



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 21, 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 21, 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 54956.8 – Conference with Real Property
Negotiators/Property: APN: 253-186-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Harold W. Lansford and Zelma Q. Lansford, Trustees of the Lansford Family Trust Dated December 13, 1994. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: 518 Union Avenue, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Mosa Almontaser. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organizations: Unrepresented Management Employees.
- 4** - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) case regarding April 15, 2020, correspondence received from Patrick Greene concerning the cross at Murry Park; and two (2) cases in which facts are not yet known to potential plaintiffs.

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

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

Pledge of Allegiance Led by Vice Mayor Reyes
Invocation

REPORTS

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

City Commission and Committee Meetings

1. No City Commission or Committees Meetings have been held due to the COVID-19 crisis.

AB 1234 REPORTS

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

1. Tulare County Task Force on Homelessness - April 15, 2020
2. San Joaquin Valley Air Pollution Control District (SJVAPCD) Governing Board - April 16, 2020
3. Tulare County Association of Governments (TCAG) / TCAG Transportation Authority - April 20, 2020

Staff Informational Reports

Water Conservation Phase IV Status Update
Proclamation Acceptance and Issuance 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.

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. **Request for Approval to Purchase Sophos Endpoint Advanced with Intercept X**
Re: Consideration to approve the purchase of Sophos Endpoint Advanced with Intercept X from GovConnection, Inc. for three (3) years at a cost of \$22,778.91 plus the applicable sales tax.
2. **Approve Amendment No. 1 to Federal Transit Administration Award CA-90-Z116-00 and Authorize the Purchase of Transit Vehicles**
Re: Considering approval of a draft Resolution authorizing staff to prepare and submit an amendment to FTA Grant Award CA-90-Z116; authorize the purchase of nine (9) Braun Class D vehicles from Creative Bus Sales in an amount not to exceed \$455,577.03; and authorizing the purchase of 2-ways radios, vehicle wraps and labeling, and fare system equipment in an amount not to exceed \$44,422.97.
3. **Authorization for Repair of Streets Loader**
Re: Authorization to purchase a replacement front axle for the Streets Division loader at a cost not to exceed \$31,424.
4. **Authorization to Repair City Wells No. 17 and No.18**
Re: Considering approval for repair of City Wells 17 and 18, with an initiation of a Purchase Order and payment to Mario Sagredo Electrical in an amount not to exceed \$26,660.
5. **Acceptance of project - Two (2) Compressed Natural Gas (CNG) Refuse Trucks**
Re: Consideration to accept the project as complete for the acceptance of the two (2) Compressed Natural Gas (CNG) Refuse Trucks.
6. **Acceptance of Project - Demolition of the City Library Located at 41 W Thurman Avenue**
Re: Considering acceptance of project from Bowen Engineering & Environmental; authorize the filing of the Notice of Completion for the project consisting of demolition of the City Library located at 41 W. Thurman Avenue; and reallocate the remaining monies from the demolition and authorize an additional \$1,538.11 of the insurance proceeds for the installing of seven (7) foot tall fencing meeting the Downtown Design Guidelines.
7. **Authorization to Execute Consultant Agreement - Engineering Services for Pavement Management Update Implementation & Asset Management Development**
Re: Consideration to execute the Consultant Service Agreement, upon approval by the City Attorney, with IMS in the amount not to exceed \$399,295.
8. **Approval of SB1 Project List for Fiscal Year 2020/2021**
Re: Consideration to approve draft Resolution for the SB1 project list for Fiscal Year 2020/21; and authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2020/2021 Road Maintenance and Rehabilitation Account (RMRA) appointment.
9. **Amendment to Employee Pay & Benefit Plan - Unrepresented Management Employees within the Fire Department**
Re: Consideration approval of the draft Resolution amending the Employee Pay & Benefit Plan for Unrepresented Fire Department personnel.
10. **Status and Review of Local Emergency: Drought**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

ADMINISTRATIVE HEARINGS

11. **Appeal of Zoning Administrator Determination 2020-001 - Authentic Porterville**
Re: Consideration of the appeal consistent with the Request for Proposals for a Cannabis Business Operating Permit for Retail Dispensary.

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

PUBLIC HEARINGS

12. **Central Mutual Water Company Consolidation and Associated Entitlements**
Re: Consideration to resume the Public Hearing from April 7, 2020 City Council meeting; adopt draft Resolution approving the Mitigated Negative Declaration; adopt draft Resolution to approve Annexation 484, including an amendment to the Urban Development Boundary; and adopt draft Resolution establishing an agreement to consolidate the Central Mutual Water Company.
13. **Adoption of the 2020 Five-Year Consolidated Plan and 2019-2020 Action Plan for Investment of Community Development Block Grant (CDBG) Entitlement Funds**
Re: Consideration to conduct a Public Hearing on the proposed 2020 Five-Year Consolidated Plan and 2020/21 Action Plan; and adopt the draft Resolution approving the 2020 Five-Year Consolidated Plan and 2020/21 Action Plan.
14. **Public Hearing to Consider Transitioning Into Phase III of the City's Water Conservation Plan**
Re: Consideration of the transition from Phase IV to Phase III of the City's Water Conservation Plan.

SCHEDULED MATTERS

15. **Federal CARES Act Community Development Block Grant (CDBG) Funding Options**
Re: Consideration to receive direction from the City Council on the use of the CDBG-CV grant.
16. **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 May 5, 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.



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community. The City transitioned from Phase III to Phase IV of the City's Water Conservation Plan as of December 1, 2019. The Water Conservation Plan applies to all municipal water users within or outside city limits. As part of the Phase IV plan, the City reduced outdoor watering to one day per week watering schedule based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. The Phase IV plan limits outdoor watering to one (1) day per week, with "odd" addresses allowed watering on Saturday and "even" addresses allowed watering on Sunday. Outdoor 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 through Friday. Watering of outdoor landscaping is prohibited during, and within 48 hours after, measurable rainfall which is now defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by Ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of March 2020 show that a total of 83 Notice of Violations were issued for water wasting, and 0 Administrative Citations were issued.

Water production for March 2020 shows a 19% increase from the 5-year average. The production for the month of March 2020 was 196 million gallons, which when compared to the production for the month of March 2013 of 209 million gallons, equates to a 6.18% decrease. Residential consumption for March 2020 was 61.72 gallons per capita per day (GPCD).

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

June 2015 through March 2020. Porterville's cumulative total production conservation through March 2020 is 21.78%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through March 2020. Porterville's cumulative total GPCD conservation through March 2020 is 26.3%.

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

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

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Monthly Production Status March 2020
2. Monthly Production Status GPCD March 2020
3. Drought Response Phase IV Flyer

Appropriated/Funded:

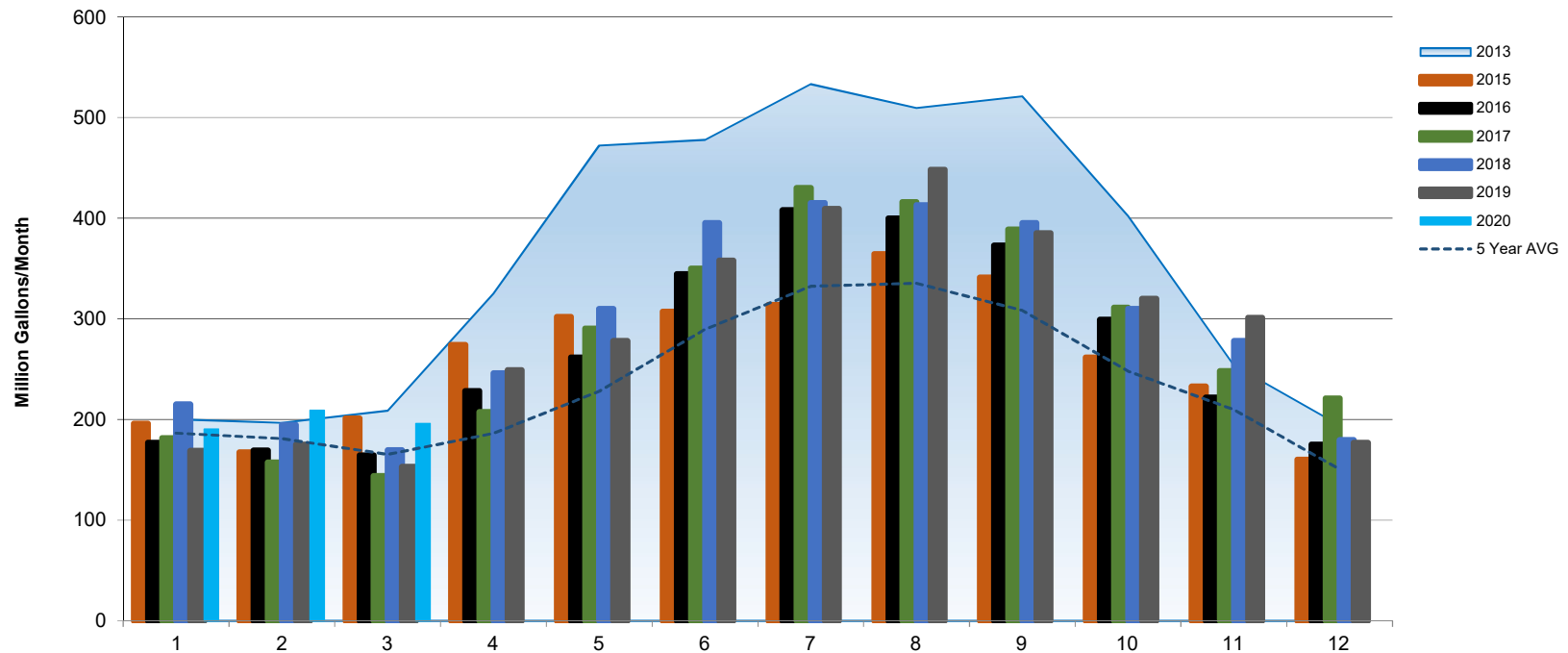
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

**Monthly Production Status & Cumulative Total June 2015 Through
March 2020 Production Comparison to 2013 & 5 Year Average**

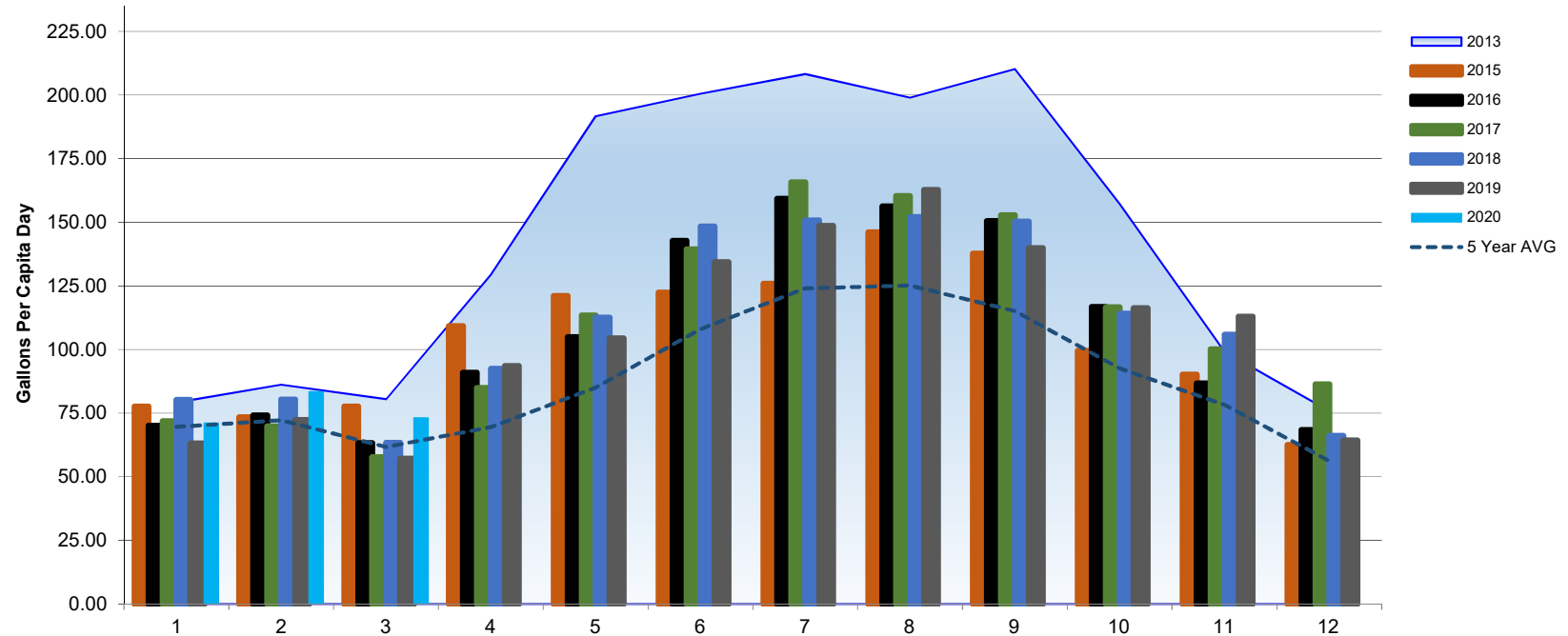


Production Cumulative Total 21.8%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	1%	-7%	-13%	-29%	-39%	-26%	-25%	-24%	-29%	-27%	7%	-13%
2019	-16%	-11%	-27%	-23%	-41%	-25%	-23%	-12%	-26%	-20%	19%	-9%
2020	-5%	6%	-6%									

Percent Comparison to 2013 Production

Monthly Production Status & Cumulative Total June 2015 Through March 2020 Gallon Per Capita Day Comparison to 2013 & 5 Year Average



GPCD

Cumulative Total 26.3%

2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
2018	1%	-7%	-21%	-29%	-41%	-26%	-28%	-24%	-29%	-27%	7%	-13%
2019	-20%	-16%	-29%	-28%	-46%	-33%	-29%	-18%	-33%	-26%	14%	-15%
2020	-21%	-19%	-10%									

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase IV

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE IV

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

Mandatory Odd/Even Watering Schedule

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

- Odd Address
- Even Address
- Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

**NO WATERING
MONDAY THROUGH
FRIDAY.**



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Proclamation Acceptance and Issuance Report

SOURCE: Administrative Services

COMMENT : In accordance with City Council direction, staff is providing a report on Proclamation Requests that were accepted and issued during the month of March 2020. For the period of March 1 to March 31, 2020, the following request was accepted and issued.

Date	Name of Organization	Name of Event/Proclamation
March 17, 2020	City of Porterville: Community Development Department	2020 Census

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Proclamation: 2020 Census

Appropriated/Funded:

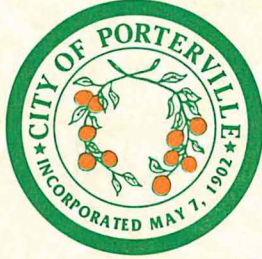
Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

City of Porterville



Proclamation

WHEREAS: The U.S Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS: The City of Porterville is committed to ensuring every resident is counted; and

WHEREAS: Federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

WHEREAS: Census data helps determine how many seats each state will have in the U.S House of Representatives and is necessary for the accurate and fair redistricting of state legislative seats, county and city councils and voting districts; and

WHEREAS: Information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

WHEREAS: The information collected by the census is confidential and protected by law; and

WHEREAS: A united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;

NOW, THEREFORE, I, Martha A. Flores, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim that the City of Porterville is committed to partnering with the U.S Census Bureau and the State of California and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage all residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Provide Census advocates to speak to City, County and Community Organizations.
4. Support census takers as they help the region of southern eastern Tulare County complete an accurate count.
5. Strive to achieve a complete and accurate count of all persons within the region of southern eastern Tulare County and specifically within the city limits of the City of Porterville.

PROCLAIMED this 17th day of March, 2020.

Martha A. Flores,
Mayor

A. Monte Reyes,
Vice Mayor

Virginia Gurrola,
Council Member





CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Request for Approval to Purchase Sophos Endpoint Advanced with Intercept X

SOURCE: Finance

COMMENT: The Finance Department-Information Technology (IT) Division would like to purchase Sophos Endpoint Advanced with Intercept X. The City currently utilizes Trend Micro Smart Protection Complete Security Suite to protect workstations and servers, and to filter e-mail traffic. The City's three-year subscription to Trend Micro will expire in May 2020 and the cost to renew the subscription is \$43,078, which includes fifty (50) additional licenses and the addition of Trend Micro's Endpoint Detection & Response (EDR) module.

Staff reviewed other alternative solutions and respective costs and found Sophos Endpoint to be the best solution with the most reasonable price for the City. Acquiring Sophos will provide compatible PC and server protection and better Endpoint Detection & Response technology called Intercept X. It will allow staff to manage the City's Sophos XG-330 firewall appliances and the Endpoint software installed on PC's and servers under one (1) console.

Staff received the following quotes:

Crowdstrike Falcon Control CDW-G \$25,270

Trend Micro Smart Protect GovConnection, Inc \$43,078

Sophos Central Intercept X GovConnection, Inc \$22,779

Staff recommends the purchase of Sophos Endpoint Advanced with Intercept X for three (3) years at a cost of \$22,779 plus the applicable sales tax. Funds are available in the IT Division's General Fund operating budget.

RECOMMENDATION: That the City Council approve the purchase of Sophos Endpoint Advanced with Intercept X from GovConnection, Inc. for three (3) years at a cost of \$22,778.91 plus the applicable sales tax.

ATTACHMENTS:

1. Sophos Quote
2. CDW-G Crowdstrike Quote
3. Trend Micro Quote

Appropriated/Funded:

Review By:

Item No. 1.

Department Director:

Final Approver: John Lollis, City Manager



ORDERING INFORMATION
GovConnection, Inc. DBA Connection

Please contact your account manager with any questions.

Ordering Address
GovConnection, Inc.
732 Milford Road
Merrimack, NH 03054

Remittance Address
GovConnection, Inc.
Box 536477
Pittsburgh, PA 15253-5906

Please reference the Contract # on all purchase orders.

TERMS & CONDITIONS

Payment Terms:	NET 30 (subject to approved credit)
FOB Point:	DESTINATION (within Continental US)
Maximum Order Limitation:	NONE
FEIN:	52-1837891
DUNS Number:	80-967-8782
CEC:	80-068888K
Cage Code:	OGTJ3
Business Size:	LARGE
Erate Spin Number:	143026005

WARRANTY: Manufacturer's Standard Commercial Warranty

NOTE: It is the end user's responsibility to review, understand and agree to the terms of any End User License Agreement (EULA).

Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Company's Standard Terms of Sale, which describe important legal rights and obligations. You may review the Company's Standard Terms of Sale on the Company's website: www.govconnection.com or you may request a copy via fax, e-mail, or mail by calling your account representative. The only exception to this policy is if your order is being placed under any one of our many national, state, educational or cooperative Agreements, in which case the Terms and Conditions of your Purchase Order are already pre-negotiated and stated in that Agreement. No other Terms and Conditions shall apply and any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. Please refer to our Quote Number in your order.

