan, the facility granted a waiver shall be established and operate in accordance with that plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
- 2) To facilitate the continued provision of care due to the COVID-19 outbreak, the director of the State Department of Public Health may, to the extent necessary and only for the duration of the declared emergency, waive any of the professional licensing and certification requirements and amend scopes of practice of chapters 2, 2.35, and 8 of division 2 of the Health and Safety Code and any accompanying regulations with respect to certified nursing assistants, home health aides, and nursing home administrators, and chapter 3, division 2 of the Business and Professions Code and accompanying regulations with respect to certified hemodialysis technicians. The Department shall provide guidance to facilities directing the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat patients while protecting public health and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
- 3) The certification and permitting requirements of the Radiologic Technology Act (as identified in Health and Safety Code section 27) are, only for the duration of the declared emergency, suspended for all persons:
 - (i) whose certificate or permit issued pursuant to the Radiological Technology Act is expired, regardless of expiration date, or has been canceled; or
 - (ii) who hold Radiography certification issued by the American Registry of Radiologic Technologists or are an American Registry of Radiologic Technologists Registered Radiologist Assistant; or
 - (iii) who are credentialed as Radiology Practitioner Assistants by the Certification Board for Radiology Practitioner Assistants; or

- (iv) who are certified, permitted or otherwise authorized to perform radiologic technology by passing a State-required examination by a state other than the State of California; and
- (v) who are working under the supervision of a person licensed under the Medical Practice Act, except that the requirement to be under supervision shall not apply to a licentiate of the healing arts, as defined in the Radiological Technology Act; and
- (vi) who are deemed by a health facility as necessary workforce for purposes of this Order.

The specific certification requirements of Health and Safety Code section 107110 are suspended for any person who is licensed under the Medical Practice Act (Business and Professions Code sections 2000, et seq.). Except for persons licensed under the Medical Practice Act, this suspension of certification and permitting requirements shall not apply to persons who have never been either certified or permitted by the Department of Public Health, or certified, permitted, or otherwise authorized by the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or any other state. This suspension of certification and permitting requirements shall also not apply to persons whose certificate, permit, or other authorization has been revoked or suspended for cause by the Department of Public Health, the American Registry of Radiologic Technologists, the Certification Board for Radiology Practitioner Assistants, or any other state.

- 4) To ensure hospitals are adequately prepared and staffed to treat COVID-19 patients, the Director of the State Department of Public Health may temporarily waive licensing requirements in Health and Safety Code section 1277 and sections 70203(a)(2), 70701(a)(1)(E), 70703(b), and 70705(a) of Chapter 1, Article 3, of Title 22, that pertain to the credentialing and privileging of physicians. Any waiver shall include alternate measures that, under the circumstances, ensure the competency of physicians providing medical services at the hospital.
- 5) To facilitate the continued provision of care to individuals affected by the COVID-19 outbreak, the Director of the Department of Consumer Affairs may to the extent necessary and only for the duration of the declared emergency, waive any of the professional licensing requirements and amend scopes of practice in Division 2 of the Business and Professions Code, and any accompanying regulations. Professional licensing requirements should be interpreted broadly to effectuate the purposes of this executive order, and they include, but are not limited to, the examination, education, experience, and training requirements necessary to obtain and maintain licensure, and requirements governing the practice and permissible activities for licensees. The Department, in conjunction with the relevant licensing board, shall provide guidance identifying the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waiver may include alternative measures that, under the circumstances, will allow the regulated individual to treat patients while protecting public health

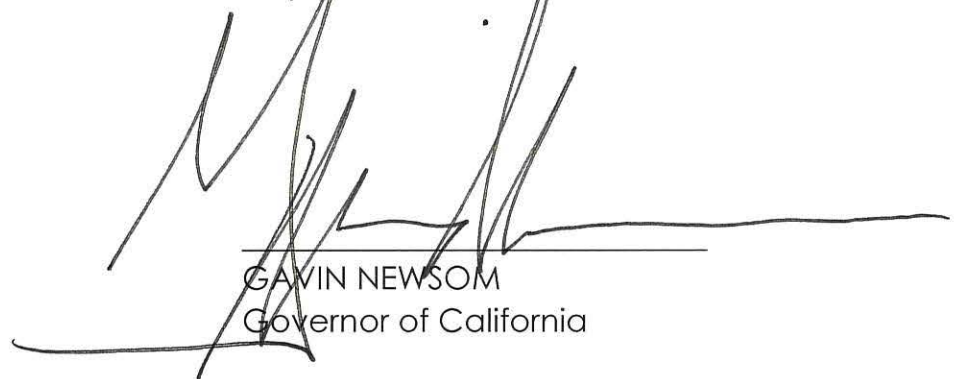
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 6) To ensure the continued operation of the Emergency Medical Services (EMS) system without unduly endangering the people of California during the COVID-19 outbreak, the Director of the California Emergency Medical Services Authority may as necessary and only for the duration of the declared emergency, suspend any licensing, certification, or training requirements for EMS personnel as contained in the EMS Act Chapters 2, 3, and 4, and accompanying regulations, including the authority to permit EMS personnel to provide services in any setting as authorized by the Director for the performance of the current scope of practice. The Authority shall provide guidance to local emergency medical services authorities directing the appropriate qualifications and scope of practice for each classification operating under a waiver based on sound clinical guidelines and the individual's training, education, and work experience. Any waivers granted pursuant to this paragraph shall be posted on the Authority's website.
- 7) Notwithstanding the Government Code section 14669, or any other law, the Director of the Department of Developmental Services has the authority to enter into a lease, lease-purchase, lease with option to purchase any real or personal property or any other agreement to procure residences or facilities and necessary equipment, goods or services to serve those individuals with development disabilities in crisis, to respond to, mitigate the effects or prevent the spread of COVID-19 to individuals with developmental disabilities or the general community. The leases or agreements may be executed without the review or prior approval of any other state department or agency. The leases or agreements executed pursuant to this provision shall be in effect so long as necessary to address the COVID-19 crisis or its effects.
- 8) The Department of Social Services may, to the extent the Department deems necessary to respond to the COVID-19 crisis, allow any state monthly face-to-face caseworker visitation requirement, standard, or criteria set forth in the Welfare and Institutions Code sections 16501.1, subdivision (l), 16516.5, and 16516.6, as well as accompanying regulations or other written directives, policies or procedures, to be accomplished through videoconferencing, instead of in-person contact. This flexibility shall only be utilized by caseworkers in keeping with guidance from the Department and after a child-specific decision based on the training and experience of the social worker, considering all available information, that an in-person visit is not necessary to ensure the child's safety and well-being. Any flexibility granted pursuant to this paragraph shall not waive or conflict with applicable federal requirements in United States Code, Title 42, sections 622, subdivision (b)(17) and 624, subdivision (f), as modified for emergency waivers in guidance issued March 18, 2020, in the Child Welfare Policy Manual Title IV-B, section 7.3, question 8 and shall expire at the end of the emergency declaration, in 90 days, or sooner as determined by the Department. Any flexibility granted pursuant to this paragraph shall be posted to the Department's website.

IT IS FURTHER ORDERED 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.

This 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.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State