If you require a hard copy invoice for your credit card order, please visit the link below and click on the Proof of Purchase/Invoice link on the left side of the page to print one: <https://www.govconnection.com/web/Shopping/ProofOfPurchase.htm>

Please forward your Contract or Purchase Order to:

SLEDOPS@connection.com

QUESTIONS: Call 800-800-0019

FAX: 603.683.0374

SALES QUOTE

GovConnection, Inc.
732 Milford Road
Merrimack, NH 03054

Account Executive: Daphne Hawkins
Phone:
Fax:
Email: daphne.hawkins@connection.com

Account Manager:
Phone:
Fax:
Email:

24989732.04-W1

PLEASE REFER TO THE ABOVE
QUOTE # WHEN ORDERING

Date: 4/13/2020
Valid Through: 5/13/2020
Account #: Tulare

Customer Contact: Ted Williams
Email: twilliams@ci.porterville.ca.us

Phone: (559) 782-7439
Fax:

QUOTE PROVIDED TO:	SHIP TO:
City of Porterville Ted Williams 291 N Main St Porterville, CA 93257-3737 (559) 782-7439	City of Porterville Ted Williams 291 N Main St Porterville, CA 93257-3737 (559) 782-7439

DELIVERY	FOB	SHIP VIA	SHIP WEIGHT	TERMS	CONTRACT ID#
5-30 Days A/R/O	Destination	Small Pkg Ground Service Level	.00 lbs	NET 30	

Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Company's Standard Terms of Sale, which describe important legal rights and obligations. You may review the Company's Standard Terms of Sale on the Company's website: www.govconnection.com, or you may request a copy via fax, e-mail, or mail by calling your account representative. The only exception to this policy is if your order is being placed under any one of our many national, state, educational or cooperative Agreements, in which case the Terms and Conditions of your Purchase Order are already pre-negotiated and stated in that Agreement. No other Terms and Conditions shall apply and any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. Please refer to our Quote Number in your order.

* Line #	Qty	Item #	Mfg. Part #	Description	Mfg.	Price	Ext
1	350		CAEI3GSAA	CENTRAL INTERCEPT X ADVANCED CLDS WITH EDR 200-499U 36 MO GOV SOPHOS MM ENT NON UTM	SOPHOS MM ENT NON UTM	\$ 37.30	\$ 13,055.00
2	49		CSIF3GSAA	CENTRAL INTERCEPT X ADVANCED CLDS SVR WITH EDR 25-49 SVR 36MO GOV SOPHOS MM ENT NON UTM	SOPHOS MM ENT NON UTM	\$ 89.09	\$ 4,365.41
3	350		CAMI3CSAA	3YR CENTRAL EMAIL ADVANCED CLDS 200-499U SOPHOS MM ENT NON UTM	SOPHOS MM ENT NON UTM	\$ 15.31	\$ 5,358.50
						Subtotal	\$ 22,778.91
						Fee	\$ 0.00
						Shipping and Handling	\$ 0.00
						Tax	\$ 2,107.05
						Total	\$ 24,885.96

QUOTE CONFIRMATION



DEAR TED WILLIAMS,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LHNH037	3/13/2020	FALCON PRO 3YR	0657199	\$26,256.49

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<u>CROWDSTRIKE FALCON EPP PRO BNDL 3Y</u> Mfg. Part#: CS.EPPPROBDL.SOLN.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	365 350	5979704	\$65.77	\$24,006.05
<u>CROWDSTRIKE FLGN PREV NGTAV B3</u> Mfg. Part#: CS.PREVENT.SOLN.T3.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	365 350	5038239	\$0.00	\$0.00
<u>CROWDSTRIKE CONTROL & RESPOND</u> Mfg. Part#: CS.CONRESP.SOLN.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	365 350	5536964	\$0.00	\$0.00
<u>CROWDSTRIKE FALCON X 3Y T3</u> Mfg. Part#: CS.FALCONX.SOLN.T3.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	365 350	5415598	\$0.00	\$0.00
<u>Falcon Device Control - subscription license (3 years) - 1 license</u> Mfg. Part#: CS.DEVICE.SOLN.T3.36M UNSPSC: 43233203 Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	365 350	5309135	\$0.00	\$0.00
<u>CROWDSTRIKE EXP SUP</u> Mfg. Part#: RR.HOS.ENT.EXPS.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	1	4914896	\$2,250.44	\$2,250.44
<u>CROWDSTRIKE UNIV LMS SUB 3Y</u> Mfg. Part#: RR.PSO.ENT.NCAP.36M Electronic distribution - NO MEDIA Contract: California NVP Software (ADSP016-130652 7-16-70-37)	1	5516599	\$0.00	\$0.00

23,019.50

PURCHASER BILLING INFO	SUBTOTAL	\$26,256.49
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25,269.94

Billing Address: CITY OF PORTERVILLE PURCHASING DIV. 291 N MAIN ST PORTERVILLE, CA 93257-3737 Phone: (559) 782-7451 Payment Terms: Net 30 Days-Govt State/Local	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$26,256.49
DELIVER TO Shipping Address: CITY OF PORTERVILLE TED WILLIAMS 291 N MAIN ST PORTERVILLE, CA 93257-3737 Phone: (559) 782-7451 Shipping Method: ELECTRONIC DISTRIBUTION	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

25,269.44

Need Assistance? CDW•G SALES CONTACT INFORMATION			
	David Fiester	(877) 898-4582	daviefie@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager
© 2020 CDW•G LLC, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239

SALES QUOTE

GovConnection, Inc.
732 Milford Road
Merrimack, NH 03054

Account Executive: Daphne Hawkins
Phone:
Fax:
Email: daphne.hawkins@connection.com

24981132.01-W1

PLEASE REFER TO THE ABOVE
QUOTE # WHEN ORDERING

Date: 3/5/2020
Valid Through: 4/4/2020
Account #: Tulare

Account Manager:
Phone:
Fax:
Email:

Customer Contact: Ted Williams
Email: twilliams@ci.porterville.ca.us

Phone: (559) 782-7439
Fax:

QUOTE PROVIDED TO:	SHIP TO:
AB#: 14883782 CITY OF PORTERVILLE ACCOUNTS PAYABLE 291 N MAIN ST PORTERVILLE, CA 93257 (559) 782-7439	AB#: 14883783 CITY OF PORTERVILLE TED WILLIAMS 291 N MAIN ST PORTERVILLE, CA 93257 (559) 782-7439

DELIVERY	FOB	SHIP VIA	SHIP WEIGHT	TERMS	CONTRACT ID#
5-30 Days A/R/O	Destination	Small Pkg Ground Service Level	.00 lbs	NET 30	

Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Company's Standard Terms of Sale, which describe important legal rights and obligations. You may review the Company's Standard Terms of Sale on the Company's website: www.govconnection.com, or you may request a copy via fax, e-mail, or mail by calling your account representative. The only exception to this policy is if your order is being placed under any one of our many national, state, educational or cooperative Agreements, in which case the Terms and Conditions of your Purchase Order are already pre-negotiated and stated in that Agreement. No other Terms and Conditions shall apply and any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. Please refer to our Quote Number in your order.

* Line #	Qty	Item #	Mfg. Part #	Description	Mfg.	Price	Ext
1	300		CTRA0003	SMART PROTECT COMPLETE AE 251-500U RNWL Trend Micro	Trend Micro	\$ 24.61	\$ 7,383.00
2	300		CTRA0003	SMART PROTECT COMPLETE AE 251-500U RNWL Trend Micro	Trend Micro	\$ 24.61	\$ 7,383.00
3	300		CTRA0003	SMART PROTECT COMPLETE AE 251-500U RNWL Trend Micro	Trend Micro	\$ 24.61	\$ 7,383.00
4	300		WFRN0081	WORRY FREE ENDPT DET RESP 251+U RNWL Trend Micro	Trend Micro	\$ 16.31	\$ 4,893.00
5	300		WFRN0081	WORRY FREE ENDPT DET RESP 251+U RNWL Trend Micro	Trend Micro	\$ 16.31	\$ 4,893.00
6	300		WFRN0081	WORRY FREE ENDPT DET RESP 251+U RNWL Trend Micro	Trend Micro	\$ 16.31	\$ 4,893.00
7	65	50	CTTA0012	SMART PROT COMPLETE AE 251-500U 3YR NEW Trend Micro	Trend Micro	\$ 70.04	\$ 4,552.60
8	65	50	WFNN0163	WORRY FREE ENDPT DET RESP 251+U NEW Trend Micro	Trend Micro	\$ 18.32	\$ 1,190.80
9	65	50	WFRN0081	WORRY FREE ENDPT DET RESP 251+U RNWL Trend Micro	Trend Micro	\$ 18.32	\$ 1,190.80
10	65	50	WFRN0081	WORRY FREE ENDPT DET RESP 251+U RNWL Trend Micro	Trend Micro	\$ 18.32	\$ 1,190.80

Subtotal	\$ 44,953.00
Fee	\$ 0.00
Shipping and Handling	\$ 0.00
Tax	\$ 4,158.16
Total	\$ 49,111.16

3,502

916

916

916

43,078



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Approve Amendment No. 1 to Federal Transit Administration Award CA-90-Z116-00 and Authorize the Purchase of Transit Vehicles

SOURCE: Public Works

COMMENT: The City of Porterville executed a Federal Transit Administration (FTA) capital and operating assistance grant award, CA-90-Z116-00, on April 24, 2014. This grant is scheduled to be closed out by the end of Federal Fiscal Year 2020, which is September 30, 2020.

Due to immediate needs of the transit system, it is staff's recommendation to prepare and submit to the FTA Amendment No CA-90-Z116-01, which is a zero dollar amendment, for the purpose of changing a project scope. Staff is recommending changing an existing project scope (engineering and design of a maintenance facility), which has not started and will not be completed prior to the deadline, to purchase four (4) replacement and five (5) expansion Transit vehicles.

The federal share of the project is \$400,000 (80%) and a local match of \$100,000 (20%), for a total project budget of \$500,000.

As a member of the California Association For Coordinated Transportation (CALACT), the City has access to purchase a variety of transit vehicles from the CALACT/MBTA Purchasing Cooperative. The Cooperative provides a federal and California State compliant purchasing solution that allows the City to select the vehicles that best meet its transit needs. The Cooperative offers a variety of ADA-compliant vehicles from a low floor minivan to large cutaway vehicles.

It is staff's recommendation to purchase four (4) low floor minivans that will replace four (4) minivans that have reached the end of their useful life, and also purchase five (5) low floor minivans to expand the ADA paratransit fleet. Staff intends to temporarily use the new vehicles for the microtransit service until its electric vans have been delivered.

On April 3, 2020, the CALACT/MBTA Purchasing Cooperative awarded the City the attached Assignment to Purchase Agreement (Assignment #15-03-0463) for nine (9) Braun Class D Vehicle options to purchase from the Joint Procurement Cooperative at a price and under the terms and conditions contained in CALACT/MBTA Contract No 15-03 with the Contractors awarded to on the Procurement. Only those vehicles and optional features may be

Item No. 2.

purchased using the Solicitation and the purchase may only be from a Seller listed on the Schedule.

As noted in the Assignment, such ability to purchase commenced, per terms of Contract, on April 3, 2020, and may be exercised at any time on or before April 28, 2020. Pricing for this assignment is valid for Purchase Orders until April 28, 2020, the expiration date of the base period of the contract.

The City received the attached quotes from Creative Bus Sales, a qualified Seller listed on the Schedule. The two quotes are for the following:

<u>Quantity</u>	<u>Model</u>	<u>Price</u>
4 Replacement Vehicles	Braun Class D Minivan	\$202,478.68
5 Expansion Vehicles	Braun Class D Minivan	\$253,098.35

The total cost for the purchase of nine (9) Braun Class D Minivans is \$455,577.03

FTA Award CA-90-Z116-01 will provide capital assistance at a 85-percent federal share, which is \$387,240.48, the remaining 15-percent local match totaling \$68,336.55 will be paid by local transportation funds (LTF) that have already been programmed for the original project scope.

The remaining project balance of \$44,422.97 will be used for the purpose of purchasing 2-way radios, vehicle wraps and labeling, and fare system equipment.

RECOMMENDATION: That the City Council:

- 1) Authorize the Mayor sign the draft Resolution authorizing staff to prepare and submit an amendment to FTA Grant Award CA-90-Z116;
- 2) Authorize staff to purchase nine (9) Braun Class D vehicles from Creative Bus Sales for an amount not to exceed \$455,577.03;
- 3) Authorize staff to purchase 2-ways radios, vehicle wraps and labeling, and fare system equipment in an amount not to exceed \$44,422.97.

ATTACHMENTS:

1. Draft Resolution - Grant Amendment
2. CALACT Letter of Assignment
3. City of Porterville Class D - QTY 4
4. City of Porterville Class D - QTY 5
5. Braun Minivan Floor Plan 02-04-2019

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____ - 2020

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING AND AUTHORIZING
THE FIRST AMENDMENT TO AGREEMENT CA-90-Z116
WITH THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, the City of Porterville executed the Federal Transit Administration Grant Agreement CA-90-Z116 between the Federal Transit Administration and the City of Porterville on April 24, 2014;

WHEREAS, the City has an immediate need for transit vehicles and requests changing the project scope of designing and engineering a maintenance facility to the purchase of replacement and expansion vehicles; and

WHEREAS, the changing of a project scope requires an Amendment to the Federal Transit Administration Grant Agreement CA-90-Z116.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Porterville does hereby Authorize John Lollis, City Manager, or designee, to file and execute the First Amendment to Grant Agreement CA-90-Z116 between the Federal Transit Administration and the City of Porterville.

PASSED AND ADOPTED by the City Council of the City of Porterville, State of California, at a regular meeting of said Council held on April 21, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



4/3/2020

Richard Tree
291 N Main Street
Porterville, CA 93257

Dear Richard:

The CALACT-MBTA Purchasing Cooperative is pleased to make an assignment as detailed in the Assignment to Purchase Agreement.

Additional information is available on the CALACT website at www.calact.org/coop that documents the procurement process used by the Cooperative to solicit and award Contract No. 15-03. Prior to acceptance of the vehicles you order, a Post-Delivery Audit must be conducted by your agency if you are using Federal Transit Administration funding to purchase the vehicle.

Thank you for purchasing your vehicles through the Cooperative. Please don't hesitate to contact me if you have any questions at 916-920-9018 or email dan@calact.org.

Sincerely,

Daniel Mundy
Deputy Executive Director

CALACT



Assignment to Purchase Agreement Assignment #15-03-0463

The CALACT-MBTA Purchasing Cooperative, “Assignor”, hereby assigns to Porterville, City of, “Assignee”, 9 options to purchase Transit Vehicles (“Vehicles”) from the Joint Procurement Cooperative at a price and under the terms and conditions contained in Assignor’s Contract No 15-03 with the Contractors awarded to on the Procurement. Only those vehicles and optional features may be purchased using the Solicitation and the purchase may only be from a Seller listed on the Schedule. Specifically, the Assignment shall have the right to purchase:

Quantity and Type of Vehicle(s):

(9) Braun Class D

Total # of Vehicles: 9

Such ability to purchase commenced, per terms of Contract, on 4/3/2020, and may be exercised at any time on or before 4/28/2020. Pricing for this assignment is valid for Purchase Orders until 4/28/2020, the expiration date of the base period of the contract. Assignee must communicate any changes in the order in particular cancellation to the Cooperative as soon as possible.

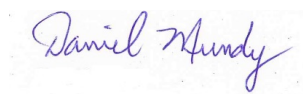
With respect to the Vehicles assigned hereunder and this Assignment, Assignee agrees to perform all covenants, conditions and obligations required of Assignor under said Contract and agrees to defend, indemnify and hold Assignor harmless from any liability or obligation under said Contract. Assignee further agrees to hold Assignor harmless from any deficiency or defect in the legality or enforcement of the terms of said Contract or option to purchase thereunder. Assignee agrees and understands that Assignor is not acting as a broker or agent in this transaction and is not representing Seller or Assignee, but rather is acting as a principal in assigning its interest in the above-referenced assignment to purchase the Vehicles under the Contract to Assignee.

Please be advised that assignment of said vehicles does not constitute a recommendation or endorsement of this product by the Cooperative. The Assignee is responsible for its choice of vehicle product and options selected. Assignee is responsible for vehicle inspection, acceptance and enforcement of any contract provisions. Assignee agrees that any inspections necessary for delivery and acceptance of the vehicles are to be accomplished by their own qualified staff, firms on the CALACT Vehicle Inspectors list or other independent inspector pre-approved in writing and in advance by the CALACT Cooperative. While PreAward verifications of Buy America, FMVSS and Purchaser’s Requirements have been accomplished, Assignee is responsible for Post Award due diligence in this regard.

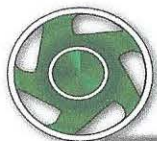
Purchasing agencies are responsible for and are to exercise due diligence in evaluating the suitability of these vehicles for their operating environment and are responsible for determining their eligibility for funding. In particular, the Cooperative urges you to review the Altoona test report for the vehicle you are purchasing.

Supporting documents for your records will be sent to your attention. Please retain these for any reviews or audits your agency will be subject to. Additional copies may be downloaded from our secure website, please contact CALACT staff for access to this.

Assignee hereby unconditionally releases and covenants not to sue Assignor upon any claims, liabilities, damages, obligations or judgments whatsoever, in law or in equity, whether known or unknown, or claimed, which they or either of them have or claim to have or which they or either of them may have or claim to have in the future against Assignor, with respect to the Vehicles or any rights whatsoever assigned hereunder.



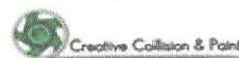
Daniel Mundy
Deputy Executive Director
CALACT
"Assignor"



Creative Bus Sales

13501 Benson Avenue · Chino, CA 91710 800.326.2877

Creative Bus Sales
The Nation's Largest Bus Dealer
(888) 633-8380



CalACT RFP #15-03 - Class D Low-Floor Minivan - Quote Sheet (Rev 4-28-2018)

Vehicle Type:	Class D - Low Floor Minivan			
Contact:	Richard Tree	Type of Ramp:	☒ Braun Fold Out Ramp	
Agency:	City of Porterville	Ramp Location:	☒ Side	
Address:	291 North Main Street	Seat Material D-90:	☒ Vinyl ☐ Cloth	
City, State, Zip:	Porterville, CA 93257	Seat Color:	Gray	
Phone:	559-782-7448	Reflective Stripes:	☐ Yes (2) 5" ☒ No	
Fax:		Stripe Color:	N/A	
E-Mail:	rtree@ci.porterville.ca.us	Salesperson:	Dan Williams	
Quantity:	Description	Price	Ext. Price	ADA
1	Braun - (Entervan)	\$45,320.41	\$45,320.41	\$14,436.00
Published Options				
1	(Braun) - Freedman - Rear Lowered Seat	\$1,079.70	\$1,079.70	\$1,079.70
Non-Published Options				
		Class D - Base Price	\$45,320.41	
		Published Options	\$1,079.70	
		Non-Published Options	\$0.00	
		Total	\$46,400.11	\$15,515.70
		Doc Prep Fee	\$80.00	
The Non-Taxable Amount is the ADA Equipment in the Base and Added as Options		Non-Taxable	\$15,515.70	
		Taxable Amount	\$31,456.04	
Porterville*		Tax Total	\$2,909.68	9.250%
		Sub-Total	\$49,389.79	
		CalACT Fee	\$696.00	
		DMV E-File Fee:	\$30.00	

DMV Fee	\$0.00	<i>(Estimated)</i>
Tire Fee	\$12.25	
Local Delivery	\$491.63	225
Total	\$50,619.67	<i>Insert Miles</i>
Number of Units	4	
Final Total	\$202,478.68	



Creative Bus Sales

13501 Benson Avenue · Chino, CA 91710 800.326.2877

Creative Bus Sales
The Nation's Largest Bus Dealer
(888) 633-8380

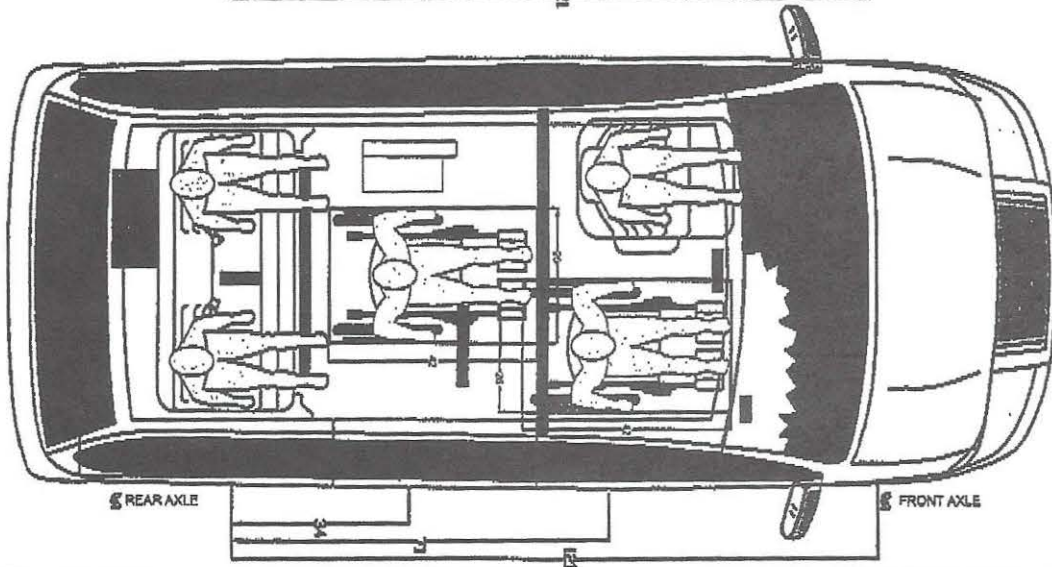
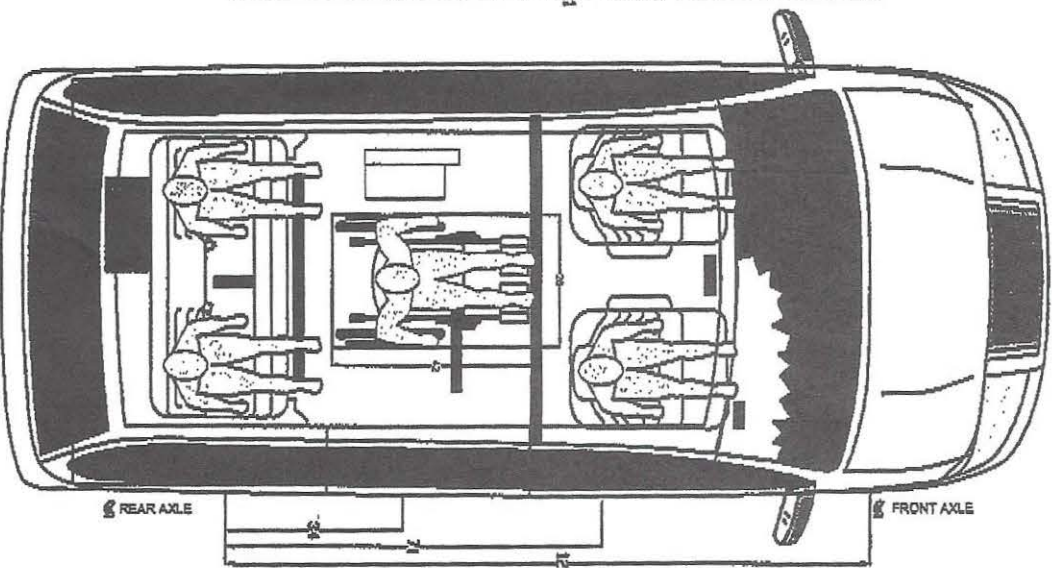
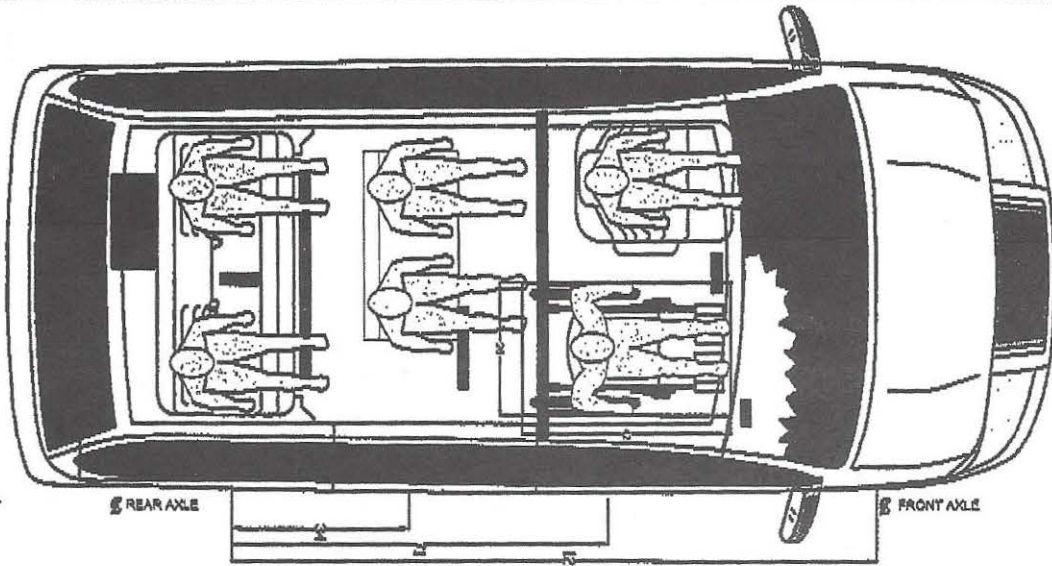


CalACT RFP #15-03 - Class D Low-Floor Minivan - Quote Sheet (Rev 4-28-2018)

Vehicle Type:	Class D - Low Floor Minivan				
Contact:	Richard Tree	Type of Ramp:	☒ Braun Fold Out Ramp		
Agency:	City of Porterville	Ramp Location:	☒ Side		
Address:	291 North Main Street	Seat Material D-90:	☒ Vinyl ☐ Cloth		
City, State, Zip:	Porterville, CA 93257	Seat Color:	Gray		
Phone:	559-782-7448	Reflective Stripes:	☐ Yes (2) 5" ☒ No		
Fax:		Stripe Color:	N/A		
E-Mail:	rtree@ci.porterville.ca.us	Salesperson:	Dan Williams		
Quantity:	Description	Price	Ext. Price	ADA	
1	Braun - (Entervan)	\$45,320.41	\$45,320.41	\$14,436.00	
Published Options					
1	(Braun) - Freedman - Rear Lowered Seat	\$1,079.70	\$1,079.70	\$1,079.70	
Non-Published Options					
The Non-Taxable Amount is the ADA Equipment in the Base and Added as Options		Class D - Base Price	\$45,320.41		
		Published Options	\$1,079.70		
		Non-Published Options	\$0.00		
		Total	\$46,400.11	\$15,515.70	
		Doc Prep Fee	\$80.00		
		Non-Taxable	\$15,515.70		
		Taxable Amount	\$31,456.04		
		Porterville* ▼	Tax Total	\$2,909.68	9.250%
			Sub-Total	\$49,389.79	
			CalACT Fee	\$696.00	
	DMV E-File Fee:	\$30.00			

DMV Fee	\$0.00	<i>(Estimated)</i>
Tire Fee	\$12.25	
Local Delivery	\$491.63	225
Total	\$50,619.67	<i>Insert Miles</i>
Number of Units	5	
Final Total	\$253,098.35	

SEATING OPTIONS: 2014 CHRYSLER/DODGE ADA



Approved by:

Date:



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Authorization for Repair of Streets Loader

SOURCE: Public Works

COMMENT: Equipment #6304 is an active Streets Loader which has experienced significant front axle failure and requires replacement with a remanufactured axle. The size of the equipment and type of repair requires this to be completed at a John Deere authorized construction equipment service facility. Performing this repair will extend the life expectancy of the loader, therefore, it will be retained beyond its original scheduled replacement.

Staff is requesting authorization to utilize Pape Machinery, which is the nearest John Deere authorized construction equipment service center, to perform the required front axle replacement at an estimated cost not to exceed \$31,424 (inclusive of all parts, taxes, labor, including a 10% contingency). Funds are available in the Equipment Replacement Budget.

RECOMMENDATION: That City Council:

1. Authorize loader front axle replacement by Pape Machinery at a cost not to exceed \$31,424 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. Loader Repair Estimate

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

Product Support Estimate

Customer:	City of Porterville	Estimate Number	239354
Address:	291 N Main Street	Date:	4/14/2020
City/State:	Porterville CA 93257	Salesman:	Joseph St. Angelo
Location:	Papé Machinery - 0	Expire Date:	5/15/2020
Contact:	Russell 559-782-7536	Phone #:	(559)834-4774
Make:	JD Model: 544K Ser #: dw544kz627273	Equip. #	0

THANK YOU FOR YOUR BUSINESS

Item #	Description	Parts	Labor	Total
1	Remove and replace with reman axle and reinstall	\$ 21,817.00	\$ 3,500.00	\$ 25,317.00
2		\$ -	\$ -	\$ -
3		\$ -	\$ -	\$ -
4		\$ -	\$ -	\$ -
	Two Trip Charges	\$ 1,030.00		\$ 1,030.00
	Misc Shop Supplies	\$ 200.00		\$ 200.00
TOTAL				\$ 26,547.00

This Price dosent include freight or tax

TAX \$ 2020.00
SUBTOTAL \$ 28,567.00

NOTE: THIS ESTIMATE ASSUMES ALL CORES MEET CORE ACCEPTANCE. DOES NOT INCLUDE ANY OTHER MACHINING OR FABRICATION NOT SPECIFICALLY LISTED ABOVE. THE CUSTOMER WILL BE CONTACTED FOR APPROVAL ON ANY EXTRA WORK. ALL REUSED PARTS MUST MEET REUSABILITY GUIDELINES FOR REUSE. NO FREIGHT, TAX OR SERVICE CHARGES ARE INCLUDED IN THIS ESTIMATE. ALL PARTS WILL BE ORDERED STOCK ORDER TERMS.

10% CONTINGENCY = \$ 2,857.00
\$ 31,424.00

Customer Approval _____

Date Approved: _____

P.O. (if required) _____



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Authorization to Repair City Wells No. 17 and No.18

SOURCE: Public Works

COMMENT: The City of Porterville's Well No. 18, located on the south side of Henderson Avenue and west of Newcomb Street, has experienced an operational failure within the variable frequency drive (VFD). In addition to City Well No. 18, City Well No.17, located on the south side of Tomah Ave and east of Newcomb Street, has also raised operational concern with the direct drive starter, prompting the need to secure services for replacement and installation of VFDs at both locations.

The demand on the City's water system depends on all wells being operational during the summer months, so it is imperative that full capacity of well operation at City Wells 17 and 18 is ensured prior to increased pumping which historically begins May 1st. Failure to correct this issue would affect the City's overall water system pressure and production capabilities as the summer months approach. Staff requested quotes for services from local electrician and pump repair companies; three (3) bids were requested and three (3) bids were received from these local contractors.

Contractor:	Total:
Mario Sagredo Electrical	\$24,236.36
Carver Pump Service	\$24,724.04
Valley Pump & Dairy Systems	\$33,392.58

Mario Sagredo Electrical was the lowest bidder to respond. In addition, they are immediately available to start correcting all issues at City Wells No. 17 and No.18, at a cost not to exceed \$26,660 (inclusive of all parts, taxes, and labor and a 10% contingency, including prevailing wages). The total repair cost will be funded by the Water Operating Fund.

RECOMMENDATION: That City Council:

1. Direct the Finance Director to initiate a Purchase Order to Mario Sagredo Electrical in an amount not to exceed \$26,660 for the repair of City Wells No. 17 and No. 18; and
2. Direct the Finance Director to make payment to Mario Sagredo Electrical upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. City Well No. 17 Locator Map
2. City Well No. 18 Locator Map
3. Mario Sagredo Electrical Quote
4. Carver Pump Quote
5. Valley Pumps Quote

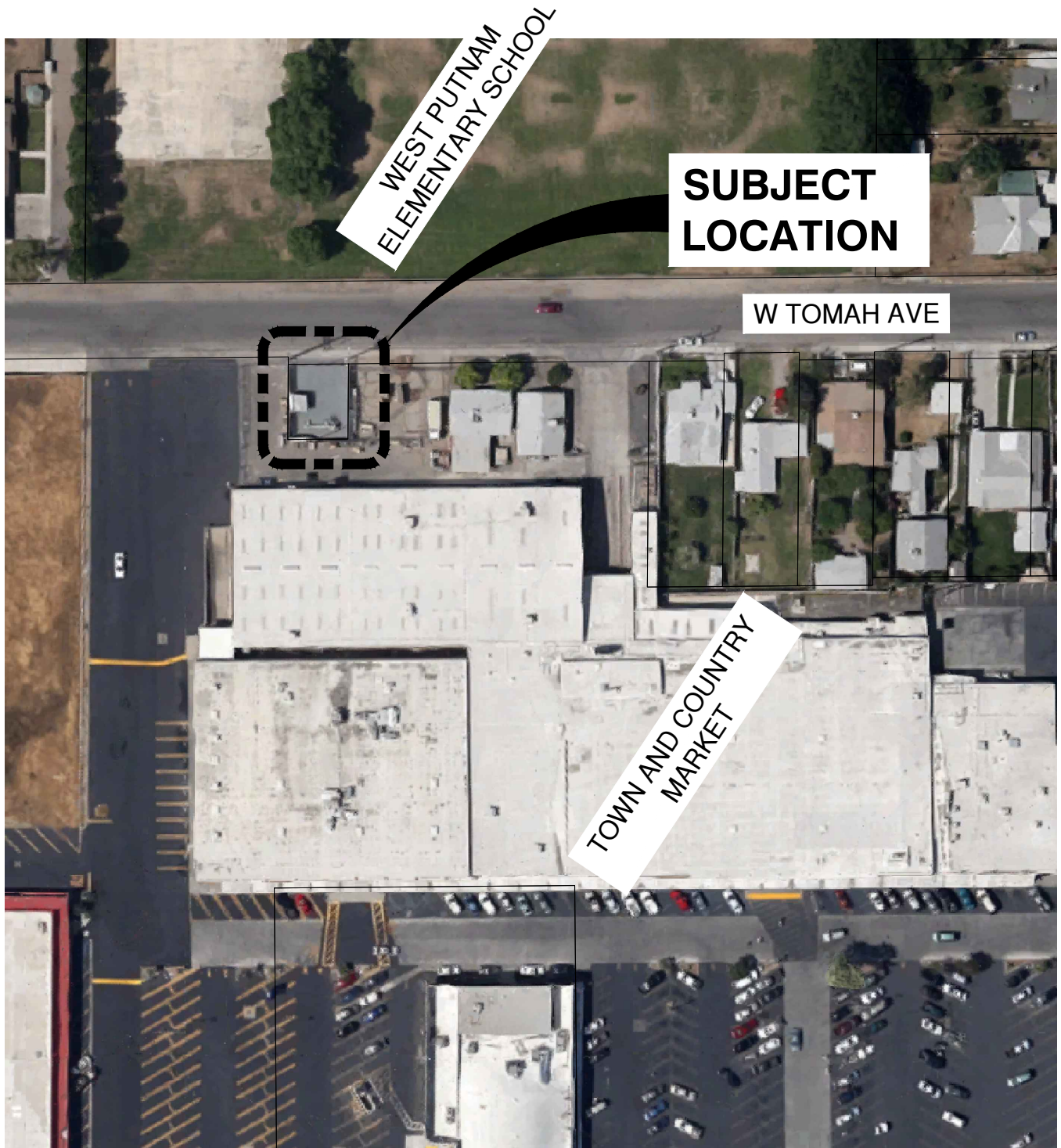
Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



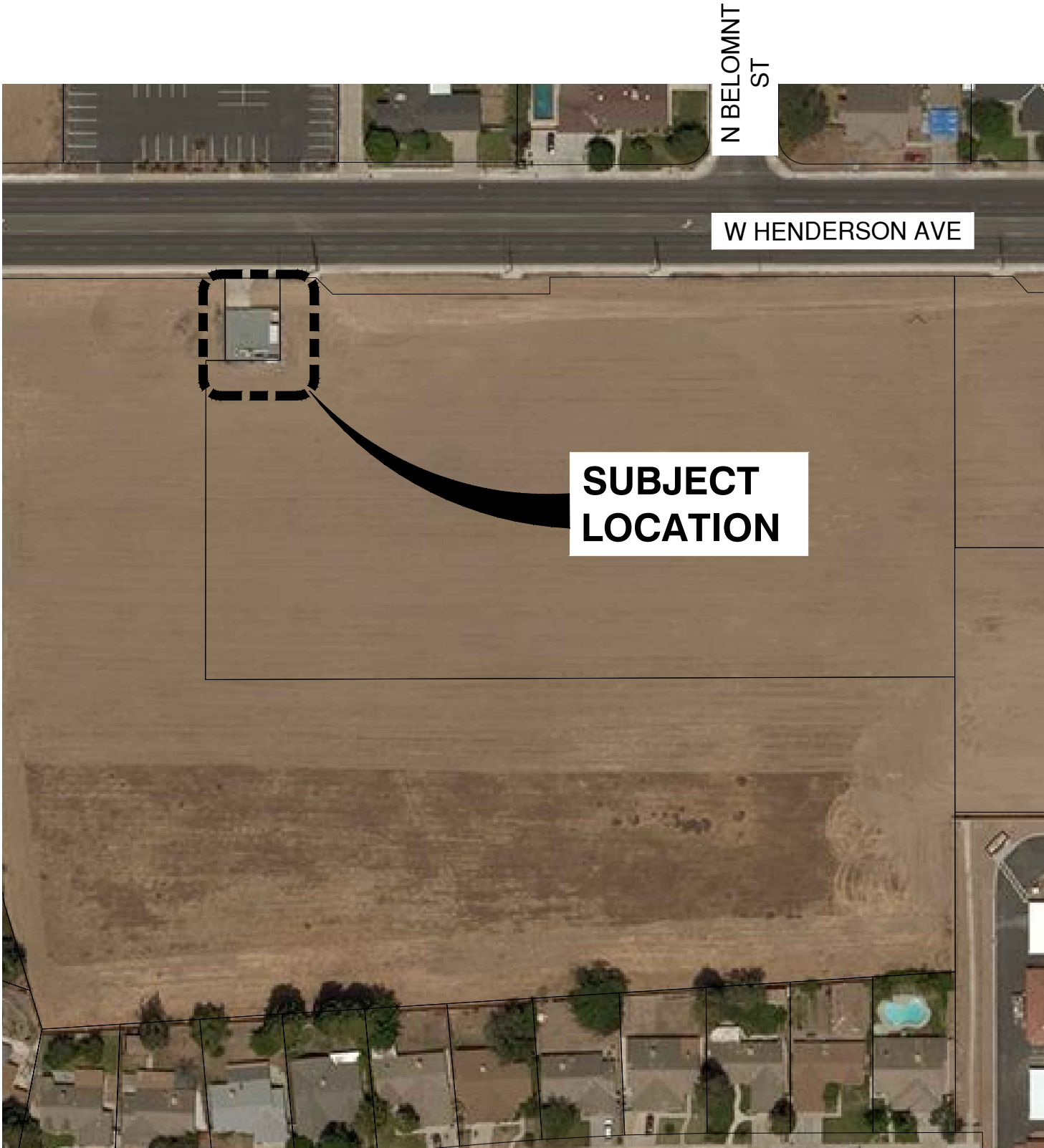
CITY OF PORTERVILLE
ENGINEERING DIVISION

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

CITY WELL #17
W TOMAH AVE

DRAWN BY	CAL
CHECKED BY	
SCALE	1" = 100'-0"
DATE	4/13/2020

SHEET
1
OF
1



N BELOMNT
ST

W HENDERSON AVE

**SUBJECT
LOCATION**



CITY OF PORTERVILLE
ENGINEERING DIVISION

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

CITY WELL #18
W HENDERSON AVE

DRAWN BY	CAL
CHECKED BY	
SCALE	1" = 100'-0"
DATE	4/13/2020

SHEET
1
OF
1

Mario Sagredo Electrical
 888 Halsey St.
 Porterville, CA 93257 US
 mariosagredo@yahoo.com

Estimate

ADDRESS
City of Porterville

ESTIMATE #	DATE	
1036	03/12/2020	

JOB NAME
 WELL 18

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
MISC	125 HP DAN FOSS 480 VAC DRIVE ** 2-3 WEEK LEAD TIME **	1	9,714.28	9,714.28T
LABOR	SERVICE-TO REMOVE OLD 125 HP VFD AND REPLACE WITH NEW UNIT IN EXISTING ENCLOSURE, WIRE ALL CONTROLS TO SCADA SYSTEM, TEST AND VERIFY ALL OPERATIONS.	6	120.00	720.00
HELPER	HELPER RATE	6	45.00	270.00T
MISC	MISCELLANEOUS PARTS - WIRE, RELAYS AND OR HARDWARE	1	100.00	100.00T
MISC	150 HP DAN FOSS 480 VAC DRIVE ** 2-3 WEEK LEAD TIME**	1	10,293.00	10,293.00T
LABOR	REMOVE OLD SYSTEM, IDENTIFY CONTROL WIRES TO SCADA AND OTHER SYSTEMS, REMOVE OLD CONTACTS AND TRANSFORMERS, MAKE ROOM FOR NEW VFD AND KEEPING OLD CIRCUIT BREAKER. INSTALL NEW VFD, WIRE IN OLD CONTROLS TO NEW SYSTEM AND VERIFY OPERATION WITH CITY WATER SYSTEM (SCADA)	8	120.00	960.00
HELPER	HELPER RATE	8	45.00	360.00T
MISC	MISCELLANEOUS PARTS - WIRE, RELAYS AND OR HARDWARE	1	100.00	100.00T

SUBTOTAL	22,517.28
TAX (8.25%)	1,719.08
TOTAL	\$24,236.36

Accepted By

Accepted Date

CARVER PUMP SERVICE

139 North Cain Street
Visalia, California 93292
(559) 622-0622

1-855-6CARVER
CALIFORNIA CONTRACTOR'S
LICENSE - C61 D21 #547257



Estimate #

GOOD FOR 30 DAYS

Date

4/9/2020

Customer

CITY OF PORTERVILLE

Address

Telephone

DESCRIPTION	AMOUNT
150 HP DANFOSS VFD	\$9,649.27
TRANSDUCER WITH CABLE	\$271.25
OPTIONAL SPEED POT	\$120.00
CONDUIT & ELECTRICAL CONNECTIONS	\$200.00
LABOR TO INSTALL ALL ABOVE EQUIPMENT	\$1,500.00
SALES TAX	\$947.25
TOTAL	\$12,687.77

Acceptance of this proposal is an agreement by the customer to pay in full for all services within 30 days of the date invoiced. Carver pump will charge, and customer agrees to pay, finance charges of 2 percent per month on the unpaid balance.

CARVER PUMP SERVICE

CUSTOMER

Salesman

Tommy Fitzgerald

Approved by

Purchaser

Address

Valley Pump & Dairy Systems

2280 S."K" Street Tulare CA. 93274

Tel. 559.686.2000 Fax# 559.686.4180

Quote

Customer: City of Porterville

Description: Remove existing 125 hp VFd chassis drive out of enclosure and
install a new 125 hp Chassis drive and program. Install a 150 hp
Vfd drive in nema 3r enclosure in new location and tie in to system.

Need by: _____

Amount	Description	Each	Cost
1	125 hp 480v 3ph Danfoss Chassis drive PT # 131F6663 - 26 h x 14.6 w x13.1d		\$8,369.00
1	150 hp 480v 3ph Danfoss Nema 3R enclosure -FC 202 drive -Door mounted display-power transformer 480/120 HOA and speedpot-0-100psi transducer		\$16,264.00
1	5% z line reactor installed		\$1,481.40
1	Miscellaneous, Motor leads, Conn., etc.		\$1,500.00
	Sub Total		\$27,614.40
	Tax		\$2,278.18
	Labor		3,500.00
	Total		\$33,392.58

Presented By: Nick Wilson

This Quote is good for 15 Days

Accepted By _____
Company: _____



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Acceptance of project - Two (2) Compressed Natural Gas (CNG) Refuse Trucks

SOURCE: Public Works

COMMENT: At its meeting on December 4, 2018, the City Council awarded the contract of two (2) compressed natural gas (CNG) refuse trucks to E.M. Tharp of Porterville in the amount of \$636,729.23. E.M. Tharp has completed the purchase, assembly, and delivery of the two (2) CNG refuse trucks according to the City's specifications, and the City has taken possession of the side-loader refuse trucks.

Funding for this project is from a federal Congestion Mitigation & Air Quality (CMAQ) grant in the amount of \$489,000, with the remaining \$147,729.23 being paid by the City as its local share. The City's local share was previously approved in the Fiscal Year 2018/2019 annual budget from the Solid Waste Equipment Replacement Fund.

E.M. Tharp delivered the refuse trucks in January of 2020 and staff has found the vehicles to be in compliance with the purchase agreement. As a condition of the grant and project closeout procedures, the City must formally accept the project as complete before Caltrans will fully reimburse its share of the contract costs (\$489,000).

RECOMMENDATION: That City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Acceptance of Project - Demolition of the City Library Located at 41 W Thurman Avenue

SOURCE: Public Works

COMMENT: Bowen Engineering & Environmental has completed the demolition of the City Library located at 41 W. Thurman Avenue per specifications. The structure required emergency demolition after being catastrophically damaged by fire on February 18, 2020.

Staff tracks construction costs of all Capital Improvement Projects and reports construction expenditures when the project is accepted by City Council. At its meeting on March 17, 2020, Council authorized an expenditure not to exceed \$97,290 for demolition, demolition contingency, staff management, and inspection services. The following itemizes the demolition-related costs for this project:

1. Final demolition cost is \$84,600
2. Construction management and inspection service costs are \$2,678.11

Total project demolition costs equate to \$87,278.11, which is \$10,011.89 less than the overall budget approved by Council at the time of expenditure ratification. The funding for this project is the Catastrophic/Emergency Reserve in the General Fund, to be reimbursed by proceeds from the City's insurance claim.

Staff has reviewed the work and found it acceptable and requests that the Council accept the demolition project as complete.

It is important to note that after having the structure evaluated by a structural engineer, it was determined that the most cost effective and expeditious course of action for addressing the safety hazard that the damaged structure presented to the public, as well as the neighboring properties, was to demolish the structure and leave the slab in place. This decision was made to prevent delays while ensuring that the footings of the neighboring fire station were not undermined. Leaving the foundation in place means that the area will need to remain fenced as the slab does have large imperfections that create tripping hazards for the public.

The fencing currently surrounding the site is temporary fencing that does not meet the City's Downtown Design Guidelines for long-term use. Staff did reach

out to locally licensed fencing contractors attempting to get bids for a long-term temporary fence that meets the Downtown Design Guidelines; an effort that proved difficult during the current COVID-19 pandemic. The fence would be approximately 409 linear feet and needs to provide a gate for access to utilities located on the north side of the Fire Department as well as viewing areas to allow monitoring of the area. Staff received one (1) quote with two (2) options and are as follows:

<u>Contractor</u>	<u>Fence Height</u>	<u>Estimate</u>
Father and Sons Fencing Co Inc Porterville, CA	6 foot	\$10,800
Father and Sons Fencing Co Inc Porterville, CA	7 foot	\$11,550

At this time, staff recommends and respectfully requests that Council authorize staff to move forward with the installation of the seven (7) foot fencing option utilizing the remaining \$10,011.89 in funding from the demolition project, and approves the allocation of an additional \$1,538.11 from the insurance proceeds that is needed to fully-fund the fencing work. Staff has found the bid for this option acceptable.

RECOMMENDATION: That City Council:

1. Accept the demolition project as complete;
2. Authorize the filing of the Notice of Completion;
3. Reallocate the remaining \$10,011.89 from the demolition project for the installation of seven (7) foot tall fencing meeting the Downtown Design Guidelines;
4. Authorize an additional \$1,538.11 of the insurance proceeds to fully-fund the fencing;
5. Direct the Finance Director to initiate a Purchase Order to Father and Sons Fencing Co. Inc., in the amount of \$11,550 for the installation of the fencing; and
6. Direct the Finance Director to make payment to Father and Sons Fencing Co. Inc., upon receipt of invoice approved by the Engineering and Project Management Director.

ATTACHMENTS: 1. Father and Sons Proposal - Fencing

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

906447

(559) 789-2211 Lic # 1046391

NAME City of Porterville		SHIP TO Father and sons Fencing Co INC	
ADDRESS 291 N main st		ADDRESS 319 Rocky Hill rd	
CITY, STATE, ZIP Porterville, CA 93257		CITY, STATE, ZIP Porterville, CA 93257	
ORDER NUMBER	DEPARTMENT	SALESPERSON	WHEN SHIP
TERMS		HOW SHIP	DATE 4/2/20

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	409 ft 6ft tall cedar Fence		
	1X6 Pickets		
	2X4X8 rails		
	6 rails		
	Post m-hor on Flange		
	2ft of see thru chain link in 4 section		
	1 double gate 10ft wide		
	For 7ft tall will be Extra \$750		
	Material and labor \$10,800		

BUYER:



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Authorization to Execute Consultant Agreement - Engineering Services for Pavement Management Update Implementation & Asset Management Development

SOURCE: Public Works

COMMENT: At its meeting of October 15, 2019, the City Council authorized staff to negotiate a consultant agreement for the previously circulated Request for Qualifications for Pavement Program Update Implementation & Asset Management Development. The consultant will be responsible for recommending an appropriate software system, evaluating the condition of all City-maintained streets through data collection and pavement evaluation, compiling collected data into the software system, establishing the Pavement Management Program, and integrating the data with the City's Geographical Information System (GIS) program, as defined in the attached Scope of Services. The consultant will also be tasked with the development of a right-of-way asset database that will compile information for traffic signs, pavement markings, signals, sidewalks, curb ramps, curb & gutter, etc.

Staff has completed negotiations with the first ranked firm, Infrastructure Management Services (IMS), for the update of the Pavement Management Program and creation of the Right-of-Way Asset Database. The negotiated contract amount is \$399,295, which is within the amount previously approved by Council.

This work will be funded by Measure I and Tulare County Association of Governments (TCAG) grant funds as programmed in the FY 2019-2020 capital improvements budget. Measure I will fund the pavement management and asset inventory surveys in the amount of \$300,000, while the TCAG grant (\$100,000) will fund the curb ramp and sidewalk surveys as part of the field data collection for the City's ADA Self-Evaluation Plan.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement, upon approval by the City Attorney, with IMS in the amount not to exceed \$399,295; and
2. Authorize progress payments up to 100% of the agreed upon fee amounts.

ATTACHMENTS:

1. Service Agreement - IMS
2. Scope of Services

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

SERVICE AGREEMENT

DATE: April 21, 2020

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and Infrastructure Management Services (IMS) hereinafter referred to as "CONSULTANT".

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

Project Name: Pavement Program Update Implementation & Asset Management Development

Description of Project: In general, the consultant will be responsible for recommending an appropriate software system, evaluating the condition of all City-maintained streets through data collection and pavement evaluation, compiling collected data into the software system, establishing the Pavement Management Program, and integrating the data with the City's Geographical Information System program. The consultant will also be tasked with the development of a right-of-way asset database that will compile information for traffic signs, pavement markings, signals, sidewalks, curb ramps, curb & gutter, etc.. Details are summarized in the Scope of Services as Attachment "A".

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

SECTION 1. CONTRACT SERVICES:

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

SECTION 2. PAYMENT:

In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis not to exceed **Three Hundred Ninety-Nine Thousand Two Hundred and Ninety-Five Dollars, (\$399,295)**.

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

SECTION 3. COMPLETION DATE:

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

SECTION 4. FAMILIARITY WITH PROJECT:

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

SECTION 5. INDEPENDENT CONTRACTOR:

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

- (i) Full liability under worker's compensation laws of the State of California; and
- (ii) Bodily injury and property damage insurance in the amount not less than One Million Dollars (\$1,000,000) per occurrence; and

- (iii) Errors and Omissions insurance of One Million Dollars (\$1,000,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars (\$50,000) or more, the City may require a Surety Bond for the deductible; and
- (iv) Automotive liability in the amount not less than One Million Dollars (\$1,000,000) per occurrence; fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. ***To the fullest extent permitted by law, to the fullest extent permitted by law, CONSULTANT agrees to hold harmless, release and indemnify the CITY against any liability for damages, including but not limited to liabilities for personal injury or death or for loss or damage to property, caused by the negligence of CONSULTANT or any of its employees or agents, or CONSULTANT'S negligent activities related to the terms and conditions of or implementation of this Agreement. "Consultant has no obligation to pay for any of the City's defense related cost prior to a final determination of liability, but will reimburse the City for those costs, and Consultant has no obligation to pay any amount that exceeds Consultant's finally determined percentage of liability based upon the comparative fault of Consultant."***

SECTION 6. WORKMANSHIP AND MATERIALS:

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

SECTION 7. ASSIGNMENT OF CONTRACT:

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

SECTION 8. AFFIRMATIVE ACTION.

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

SECTION 9. CONFLICT OF INTEREST CODE:

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

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

SECTION 10. TERMINATION:

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

the termination.

SECTION 11. ENTIRE CONTRACT:

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

SECTION 12. DISPUTES; VENUE:

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

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

CITY OF PORTERVILLE

CONSULTANT

By_____

By_____

Date_____

Date_____

Quotation for Professional Services



Infrastructure Management Services

IMS Infrastructure Management Services
1820 W. Drake Dr. Ste. 104. Tempe, AZ 85283
Phone: (480) 839-4347 Fax: (480) 839-4348
www.imsanalysis.com

To: Javier Sanchez, City Engineer
From: Jim Tourek, West Region Client Services Mgr.
Subject: 2019-20 Pavement Management Services

Date: November 5, 2019
Project: Porterville, California
Cc:

Thank you for taking the time to review the pavement data collection services offered by IMS Infrastructure Management Services. IMS excels in pavement and asset management solutions and can provide a full suite of data collection and software implementation services.



As we understand, the City of Porterville has previously managed its roadways and utilizing MicroPAVER as their dedicated pavement management software. The City is looking to update to a new software solution as the City updates their entire pavement management program, including a citywide survey. As a part of this quote, IMS is introducing a widely used and accepted pavement management software that is based in Microsoft Excel. The Easy Street Analysis spreadsheet is utilized by such California agencies as Calabasas, Temecula, Port of Oakland, South El Monte, Lancaster, Yucaipa, Colton and Arcadia. These along dozens of other agencies throughout the U.S. are managing their pavements with this program. The benefit of ESA is that at any time, the data can be reloaded into any software application, if desired by City staff.

The City currently maintains approximately 208 centerline miles of arterial and collector roadways. At a minimum, IMS will perform a two pass test on all arterial and collector roadways, resulting in the Laser Road Surface Tester (RST) surveying an estimated 275 test miles of the City of Porterville's paved roadways. The data will be collected following the ASTM D6433 data collection protocols and longitudinal profile will be reported as the International Roughness Index (IRI).

Our approach, and key service differentiator, is based on three, time proven fundamentals:

Answer the questions that are being asked – don't over-engineer the system or make it needlessly complicated. Databases and the application of technology are meant to simplify asset management, not make it more difficult.

Service and quality are paramount to success – the right blend of technically correct data, condition rating, and reporting will provide the agency with a long-term, stable solution. Service to the Client remains our top priority.

Local control and communications are key – it is important that all stakeholders understand the impacts of their decisions and have the system outputs react accordingly. We excel in making ourselves readily available.

Data Collection

IMS is unique to the industry, as an objective and repeatable data collection effort will be completed. The Laser RST will be used to perform a surface condition assessment of all City streets. Instead of using the subjective feet on ground or windshield sampling method, all data will be collected continuously and recorded in block-to-block intervals in the form of a detailed database complete with GPS coordinates. The data can also be aggregated to the section level, following the sectioning and referencing methodology determined after IMS and City review.



GIS and Pavement Management Linkage

The role of GIS in pavement management cannot be overstated. It is a powerful tool that provides the capability to handle and present vast amounts of data in an efficient manner. IMS can provide a link between the City's GIS program and the pavement management data to enable the City to display and generate color-coded maps based upon existing pavement conditions, street rehabilitation plans or most of the data developed as a part of the pavement management program. An output of such a plot is illustrated in the adjacent image.



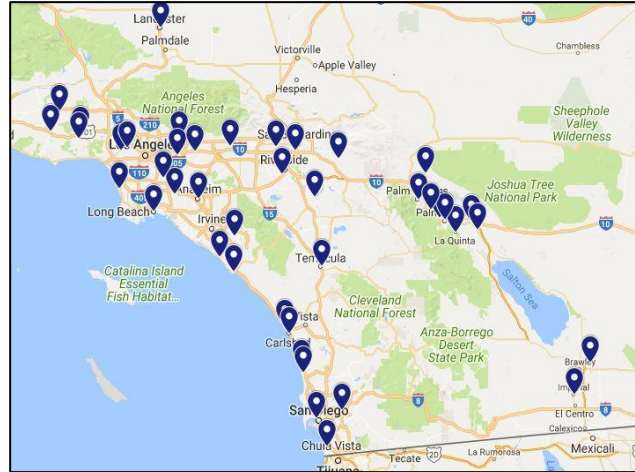
Digital Images and Right of Way Asset Data Collection

While the RST is traversing the roadway, up to 7 HD digital cameras can be mounted inside the RST to collect images of the pavement and right of way assets. The following views are typically captured; driver front (forward view), passenger front (ROW view), and driver rear (adjacent ROW view). Additional views can be mounted if deemed necessary by the City. All video is processed to in-house; developed as an image library at 20-25' intervals for use in QA/QC and for development of the right of way asset inventories.



Project Profiles

While our projects take us to all corners of the U.S. and Canada, California is home to a long list of IMS clients. IMS serves as the dedicated pavement management consultant for over twenty municipalities some of which include; Temecula, Riverside, Claremont, Jurupa Valley, Anaheim, Cerritos, Long Beach, Downey, Beverly Hills, and Lancaster. In addition, IMS has recently finished a projects with the neighboring cities of South El Monte and Arcadia, both in 2018. Also, IMS has just contracted with the City of Pasadena.



On all assignments, the IMS team utilized our Laser RST to perform a network wide pavement performance evaluation and ROW survey on asphalt and concrete roadways alike. The RST, equipped with an array of 11 lasers, HD digital cameras, GPS, and a touchscreen tablet drove the agencies roadways in an effort to update the pavement distress and asset inventory data.

Our philosophy is based on the provision of quality pavement condition data for the implementation of multiyear pavement management plans. As illustrated in the adjacent map, our extensive reach throughout the West Coast and specifically California, regions will allow us to include **local comparison results** against the City's current roadway conditions. This comparison will highlight how the City's current PCI results stand up against similar regional agencies, in addition to other municipal regions. IMS is the only pavement management consultant who has enough local and regional expertise to offer such a wide-ranging comparison across multiple software platforms for PCI reporting.

The following projects utilized the ASTM D6433-11 protocols and were completed within the last 6 years.

City of Fontana: Since 2004, IMS has completed five citywide pavement condition surveys complete with detailed analysis and rehabilitation plan development. The 650 test miles of pavement condition data included surface distress and roughness collected with the Laser RST and arterial roadway structural data using a Dynaflect. The Lucity pavement analysis module was used for the report. All projects included GIS integration, lane mile reporting and digital images. The 2006 and 2012-13 projects also included right of way asset data collection, while the 2013 project included a small asset data collection assignment. The 2015 surveys included inventories for update pavement condition, sidewalks, and ADA ramps.

California Department of Water Resources : In 2015-16 IMS was awarded the pavement management program update for the state of California's Department of Water Resources through a competitive bid. The project consists of pavement condition surveys for over 900 test miles throughout the state's water resources facilities and access roads. This project also includes the delivery of HD digital images and GPR deflection testing on all of the roadways. In addition, IMS will oversee the implementation of the RoadMatrix software and associated data deliverables. The results and final report will be developed in the coming months.

City of Porterville, CA
2019-20 Pavement Management Services

Interactive Pavement Analysis Spreadsheet: Easy Street Analysis (ESA)

While the results of the survey will certainly be documented and bound into a final report that illustrates the findings of the survey, it is imperative that City staff have access to the pavement condition and analysis results without having to become software experts. While IMS is a leading expert with most 3rd party pavement management applications, we have engineered a simple and easy to use Excel spreadsheet that utilizes the core metrics of any great pavement management system such as the ability to prioritize and optimize the multi-year plans.

The IMS interactive Excel spreadsheet will be programmed to develop a multi-year maintenance and rehabilitation plan using “cost of deferral” as a rehabilitation candidate selection constraint in an effort to introduce cost-benefit techniques into the City's pavement management plan. In addition, the Excel spreadsheet will have referenced deterioration curves for each functional classification, pavement type, and even pavement strength rating. The power of having the data in such an open architecture fashion allows the City to utilize 3rd party software in the future if desired. The spreadsheet will also contain a full suite of maintenance and rehabilitation techniques, unit rates, and associated PCI resets. The parameters of the analysis (Priority Weighting Factors) can also be modified and reprioritized on the fly. This will allow the City's data to evolve with the priorities of elected officials and department staff. Programmed priority weighting factors include functional classification, pavement type, and pavement strength while actual candidate selection is based on the incremental cost of deferral.

As seen in the image below, the analysis data in the spreadsheet is supplemented with many cells highlighted in yellow. The yellow highlighted cells simply indicate that they are “HOT” and can be modified by the end user. Two of the yellow cells shown below represent the Annual Budget and the Project ID. The Annual Budget cell can be modified with a new budget and the 5-year plan will automatically re-prioritize on the fly. While IMS will have already aggregated the City's segments (intersection-to-intersection) into viable projects (multiple segments strung together to form a logical project), the user has the ability to aggregate additional segments into a project or even remove a segment from a project without having to become a software expert.

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City of Porterville, CA
2019-20 Pavement Management Services

The spreadsheet also allows an agency to re-fresh the 5-year plan by entering the maintenance and rehabilitation work completed. As seen in the image below, the spreadsheet is supplemented with “PCI Override” functionality. When work is completed on a particular segment, the user simply inserts the override PCI value along with a date. The spreadsheet then removes the segment from the 5-year plan and updates all referenced network PCI averages.

Pavement Condition Summary

Today: 3/30/2015								
Current Network PCI: 74								
Surface Distress Index (SDI)	Roughness Index (RI)	Pavement Condition Index (PCI)	PCI Survey Date	Strength Rating	Condition Rating	Load Associated Deducts (LADD)	Non-Load Associated Deducts (NLAD)	Current PCI
74	53	67	6/1/2014	MOD	Good	0	0	66
55	63	57	6/1/2014	MOD	Fair	27	18	55
70	63	68	6/1/2014	MOD	Good	19	10	66

Other features of the IMS Easy Street Analysis spreadsheet are as follows:

- Red triangle tips that trigger a dialogue box explaining cell contents.
- Ability to add new road segments and attributes on the fly.
- Modifiable distress indices for City field inspections.
- Input work completed and override segment level PCI scores.
- Prioritize by neighborhoods, zones, or districts.
- Ability to modify project lengths – includes aggregating and splits.
- Commit projects and force “Must Do’s” or “Must Never Do”.
- Program varying annual budgets over a 5-year horizon.
- Commit a percentage of the budget to surface treatments if desired.
- Automated rehab plan prioritization and optimization.
- Macros that automatically sort and filter simple rehab and inventory lists.
- Ability to sync the spreadsheet with the Data Viewer though a .CSV file export.

While the spreadsheet is not meant to replace pavement management systems, it is an alternative for agencies that do not have the resources or staff to maintain a dedicated application. If a dedicated system is still desired, IMS can load the analysis data back into the City’s Streetsaver application if the ESA spreadsheet is not meeting the needs of City staff.

PCI Development, Analysis Configuration and 5-Year Plans

Immediately following the completion of the field survey's IMS will begin processing the pavement distress severity and extent scores in an effort to develop a Pavement Distress Index (PCI) for each roadway segment. The condition results are analyzed by a team of IMS engineers, who then develop the City of Porterville 5 year pavement management plans. This section provides a brief summary of the functionality of the IMS enhanced analysis in order to emphasize our implementation expertise as well as the abilities and constraints within a pavement analysis.

The purpose of pavement management is to produce cost effective maintenance programs that maximize available resources and roadway life. By incorporating key components of a cost benefit analysis into the analysis operating parameters, we can develop a game plan that is optimized to meet the needs of the City of Porterville. In addition, the analysis operating parameters described within this section will be delivered in an easy to understand and interactive Excel spreadsheet including the segment PCI data, pavement deterioration curves, triggers (priority weight factors), and the prioritized 5 year plans. The end result is an optimized pavement management plan that is programmed to maximize the current availability of funds and improve the efficiency of the decision making process.

Field Inspection Data and Pavement Distress Index (PCI)

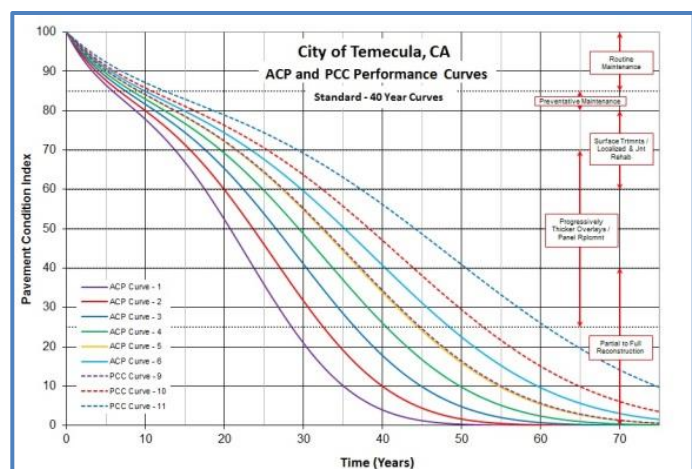
The IMS analysis allows you to store information regarding your pavements, including surface types, number of lanes, patching estimates, cross slopes, and sidewalk & curb types with replacement estimates. Pavement condition data including surface distress, roughness, and deflection results can be stored and analyzed. Using an in-house Pavement Manager Setup module, we can develop customized condition elements, distress types (load & non-load), Indices (SDI, RI, & SI), weightings, and overall PCI calculations.

In addition to the yearly programs, the net impact each budget scenario has on the expected condition of the road network over time can be determined. This budget impact can be illustrated both in terms of the yearly increase or decrease in the average network PCI score, PCI distribution, or % Backlog of roads that were not selected by the budgets. IMS converts the difficult to understand FHWA and ASTM D6433 data to a 0-10 distress rating scale with distress weighted factors (DWF), where $DWF = \{\text{Area under D6433 deduct curves}/3000\}$.

Modeling and Performance Curves

With an IMS analysis, you can forecast various budget scenarios to help you determine your ideal maintenance and rehabilitation schedule. The IMS approach will help you decide what rehab activities should be performed, when and where to perform them, and an ideal budget for your system to maintain it at a specific level of service.

IMS engineers use pavement deterioration models that can be customized to reflect the climatic conditions and structural characteristics of the City of Porterville's road



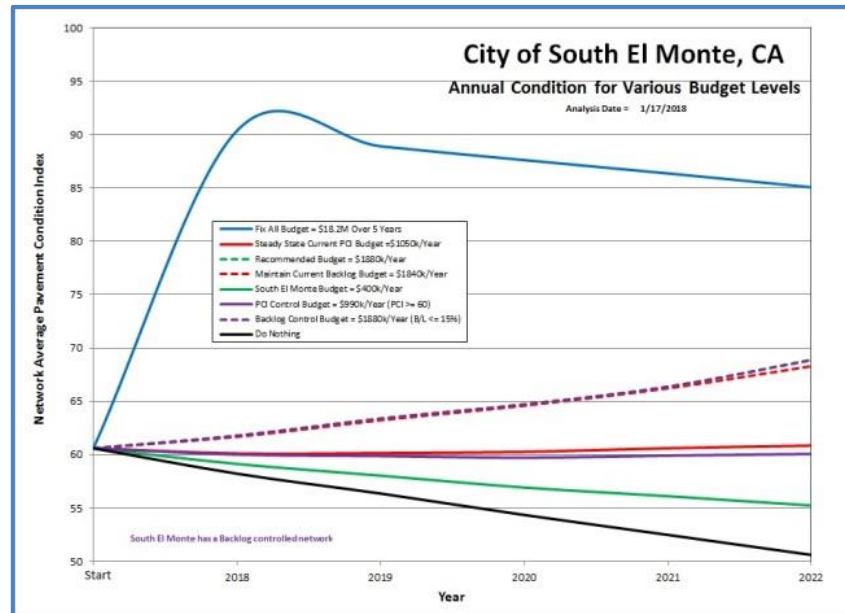
City of Porterville, CA 2019-20 Pavement Management Services

network. As a result, performance curves can be developed on factors such as functional class, pavement type and subgrade strength.

Rehabilitation Analysis

An unlimited number of pavement maintenance and rehabilitation strategies can be defined within our system. An analysis is then run, incorporating the performance curves, set points, filter criteria and rehab alternatives to identify the overall need in terms of rehab strategies and costs for the City's road network, for today as well as year on year for the next 5 to 10 years.

The IMS approach allows you to input any number of "what if" budget scenarios and produce prioritized yearly rehab programs based on those funding levels over a 5-year analysis period. Typical budget scenarios include Budget \$/Year, Unlimited Budget \$, "Do Nothing" Budget, and a Target PCI Budget.



What is included in an IMS analysis & report?

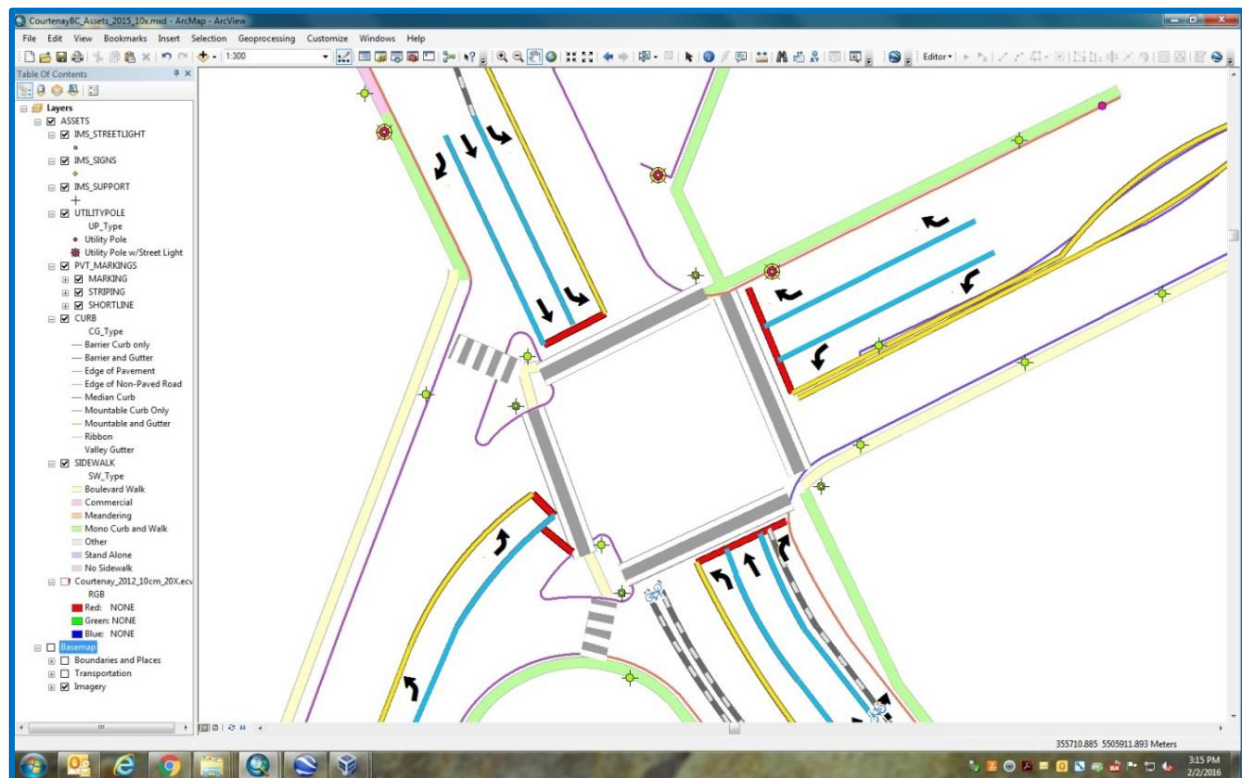
- *Road ownership and inventory/attribute report*
- *Present condition ranking* – detailed and summary condition data including; Good/Fair/Poor, Load Associated Distresses (LAD), Non-LAD, and segment reviews of each road in the network, as well as the network as a whole.
- *Fix all budget analysis* – this identifies the upper limit of spending by rehabilitating all roads assuming unlimited funding.
- *Do nothing analysis* – this identifies the effects of not performing roadway rehabilitation projects.
- *Steady state rehabilitation life cycle analysis* – this identifies the minimum amount of rehabilitation that must be completed in order to maintain the existing level of service over 3, 5, or 10 years.
- *PCI & funding levels* – what funding will be necessary to maintain a PCI of 75, 80, & 85.
- *Plus or minus 50% and other additional runs* – additional budget runs are completed at rates of +50% and -50% of the suggested steady state analysis. Up to 10 budget scenarios will be run.
- *Integration of capital projects and Master Plans* – ongoing and proposed projects that affect roadway rehabilitation planning will be incorporated into the analysis.
- *Draft 5 year rehabilitation and prioritized paving plans* – based on need, available budget and level of service constraints; a minimum of three budget runs will be completed.
- *Final prioritized paving plan* – incorporating feedback from stakeholder departments and utilities, complete with budget and level of service constraints.

Optional Right-Of-Way Asset Inventories

The IMS Laser RST uses high-end GPS coordinate data and HD digital cameras positioned so that all assets/attributes requiring data capture are visible with the front, side, and rear cameras. For Carson Area Metropolitan Planning Organization, IMS can collect information for traffic signs, sidewalks, ADA ramps, curb & gutter, ditches, pavement markings, signals, and virtually any other asset that can be identified in the imagery. *ROW asset inventories are supplemented with air photos and GIS to ensure strong positional accuracy.* The IMS technology is an open architecture system that allows virtually any type of asset to be defined for collection of location, attribute, and condition data. Once an asset is observed, the operator toggles to the individual record input screen and proceeds to input the appropriate attribute and associated information. Wherever possible, “pick lists” are employed to streamline the data entry function and provide uniform, high quality data. IMS confirms the feature attributes to be collected with the client prior to data collection.

The images and GPS data are merged on a frame-by-frame basis. The images are then post-processed using a specialty piece of GIS and image viewing software. Using RST imagery, the existing centerline GIS, and aerial photography, IMS spatially plots each right-of-way asset in its real world location.

Prior to commencing the optional ROW asset inventories, a document called the **Master Asset List** (MAL) will be developed. The MAL defines what assets or inventory items are to be logged and what attributes will be extracted. The MAL also defines the methodology for condition rating each asset. The image below depicts an IMS asset inventory of sidewalks, ADA ramps, pavement striping and markings, traffic signs, and crosswalks. The end deliverable was a Personal Geodatabase containing each asset and its corresponding attributes.



Sign & Striping Retroreflectivity

Once a sign or pavement striping inventory databases are developed, we can begin the second phase of the data collection program which includes a retro-reflectivity survey. With an accurate base inventory in hand, IMS will know the location of each sign and stripe to acquire retro-reflectivity readings, which is vital for survey routing and preparation activities. There are two widely adopted practices for acquiring accurate and repeatable retroreflectivity measurements: nighttime visual inspections and/or measurement with a portable reflectometer. IMS suggests the use of a visual nighttime survey as it is the most cost effective to complete when compared to physically visiting each sign and/or strip to acquire a retroreflectivity measurement.

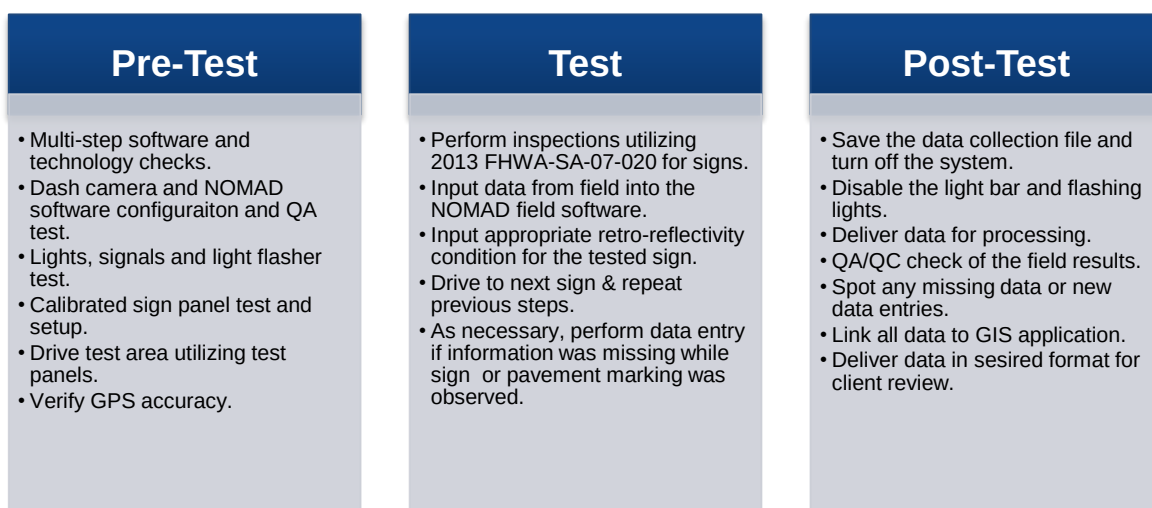


Highly trained sign and striping inspectors will conduct a visual assessment at night from a moving vehicle. The requirements include the use of initial calibrations for the technicians, low-beam lights, normal speed from the travel lane, and approved MUTCD comparison panels. Signs and striping that are below the minimum acceptable level of retroreflectivity can be flagged for replacement in the future. The retroreflectivity data will be delivered in industry standard formats such as Shapefiles and personal geodatabases.



Testing Procedures - Overview

IMS has implemented a multi-tiered testing and quality assurance program for retroreflectivity field surveys. The chart below describes the three phases (procedures) of the data collection program.



Comprehensive Sidewalk and ADA ramp survey

A comprehensive sidewalk, curb, and ADA ramp survey can be conducted using many different methodologies, ranging from HD video review to manual feet on ground assessments. IMS has developed an innovative approach that is cost effective, time-efficient, and delivers spatially accurate data from a mobile mapping platform. For the City of Porterville, an SST-based survey can be performed by actually driving each sidewalk



and provides detailed data to determine if the sidewalks and ramps are compliant with current Local standards. The attributes to be collected can include the sidewalk materials, condition assessment, vertical displacements, grade, cross slope, width, passing space and intervals, obstructions, obstacles and protruding objects and special concerns to the City. ADA ramp surveys can include an assessment of curb ramps, gutters, landings, flares, slope, detectable warnings and other raised tactile surfaces, material, size and distress ratings on the failed ramps.

Proposed Survey – Based on the attributes the City has defined for collection, simply reviewing imagery collected in the field will not provide a satisfactory condition assessment. Visual assessments from imagery cannot capture individual distress details (cracking, faulting, scaling, etc.) and as such, IMS is proposing the use of our Sidewalk Surface Tester for this assignment.

The IMS team will begin the project by spatially drawing in all of the sidewalk linework for the assignment using the City's existing GIS street centerlines and the most recent aerial photography. This sidewalk linework will be consumed by our mobile mapping application (NOMAD) as the basis for the sidewalk segmentation and attribute tagging in the field. The end deliverable will be an updated Personal Geodatabase that contains the sidewalk/ramp inventory and condition assessment information.

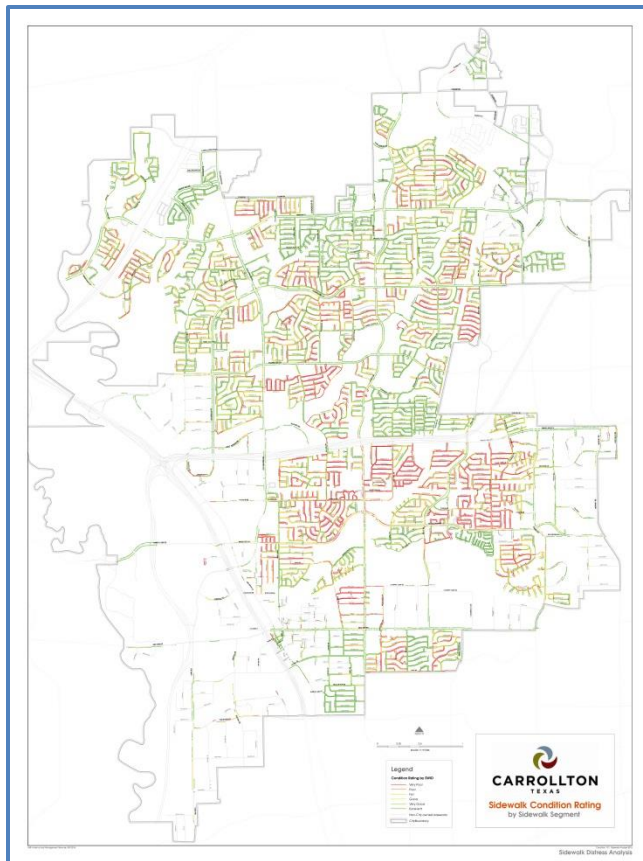
As the SST drives the City's sidewalks, the IMS field technician will conduct an onsite field assessment of all sidewalks, curb, and ADA ramps using the NOMAD application. In addition to visual descriptive assessments (Good/Fair/Poor), the field technician will also summarize sidewalk distress extent & severity details that are summarized and reported at the block or segment level. Additional important observations can be made including material, type, width, location, and presence of obstructions.



Sidewalk Surface Tester (SST) Configuration

The SST is a purpose built field data collection unit designed primarily for surveying municipal sidewalks, rights-of-way and parking lots. The SST is equipped with the following:

- Front and rear strobe lights and safety signage, plus a fire extinguisher, air pump and tool kit.
- Front and rear E-Prance HD Camera with remote on/off.
- Toughbook computer complete with touch screen and GPS.
- Tilt and grade meters.
- 150mm and 610mm digital levels plus a 813mm obstruction baton.
- On-board 450W power inverter for cell phones, notebook, HD camera and radio.
- Tow vehicle and trailer.



The SST employs the NOMAD data collection software that integrates the survey inventory (GIS), field maps, GPS and field data collection protocols into a single platform. NOMAD may be customized for virtually any type of survey ranging from sidewalks, ADA ramps, parking lots (following ASTM D6433) to full sign surveys. The SST is equipped with tilt and grade meters, safety signage and lights, computer (NOMAD survey application and map), GPS and 2 HD cameras. The SST is able to climb 200mm curbs with ease, allowing it to navigate obstructions in the sidewalk network. The SST is operated by highly trained technicians that specialize in reporting sidewalk distresses and barrier/obstruction attributes.

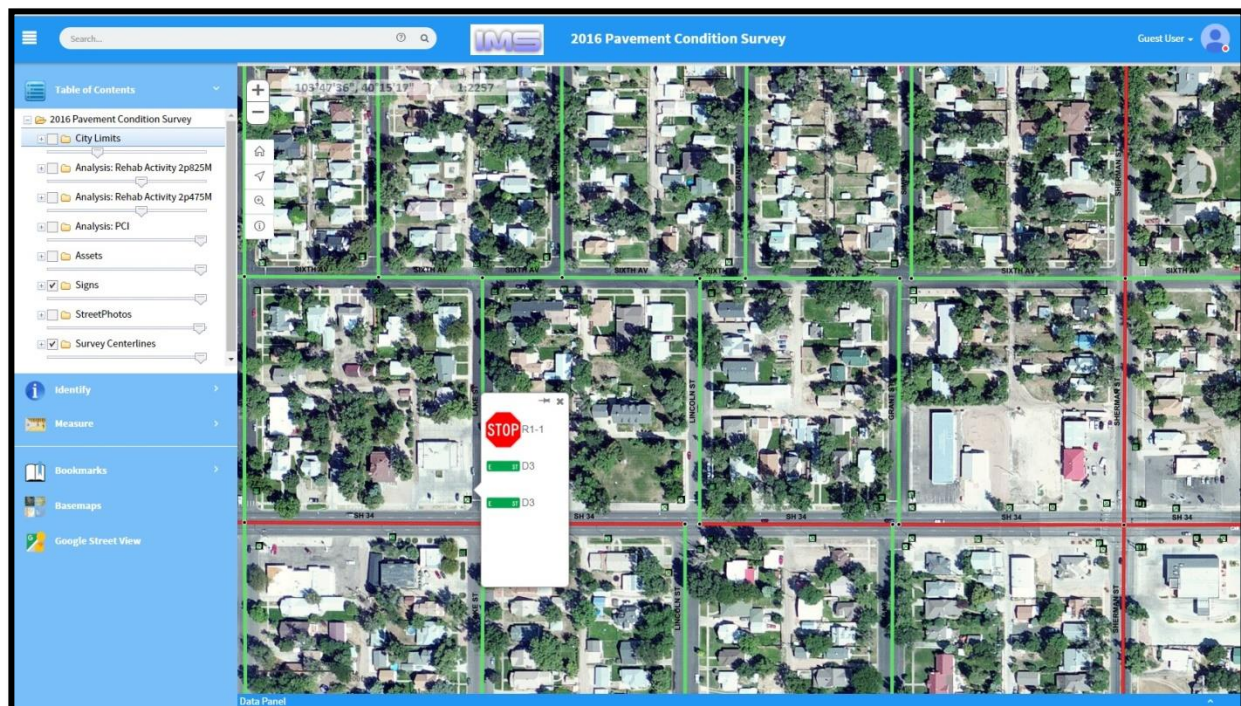
The adjacent image is a recent sidewalk and ADA ramp inventory completed in Carrollton Texas. The inventory and attributes were provided as a Personal Geodatabase and a Google Earth KMZ file. The distress details were summarized on a block-to-block basis and plotted using descriptive terms such as good, fair, poor.

IMSVue Data Management System Overview

IMSVue is a browser-based GIS image and data viewing/editing tool based developed in HTML 5 to be user friendly. IMS will host the application using Amazon Web Services and perform all required training and maintenance for the annual contract. The first 3 years of the software will be included in the initial costs. IMSvue does not place license restrictions on the number of authorized users for the account. The base maintenance fee will be the only ongoing expense for the MPO for scheduled data collection updates. The program will function in most 3rd party browsers including Chrome, Firefox, and Edge.

The viewer is populated and installed to view pavement inventories with images and optional right-of-way asset elements; and can also be expanded to include historical data. The program is essentially a full-service data viewing/editing application. The .CSV file containing the pavement inventory will maintain linkage with IMSvue for periodic updates. The graphical user interface is simply designed for accessibility and queries, and creation/editing.

Users dictate how they want to view collected images and pavement data. Options include a map tip where the image is displayed when the User hovers over the point. Users can also view the pictures on the data attribute window. In the second case Users can view the pavement at the selected location.



All attributes are configured externally using an XML file and can be changed by the end User as desired. IMSvue can use standard Google or Bing background street and aerial maps, or if you have ESRI ArcServer, you can consume your own custom maps. The program is built for City staff but remains “open source”, allowing the City to evolve and make changes.

Proposed Budget

The detailed budget presented on the next page is based on the IMS work plan and deliverables. It represents a realistic budget to complete the work, and we are confident we can maintain an on-time, on-budget approach to the assignment.

Quotation for Professional Services



IMS Infrastructure Management Services
8380 S. Kyrene Ave. Ste. 101. Tempe, AZ 85284
Phone: (480) 839-4347 Fax: (480) 839-4348
www.imsanalysis.com

To: Javier Sanchez, City Engineer
From: Jim Tourek, West Region Client Services Mgr.
Subject: 2020 Pavement Management Services

Date: April 15, 2020
Project: Porterville, California
Cc:

Thank you for requesting a network-wide pavement and roadway data collection assignment. IMS is proposing to utilize our Laser Crack Measurement System 2 (LCMS2) Road Surface Tester (RST) for the acquisition of pavement condition data. The RST will traverse approximately **275** miles of roadway as the arterials and collectors will be driven in two directions and all of the locals in one. A Dynaflect device will be used to perform a structural assessment of the arterial and collectors (also in two directions) resulting in **134** test miles. In addition to the acquisition of pavement condition data, IMS will also deliver imagery and develop multiple ROW assets databases from the imagery with all data and imagery linked to a web-hosted (IMS) Viewer. A Sidewalk Surface Tester (SST) will be used to collect sidewalk data (estimated 333 miles and summarize the results at the block-level) and collect ADA ramp data on all roads, as well.

Porterville, CA - 2020 Pavement Management Program

Task	Activity	Quant	Units	Unit Rate	Total
Project Initiation					
1	Project Initiation & Project Set-up	1	LS	\$3,000.00	\$3,000.00
2	Network Referencing & GIS Linkage	275	T-Mi	\$18.00	\$4,950.00
3	Network Inventory Checks & Survey Map Development	275	T-Mi	\$8.00	\$2,200.00
4	Functional Class Review	275	T-Mi	\$8.00	\$2,200.00
5	GIS Clean Up Services	6	HR	\$175.00	\$1,050.00
Field Surveys					
6	RST Mobilization/Calibration	1	LS	\$3,000.00	\$3,000.00
7	RST Field Data Collection - Full Network (w/ 2-pass Arterials & Collectors)	275	T-Mi	\$110.00	\$30,250.00
8	Collection of Digital Images at 15' Intervals (1-Forward View)	275	T-Mi	\$15.00	\$4,125.00
9	Collection of GPS, Crossfall and Grade	275	T-Mi	\$12.00	\$3,300.00
10	Dynaflect Mobilization for Deflection Testing	1	LS	\$3,000.00	\$3,000.00
	a. Arterial & Collector Roadway Deflection Testing	134	T-Mi	\$145.00	\$19,430.00
	b. Safety Vehicle & Operator for Deflection Testing (City provides; IMS Est. 64 Hrs.)	0	HR	\$132.00	\$0.00
11	Right of Way Asset Image Data Collection (GPS & Video Acquisition)	275	T-Mi	\$25.00	\$6,875.00
12	SST Sidewalk & Ramp Segment Level Summary Data Collection (Est. by 1.6 x CL Miles)	333	T-Mi	\$350.00	\$116,550.00
13	Sidewalk Analysis, Budget Development & Full Written Report	1	LS	\$9,500.00	\$9,500.00
14	Nighttime Regulatory Sign Reflectivity Assessment (Must Select 7 & 17)	275	T-Mi	\$94.00	\$25,850.00
Data Management					
15	Data QA/QC, Processing, & Format (KML & geodatabase)	275	T-Mi	\$12.00	\$3,300.00
16	"Easy Street" Pavement Management Spreadsheet (KML & geodatabase)			Included in Base Activities	
	a. "Live" Spreadsheet Pavement Cost Benefit Analysis			Included in Base Activities	
	b. Online "Live" Spreadsheet Training			Included in Base Activities	
	c. Log Presence of Sidewalks/Curbs & ADA Ramps (Estimates)			Included in Base Activities	
	d. "Live" Spreadsheet - License & Ongoing Maintenance Fee			Included in Base Activities	
17	Sign & Support Database Development	275	T-Mi	\$100.00	\$27,500.00
18	Sidewalk Database Development	275	T-Mi	\$50.00	\$13,750.00
19	ADA Ramp & Compliance Survey	275	T-Mi	\$60.00	\$16,500.00
20	Curb & Gutter Database Development	275	T-Mi	\$50.00	\$13,750.00
21	Markings & Striping Database Development	275	T-Mi	\$60.00	\$16,500.00
22	3% Discount for 3-5 ROW Assets Selected	275	T-Mi	(\$9.60)	(\$2,640.00)
23	IMSVue/ Amazon Web-hosted Data Logger/Viewer (includes Tech Support)	1	LS	\$7,000.00	\$7,000.00
	a. IMSVue - 3 Years Annual Maintenance Fee			Included in Viewer Cost	
24	Pavement Analysis, Budget Development & Full Written Report	1	LS	\$8,500.00	\$8,500.00
25	Additional or Specialty Maps for Reporting (beyond typical 3 sets of Wall Maps)	1	EA	\$200.00	\$200.00
26	Additional Hard Copies of the Report (2 Sets Included)	1	EA	\$200.00	\$200.00
27	Project Management	1	LS	\$24,455.00	\$24,455.00
28	City Contingency	1	LS	\$35,000.00	\$35,000.00
Project Total:					\$399,295.00

Quotation for Professional Services



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8380 S. Kyrene Ave. Ste. 101. Tempe, AZ 85284
Phone: (480) 839-4347 Fax: (480) 839-4348
www.imsanalysis.com

Thank you for considering IMS a viable solution to your pavement and ROW asset management needs. We'll strive to become an asset and extension of the City of Porterville staff and team. If any questions arise please do not hesitate to call or e-mail. Our entire staff is here to provide support; I can be reached at (480) 462-4030 or jtourek@imsanalysis.com

IMS Infrastructure Management Services, LLC

A handwritten signature in blue ink that reads "Jim Tourek". The signature is written in a cursive style with a horizontal line above the name.

Jim Tourek, West Region Client Services Manager



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Approval of SB1 Project List for Fiscal Year 2020/2021

SOURCE: Public Works

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

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

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

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

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

The City can expect to receive approximately \$1,000,000 of RMRA funds per fiscal year, which for fiscal year 2020/2021, the City is expected to receive an apportionment of \$1,138,121. To receive the RMRA allocation, the City is required to sustain a Maintenance of Effort (MOE) by spending at least the annual average of its General Fund expenditures for streets and transportation purposes during the 2009/2010, 2010/2011, and 2011/2012 fiscal years. The MOE amount required to be spent by the City of Porterville each fiscal year to receive its RMRA funds apportionment is \$693,653.

For FY 2020/2021, staff recommends that RMRA funds be allocated to the Grand Avenue reconstruction project between 4th and Leggett Streets that has been listed in the attached Resolution as the design is nearing completion and will be ready to construct between spring and summer 2021.

RECOMMENDATION: That the City Council:

1. Accept staff's recommendation and adopt the Resolution for the SB1 project list for Fiscal Year 2020/2021;
2. Authorize the City Clerk to record the attached Resolution; and
3. Authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2020/2021 RMRA apportionment.

ATTACHMENTS:

1. Draft Resolution
2. RMRA FY 2020-2021 Estimate Per City
3. Locator Map - Grand Avenue - 4th to Leggett

Appropriated/Funded:

Review By:

Department Director:

Mike Reed

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

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

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

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

WHEREAS: the “City”, will receive an estimated \$1,110,176 in RMRA funding in Fiscal Year 2020-21 from SB 1; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The foregoing recitals are true and correct.
2. The following newly proposed project will be funded with Fiscal Year 2020-21 Road Maintenance and Rehabilitation Account revenues:
 - a. Grand Avenue Reconstruction Project
Reconstruction of roadway section of two-lane standard local roadway, 0.73 miles in length and 36-40 feet of roadway width
Located between Fourth Street and Leggett Street
Estimated Useful Life between 15-20 years
Revised Anticipated Year of Construction is spring 2021

PASSED, APPROVED, and ADOPTED this 21st day of April, 2020.

Martha A Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

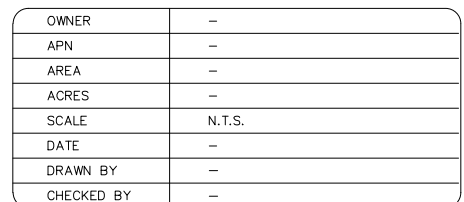
By: Patrice Hildreth, Chief Deputy City Clerk

Local Streets and Roads - Projected FY2019-20 Revenues

Based on State Dept of Finance statewide revenue projections January 2020

Estimated January 2020

Estimated January 2020	Highway Users Tax Acct (HUTA) ⁽¹⁾ Streets & Highways Code					TOTAL HUTA	TCRF Loan Repayment ⁽⁶⁾	Road Mntnc Rehab Acct ⁽⁷⁾	TOTAL
	Sec2103 ⁽⁵⁾	Sec2105 ⁽³⁾	Sec2106 ⁽³⁾	Sec2107 ⁽³⁾	Sec2107.5 ⁽⁴⁾				
SONOMA COUNTY									
CLOVERDALE	76,858	50,726	37,367	63,521	2,000	230,473	10,407	170,543	411,422
COTATI	65,749	43,394	32,660	54,340	2,000	198,143	8,903	145,892	352,938
HEALDSBURG	103,792	68,503	48,780	85,781	3,000	309,856	14,054	230,307	554,217
PETALUMA	516,818	341,101	223,791	427,136	7,500	1,516,346	69,979	1,146,782	2,733,107
ROHNERT PARK	359,830	237,489	157,271	297,390	6,000	1,057,980	48,723	798,438	1,905,141
SANTA ROSA	1,458,160	962,388	622,667	1,205,131	10,000	4,258,346	197,441	3,235,556	7,691,343
SEBASTOPOL	65,467	43,208	32,540	54,107	2,000	197,322	8,864	145,266	351,452
SONOMA	95,946	63,324	45,455	79,297	3,000	287,022	12,991	212,897	512,911
WINDSOR	237,166	156,530	105,295	196,012	6,000	701,003	32,113	526,256	1,259,372
STANISLAUS COUNTY									
CERES	411,066	271,304	164,889	339,735	6,000	1,192,995	55,660	912,127	2,160,782
HUGHSON	66,563	43,931	30,723	55,012	2,000	198,229	9,013	147,698	354,940
MODESTO	1,786,747	1,179,256	700,645	1,476,699	10,000	5,153,348	241,933	3,964,668	9,359,949
NEWMAN	97,457	64,322	42,754	80,546	3,000	288,079	13,196	216,250	517,525
OAKDALE	197,662	130,457	81,779	163,363	5,000	578,261	26,764	438,599	1,043,624
PATTERSON	197,305	130,222	81,640	163,067	5,000	577,234	26,716	437,806	1,041,757
RIVERBANK	210,208	138,737	86,665	173,731	6,000	615,341	28,463	466,436	1,110,240
TURLOCK	618,310	408,085	245,599	511,017	7,500	1,790,511	83,722	1,371,986	3,246,219
WATERFORD	75,554	49,866	34,225	62,444	2,000	224,089	10,230	167,650	401,969
SUTTER COUNTY									
LIVE OAK	73,396	48,441	33,655	60,660	2,000	218,151	9,938	162,860	390,950
YUBA CITY	560,731	370,083	225,243	463,429	7,500	1,626,986	75,925	1,244,222	2,947,133
TEHAMA COUNTY									
CORNING	63,624	41,992	30,211	52,583	2,000	190,409	8,615	141,176	340,200
RED BLUFF	118,313	78,087	52,054	97,783	3,000	349,237	16,020	262,529	627,786
TEHAMA	3,471	2,291	6,186	2,868	1,000	15,815	470	7,701	23,986
TRINITY COUNTY									
TULARE COUNTY									
DINUBA	210,291	138,792	79,357	173,800	6,000	608,239	28,474	466,620	1,103,334
EXETER	91,346	60,289	37,186	75,495	3,000	267,316	12,369	202,691	482,376
FARMERSVILLE	94,302	62,239	38,234	77,938	3,000	275,714	12,769	209,250	497,732
LINDSAY	110,907	73,199	44,121	91,662	3,000	322,890	15,017	246,096	584,003
PORTERVILLE	500,320	330,212	182,185	413,501	7,500	1,433,718	67,745	1,110,176	2,611,640
TULARE	556,006	366,965	201,928	459,524	7,500	1,591,924	75,286	1,233,739	2,900,949
VISALIA	1,147,490	757,345	411,634	948,370	10,000	3,274,839	155,375	2,546,201	5,976,415
WOODLAKE	65,517	43,241	28,028	54,148	2,000	192,934	8,871	145,377	347,181
TUOLUMNE COUNTY									
SONORA	40,708	26,867	30,590	33,644	1,000	132,810	5,512	90,328	228,650





CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Amendment to Employee Pay & Benefit Plan - Unrepresented Management Employees within the Fire Department

SOURCE: City Manager's Office

COMMENT: In an effort to provide equity with lateral hires and to enhance the ability of the City of Porterville to recruit and maintain the highest quality candidates, it is proposed that the Employee Pay & Benefit Plan be amended as it pertains to unrepresented management employees within the Fire Department, specifically the positions of Fire Chief and Battalion Chief.

The proposed amendments pertain to sworn fire service credit for the purpose of vacation accrual calculations, and a city-match of up to \$150 per pay period toward a deferred compensation/457 Plan for those unrepresented employees whose retirement benefits are defined as CalPERS Tier 2 or Tier 3.

City Council acceptance and approval of authorized changes in wages, benefits, and conditions of employment are commonly made by amendments to those documents necessary to implement such changes. A draft Resolution is herein provided for Council's consideration.

RECOMMENDATION: That the City Council adopt the draft Resolution amending the Employee Pay and Benefit Plan pertaining to all unrepresented Fire Department personnel.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____ - 2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN
FOR ALL UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES
WITHIN THE FIRE DEPARTMENT

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

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

WHEREAS, the City Council agrees that unrecognized management employees, i.e., employees not designated for purposes of recognition and representation as an organized group for purposes of labor relations, should also be acknowledged through such amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, benefits for employees holding positions designated as Unrepresented Management employees within the Fire Department are hereby amended to include the following:

I. VACATION ACCURAL

Effective April 16, 2020, all Unrepresented Management Employees within the Fire Department shall receive vacation accrual service credit for each year of employment as a full-time sworn fire department employee.

II. DEFERRED COMPENSATION

Effective April 16, 2020, all Unrepresented Management Employees within the Fire Department whose retirement benefits are defined as CalPERS Tier 2 or Tier 3 shall be eligible to receive a City-paid match, dollar for dollar, of up to \$150 per pay period toward a Deferred Compensation/457 Plan offered by the City.

III. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

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

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 21st day of April, 2020.

Martha A. Flores, Mayor

ATTEST:
John Lollis, City Clerk

By: _____
Fernando Gabriel-Moraga, Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 21, 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 April 7, 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

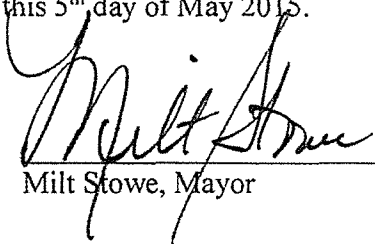
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

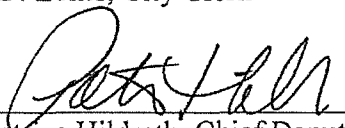
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, 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. Burrell Avenue
Visalia, CA 93291

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

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

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

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

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

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

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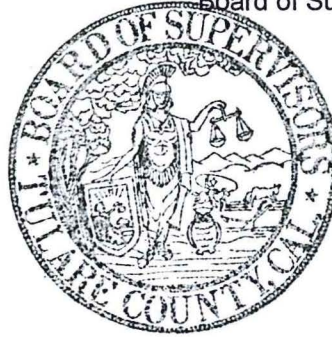
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



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

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

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

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

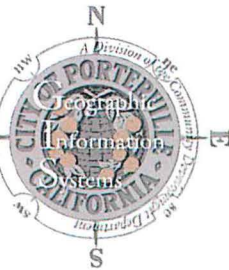
BY J. L. [Signature]
John Lollis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary



Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

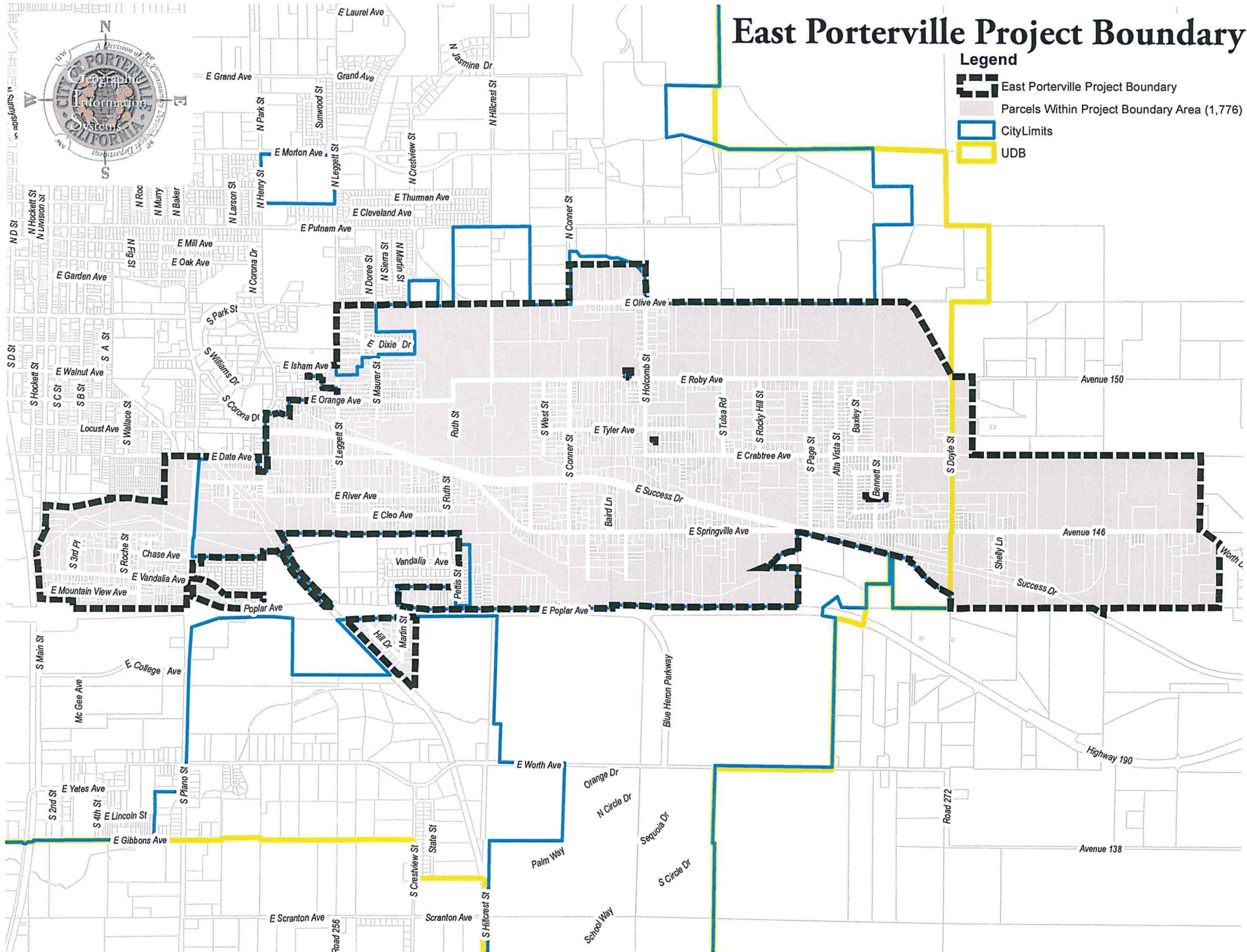


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

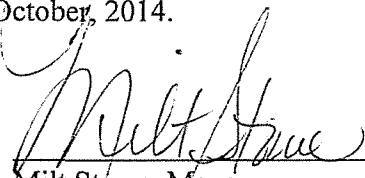
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

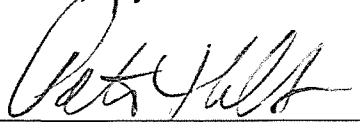
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

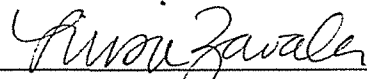
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

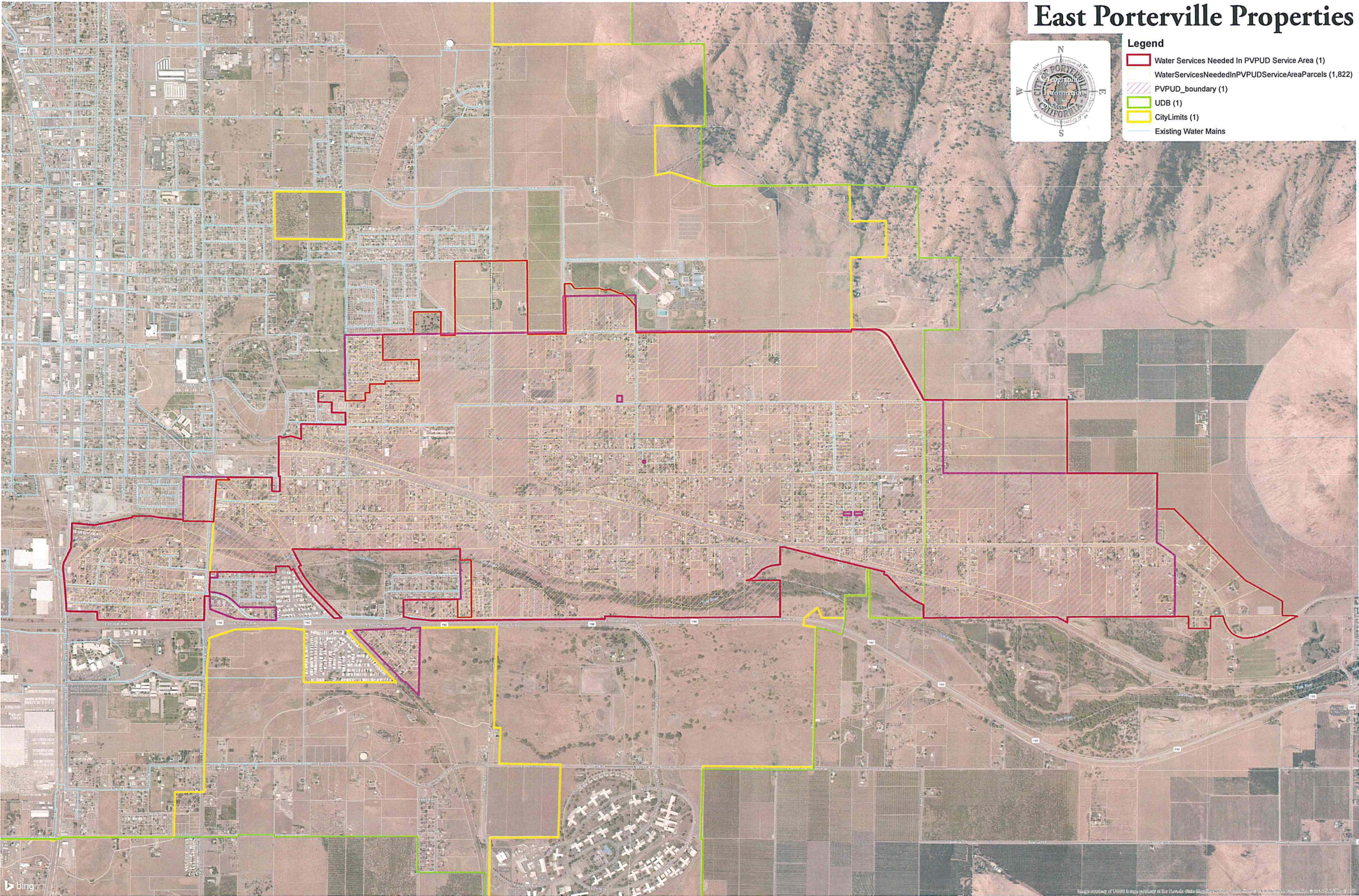
to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



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

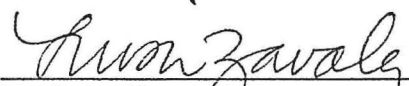

By: Luisa Zavala, Deputy City Clerk

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,

A handwritten signature in black ink, appearing to read "Kevin Faulkenberry".

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

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

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

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

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

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

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

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

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

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

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

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

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

I FURTHER ORDER THAT:

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

MAINTAINING CONSERVATION AS A WAY OF LIFE

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

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

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

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

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

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

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

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

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


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Appeal of Zoning Administrator Determination 2020-001 - Authentic Porterville

SOURCE: Administrative Services

COMMENT: On March 31, 2020, the Zoning Administrator issued a determination to Authentic Porterville that the application for a Request for Proposals (“RFP”) did not meet the submittal requirements by failing to register as a plan holder through the Public Purchase webpage.

The RFP stated in Section II Summary of Cannabis Request for Proposals, as well as Section IX Submittal Instructions, “No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website.”

As a result of failing to register as a plan holder, staff was unable to open and review said application and the materials were returned. The applicant requested clarification of staff's determination, and the Zoning Administrator responded with an official determination that the application could not be received for the reasons given above.

Chapter 612 of the Porterville Development Ordinance establishes a procedure for appeals of final decisions by the Zoning Administrator to the City Council. The City Council shall review the appeal within thirty (30) days of the appeal being filed and the City Council shall then render its decision within thirty (30) days of the date the hearing of the appeal is closed (§612.04 (c) and (f) respectively).

The applicant submitted in writing an appeal to Zoning Administrator Determination 2020-001, the action being appealed and the grounds for an appeal to the City Council regarding the Zoning Administrator determination to allow for the Authentic Porterville to be reviewed in Phase 1 of the RFP process (Attachment 1). The applicant argues that the City failed to utilize the proper notification and provide Authentic Porterville the opportunity to fix the registration requirement. Staff sent email correspondence to all persons on the City-maintained "Interested Parties" list, and posted the Addendum to the RFP on the Public Purchase website.

RECOMMENDATION: That the City Council consider the appeal consistent with the Request for Proposals for a Cannabis Business Operating Permit for Retail Dispensary

ATTACHMENTS:

1. Request for Proposals - Cannabis Business Operating Permit for Retail Dispensary
2. Addendum No. 1 to RFP
3. Authentic Porterville Appeal of ZA Determination
4. Chapter 612 Appeals

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

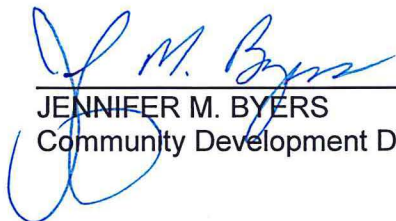


REQUEST FOR PROPOSALS

CANNABIS BUSINESS OPERATING PERMIT FOR RETAIL DISPENSARY

PREPARED BY:
COMMUNITY DEVELOPMENT DEPARTMENT
January 2020

APPROVED BY:



JENNIFER M. BYERS
Community Development Director

I. BACKGROUND

On May 21, 2019, City Council adopted by ordinance, local regulations allowing commercial cannabis activities in Porterville, and identifying zoning districts. As part of the commercial cannabis regulatory framework, implementing regulations were approved by Ordinance 1853.

The City of Porterville (hereinafter referred to as "CITY") is issuing this Request for Proposals ("RFP") process for retail dispensary businesses only.

II. SUMMARY OF CANNABIS REQUEST FOR PROPOSALS

A retail dispensary permit is required for all activities for which State law requires a "Type 10," or similar license, for the sale of Cannabis or Cannabis Products at a location open to the public.

Based on Porterville Municipal Code Chapter 15, Article VII, §15-87, the City may issue up to two (2) adult-use dispensary permits. This RFP does not include the medical cannabis permit. A separate RFP will be distributed for the medical cannabis only retail permit. The RFP may result in selected applicants securing eligibility to apply for a retail dispensary Cannabis Business Operator's Permit ("CBOP").

In order to apply for and be eligible to receive a CBOP, the applicant must have control over a physical location within the approved downtown districts or the Airport Industrial zone. **Receiving an award to apply for a CBOP does not constitute an entitlement approval. All applicants whose proposals are accepted must thereafter enter into a Development Agreement, obtain a CBOP State license, apply for and obtain a City Cannabis permit and any other applicable regulatory approvals. The Development Agreement template is attached.**

The RFP process will be in four parts as described herein. Applicants responding to the RFP are required to:

- Provide required background materials
- Submit a complete application package along with the Phase I required fee. Staff will review the application for completeness, and provide an opportunity for applicants to issue written questions.
- If it is determined the applicant meets the minimum requirements of Phase I review and has paid the Phase II required fee, the completed proposal will proceed forward to Phase II.
- Selected applicants will enter into a Development Agreement between the City and the Business Owner and any other Responsible Parties

Applicants who are applying for more than one permit must meet each of the foregoing requirements for *each* proposed location.

Instructions to applicants, RFP, and application forms may be inspected at City Hall, 291 N. Main Street, Porterville, California. Applications and related forms may be inspected and electronically downloaded with no cost, at the Public Purchase website, <https://www.publicpurchase.com>. No copies of said documents will be provided by the City. All addenda and correspondence during the application process will be handled electronically through the Public Purchase website. **No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website.**

III. OVERVIEW OF THE APPLICATION PROCESS AND FEE STRUCTURE

Background

Each applicant, prior to submitting for the application process, must be able to show proof of ability to complete the Type 10 State requirements for background investigations (as defined by California Code of Regulations, Title 16, Division 42, Article 3, §5017). There are two ways to ensure compliance:

1. Submit to the City background materials for the applicant and any “owner” as defined by Business and Professions Code Section 26001(al). Each applicant will also be required to submit to a DOJ criminal fingerprint check utilizing a Live Scan form provided by the City. Applicant/Owner must schedule and complete the Live Scan with the Porterville Police Department located at 350 N. D Street, Porterville, CA 93257. Applicant/Owner are responsible for all fees associated with the Live Scan. Additionally, applicant/owner must obtain their own federal criminal history summary from the FBI. This may be accomplished by accessing the FBI Identity History Summary Checks page at <https://edo.cjis.gov/#/>. From this page, applicant/owner can start the process to independently request their own federal criminal history information. They need to travel to an authorized United States Postal Service (USPS) location to complete the fingerprinting.

The Chief of Police (or designee) will review each Live Scan return for disqualifying information. All Live Scan results will be forwarded to the Community Development Department to be attached to the Phase I application process, if no disqualifying information is found.

2. Alternatively, an applicant/owner that has an existing Type 10 State issued license, and can provide evidence of successfully completing the background investigation required by the state, may provide this documentation to the City. This evidence may be subject to review by the Chief of Police (or designee).

Phase I – Application Review

All applicants that successfully show completion of the criminal background investigation may submit a completed application (Attachment 1) and include the information outlined in this RFP. Submitted proposals must include the \$750 fee.

This phase provides the opportunity to submit written questions prior to an official submittal of the proposal for Phase II. The purpose of this phase is for staff to assist in any questions requiring clarification, to confirm the appropriate zoning, evaluate the site plan and floor plan, and attest to completeness of the application. Staff's review will be limited to objective items inasmuch as the application includes all applicable documents listed in subsection H.

Phase II – Proposal Phase

Those applications deemed complete, will advance to the second phase of the application process. Submitted proposals must include a \$7,500 Phase II application fee. The applications will be reviewed and ranked according to the scoring rubric provided subsequently in Section VII of this RFP.

Concerning the competitive portion of this RFP process, applicants with evaluation scores of 75% (60 points) or better may proceed to an oral interview with the Porterville City Council (see below). Following the oral interviews, the top-rated applicants, subject to the number of available permits at the time, may receive notice informing them of the right to apply for a state license CBOP. Such applicants must apply for a CBOP within 120 days of receipt of the notice. Once the number of available permits has been reached, the remaining qualified applicants may be placed on a waiting list in order of ranked evaluation scores that will be valid for two years from the date of the notice. If an applicant that has the right to apply for a CBOP fails to secure all of the required entitlements within the proposed schedule or within one year from the date of the conditional award letter, whichever is sooner, the next applicant on the waiting list may have the opportunity to apply for a CBOP. The City Manager may extend this one-year time deadline for good cause.

Phase III – Development Agreement

The successful applicants shall be required to negotiate and enter into a Development Agreement with the City. The Development Agreement will provide the successful applicant with certain vested rights to develop the property and use it for the purposes of a cannabis dispensary for a period of years regardless of intervening changes in land use regulations, in consideration of the imposition of conditions and the payment of certain fees.

IV. ADDITIONAL TERMS AND CONDITIONS

1. Nondiscrimination

The City will not discriminate against any interested individual, firm or applicant on the on any protected basis as prescribed by applicable law.

2. City's Right to Modify the RFP

The City reserves the right at its sole discretion to modify this RFP (including but not limited to the requirements and/or the selection criteria) should the City deem that it is in

its best interests to do so. Any changes to the proposal requirements will be made by written addendum posted on the City's website. The failure of an applicant to read any addenda shall have no effect on the validity of such modification.

3. City's Right to Suspend or Cancel the RFP

The City reserves the right at its sole discretion to suspend or cancel this RFP in part or in its entirety should the City deem that it is in the City's best interests to do so.

4. City's Right to Reject All Proposals

The City Council reserves the right, at its sole discretion, to reject all proposals, award 0-2 proposals, and/or not to award the right to apply for a CBOP to any applicant should the City deem that it is in its best interests to do so.

5. City's Right to Extend RFP Deadlines

The City reserves the right to extend any of the deadlines listed in this RFP by written addenda should the City deem that it is in its best interests to do so.

6. Confidential Information. Sections of the RFP have been identified as confidential information ("Confidential") and have been identified as such. The information shall be confidential, and shall not be subject to public inspection or disclosure except as may be required by federal, state or local law. Disclosure of information pursuant to this Section shall not be deemed a waiver of confidentiality by the applicant or any individual named in the application. The City shall not be responsible and shall incur no liability for the inadvertent or negligent disclosure of such information.

7. Cost of Proposals

All costs incurred during proposal preparation or in any way associated with the applicant's preparations, submission, presentation or oral interview shall be the sole responsibility of the applicant.

8. Liability for Proposal Errors

Applicants are solely responsible for all errors and omissions contained in their proposals.

9. Permits and Licenses

Applicants, at their sole expense and at the appropriate time, shall obtain and maintain all appropriate permits, certificates and licenses including, but not limited to, a City business license, land use permit and CBOP which will be required in connection with their proposal.

10. Fees and Taxes

Cannabis businesses are responsible for paying all applicable fees and taxes, as well as

any fees negotiated within the Development Agreement. Note that the operating fee included in the attached Development Agreement template is the minimum amount permitted.

11. Commencement of Operation

All the requisite approvals to begin commencement of operations, including without limitation, obtaining a land use permit, business license, and operator's permit, must be obtained within the applicant's proposed schedule, or one (1) year from the date of the notice of the right to apply for a CBOP, whichever is sooner. The City Manager may extend this one-year time deadline for good cause.

12. Revocation of Approvals

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. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the permit as provided in Section 601.10 of the Porterville Development Ordinance. Pursuant to Section 601.10(d) the City Council may revoke the permit if it makes any of the following findings:

- That approval was obtained by means of fraud or misrepresentation of a material fact;
- That the use in question has ceased to exist or has been suspended for one year or more;
- 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
- 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.

13. Authority to Sell, Transfer or Assign License

The City requires that the individuals or entities that receive an award pursuant to the RFP shall be the individuals/entities owning and operating the businesses, and the City Council reserves the right to approve or deny any request to sell, transfer ownership or assign the CBOP license.

V. PROPOSED SCHEDULE

All applicants responding to the RFP must timely submit the following (Late submittals will be returned to the applicant unopened). Applicants failing to submit the foregoing items will be eliminated from the RFP process. The City reserves the right to alter the following schedule as necessary:

RFP Issued	Friday, January 24, 2020
Written Questions from Applicants due	Friday, February 7, 2020
Answers to Written Questions Issued	Friday, February 14, 2020
Submit Final Application and documentation, and \$750 review fee due	Friday, February 28, 2020 by 4:00 PM
Staff review of applications and letters issued for completeness and/or correctory notices	Friday, March 13, 2020
Proposal, Complete/Corrected Application and \$7,500 fee due	Friday, April 3, 2020 by 4:00 PM
Third Party Independent Review	TBD
Interviews with City Council	TBD
Announcement of Selected Applicants and Letters Issued to Successful Applicants	TBD

VI. PROPOSAL REQUIREMENTS

Submitted proposals must include a \$750 Phase I review fee and those subsequently wanting to enter the Phase II application pay the \$7,500 fee. The following information in the ensuing order is required to be deemed a complete submittal. All information submitted to the City must be current. Applicants have a continuing duty to confirm that any requested information submitted previously as part of the submittals remains accurate, and notify the City immediately of any inaccuracies. Proposals, inclusive of all attachments, shall not exceed 250 pages.

- 1. Provide Evidence of Secured Location for the Cannabis Business.** Evidence of a secured location for a cannabis business includes, but is not limited to: a real estate letter of intent (RELOI) to lease or purchase property from a party authorized to lease or sell such property; a purchase agreement, a lease, an option to purchase, an option to lease or purchase property; or evidence of the applicant's ownership of the property. These terms are defined more specifically below:

Letters of interest of any kind are not acceptable. RELOIs, leases or options to lease or purchase must clearly and specifically state that the RELOI, lease, or option to lease or purchase is for the type of cannabis business listed in the proposal. **The RELOI, lease, or option to lease must reflect that the applicant will have control of the property for a minimum of five (5) years.** A month-to-month lease or rental agreement is not acceptable.

Real Estate Letter of Intent: A signed written term sheet, letter of intent, or exclusive negotiating agreement between two or more parties, including the applicant, to sell, lease, or sublease property, outlining the terms by which the applicant will have control of the property for two or more years. These terms may be further negotiated but must provide the basis for a proposed written agreement.

Purchase Agreement: A signed written agreement that a person will purchase a specific property and the owner cannot sell to anyone else unless the terms of the agreement are not fulfilled.

Lease: A signed written agreement that gives a lessee certain rights to use and occupy specific property for at least two years.

Real Estate Purchase or Lease Option: A signed written agreement for the purchase or lease of specific real property by which the purchaser or lessee has the exclusive right to purchase or lease the property for at least two years.

Proof of Ownership: A written document, such as a deed, that shows that title to the real property is vested in the applicant.

2. **Provide a Statement Confirming that the Cannabis Business Location is Outside of Buffer Zone for a School.** State that the location secured for the cannabis business operations is outside of the buffer zone required by the State for schools. Furnish evidence supporting the foregoing statement. Any proposal located within the buffer zone for schools will automatically be disqualified.
3. **Provide a Business Plan Summary and Statement of Qualifications. Confidential.** Describe the day-to-day operations of the dispensary, including a description of the cannabis-related products and/or services being sold, as well as any additional accessory services or related facilities. Provide a detailed list of all cannabis operations proposed to occur on the premises and their processes including, but not limited to, standard operation procedures, number of employees, training program, inventory and quality control procedures, lists of both recreational and medicinal products anticipated to be available, waste management plan, transportation and distribution of product processes, delivery processes, testing, quality control practices and procedures, visitor and vendor protocols, and the track and trace procedures and policies. Include a plan to hire local individuals.

The business plan should also include the statement of qualifications of the Cannabis Business Owner's relative to the proposal, including experience running businesses similar to the one proposed, including cannabis and/or non-cannabis businesses. CV/resumes may be attached as an exhibit to this Section of the proposal.

"Cannabis Business Owner" means "Owner," as defined in State law, including by regulation, in addition to any of the following:

- a. Each person with an aggregate ownership interest of 20 percent or more in a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee, unless the interest is solely a security interest, lien, or encumbrance. When an entity (not a natural person) has an aggregate ownership interest of 20 percent or more, then the chief executive officer and/or members of the board of directors of each entity shall be considered owners.
- b. The chief executive officer of a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee.
- c. A member of the board of directors of a nonprofit of a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee.
- d. The trustee(s) and all persons that have control of the trust and/or a person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee that is held in trust.
- e. Any person, as defined herein, who assumes responsibility for the Permit.
- f. Each person who participates in the direction, control, or management of person, as defined herein, who applies for a Permit or is a Cannabis Business Permittee. Such an individual includes any of the following:
 - i. A general partner of a partnership.
 - ii. A non-member manager or managing member of a limited liability company.
 - iii. An officer or director of a corporation.

The business plan should include a local hire program demonstrating how they would hire locally. A local hire plan could address:

- a. A minimum percentage of the business' employment base hired locally.
- b. A recruitment plan for new hires, including outreach methods.
- c. The hourly wage of the lowest-paid employee.

- d. Estimated number of full and part-time positions in years one through five.
 - e. Available job pathways.
 - f. Describe any plans to train employees and promote lower-level employees.
4. **Proposal Implementation. Confidential.** Provide verifiable, detailed descriptions and other background information for any Cannabis Business Owner. Describe other resources, including financial resources, dedicated to implement this application.
 5. **Understanding and Approach.** Provide a statement demonstrating the applicant's understanding and approach to running the proposed cannabis business and how that approach will integrate the business into the community in which it is located.
 6. **Security Practices. Confidential.** Applicants shall describe their approach to operational security including but not limited to:
 - General security policies.
 - Employee-specific policies and training.
 - Discussion of transactional security, visitor security, third-party contractor security, and delivery security.

Applicants should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for limited access areas, types of security systems (alarms, cameras, etc.), and security personnel to be employed. This discussion must also include a description of how cannabis will be tracked and monitored to prevent diversion, such as by verifying the status of recommending physicians, if selling medicinal cannabis, and retaining copies of all written recommendations from recommending physicians when applicable. Applicants are encouraged to provide a sample written policy that has been developed.

Security plans shall not be made public, unless required by court action. Security plan details that could aid persons who wish to commit security violations shall be considered confidential and shall not be released to the public unless ordered by a court of law.

7. **Local ownership:** More than 50% ownership of the business by a three- year resident(s) or business owner(s) constitutes local ownership. Maximum points will be awarded for 100% local ownership. The local owners must provide verifiable information regarding the number of years each owner has lived in, and/or owned a business in, Porterville's Urban Area Boundary (UAB) as defined in the 2030 General Plan. If an applicant meets one or both of these standards, specify who each local owner is and how that person meets the criteria. (Names are

confidential, the composition of how the ownership meets the criterion is not.) Provide verifiable information such as business license information, property tax bills, business name(s) and address(s), and the number of years each owner has lived in and/ or owned a business(s) in Porterville's UAB.

8. **Proposed schedule.** Provide a schedule for opening the cannabis business. The schedule should include dates for the following:
 - a. Design review, if applicable
 - b. Signage approval, if applicable
 - c. Issuance of State license(s)
 - d. Land Use permit
 - e. Issuance of CBOP
 - f. Issuance of Building permit
 - g. Issuance of other regulatory permits (e.g., discharge permit, etc.)
 - h. Completion of construction
 - i. Opening and commencement of operations
9. **Community benefit:** Describe the applicant's proposed involvement in the City of Porterville, specific to downtown beautification projects, and plans to mitigate any nuisance and/or negative impacts. For further information, see Development Agreement template, attached.
10. **Indemnification.** The applicant must agree to indemnify the City as set forth in the attached Indemnification Agreement

VII. EVALUATION PROCESS

Applications (Proposals) must fully address the proposal requirements in V above and the evaluation criteria and scoring rubric in VIII below, as well as provide complete submittals, references and data to verify qualifications. Proposals without sufficient data to provide a complete evaluation will be considered non-responsive.

All proposals will be reviewed for compliance with requirements including documented capability to operate a cannabis business in a satisfactory manner. Proposals will be evaluated in accordance with the criteria set forth below.

City shall employ a third party independent review to score written proposals.

The City Council reserves the right to invite those with a passing score to participate in an interview process to be defined at a future date. The interview includes the scoring of 25 potential points based on the proposed Community Benefits plan.

In the event of a tied score, the slot shall be chosen by a computer-generated random means at the discretion of the City.

The City may make a conditional award to the applicant or applicants offering the most

advantageous proposal after consideration of the evaluation criteria set forth below. The City will not be obligated to accept any given proposal, but will make the conditional award in the best interests of the City after all proposals have been evaluated.

VIII. EVALUATION CRITERIA Minimum Requirements

Phase I fee of \$750 was paid and the CBOP complete application was submitted on or before the February 28, 2020, 4:00pm deadline	Pass/Fail
RFP fee of \$7,500 was paid and the response to the RFP was submitted on or before the April 3, 2020, 4:00pm deadline	Pass/Fail
Evidence of a secured location for the cannabis business	Pass/Fail
Evidence that the location is outside of cannabis buffer zones for schools	Pass/Fail

Evaluation Criteria

The table below is a scoring rubric to evaluate proposals received in response to the RFP. The responses will be scored on a zero to 75-point scale, excluding the interview. The applicant must receive a minimum of 75% (56 points) of the total possible points to proceed to the interview process. Interviews will be scored on a zero to 25-point scale. The maximum points available, including the interview, is 100 points.

1. Business Operations Plan and Statement of Qualifications		25
Has applicant described how the commercial cannabis business day-to-day operations of the facility will function, including standard operating procedures?	10	
Has the applicant provided a full description of the proposed business, including proposed staffing levels, products, product types, testing protocols, licensing requirements, etc., demonstrating how it will operate its business?	10	
Has the applicant provided resumes/CVs and other relevant materials, for and about primary and significant persons that will be responsible for implementing key portions of the proposed business?	5	
Does the business plan include a local hire program that contains a viable local hire recruitment and incentives plan?	5	
2. Verifiable detailed description of persons and type of resources, including financial resources, committed to implement the proposal		15
Has the applicant submitted a financial statement, balance sheet, and tax returns that attest to its financial health and ability to finance and operate the proposed business?	5	
Has the applicant committed to initial investment amounts and shown how it will reinvest in the business over time?	5	
Does the applicant show that it is investing in equipment, technology and facilities that are appropriate for the nature of the business?	5	

3. Summary of Security Practices		25
Has the applicant provided a full description of security policies including ingress and egress access, perimeter security, product security at all hours, product tracking, security systems and verification of the status of recommending physicians?	10	
Has the applicant described employee-specific policies and training?	5	
Has the applicant adequately described transactional security, visitor security, third-party contractor security and delivery security?	10	
4. Local ownership program (defined by Porterville UAB)		5
Is more than 50% of the business owned by a three-year Porterville resident(s) and/or business owner(s)?	3	
Is more than 75% of the business owned by a three-year Porterville resident(s) and/or business owner(s)?	1	
Is 100% of the business owned by a three-year Porterville resident(s) and/or business owner(s)?	1	
5. Proposed schedule		5
Does the schedule clearly provide realistic milestones for the following items? a. Design review, if applicable b. Signage approval, if applicable c. Issuance of State license(s) d. Issuance of CBOP/Land Use permit e. Issuance of Building permit f. Issuance of other regulatory permits g. Completion of construction h. Opening and commencement of operations	3	
Does the schedule provide a detailed, comprehensive timeline for starting operations of the business?	2	
Total		75

IX. SUBMITTAL INSTRUCTIONS

The proposal shall be signed by an individual(s) authorized to execute legal documents on behalf of the applicant. Failure to provide all required submittals may result in a proposal being found non-responsive and given no consideration. No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website.

Two (2) hard copies of the proposal and one electronic PDF version of the proposal on a flash drive shall be provided in a sealed envelope with a return address, including business name, no later than 4:00 PM Friday, February 28, 2020 for Phase 1 and Friday, April 3, 2020 for Phase II to the following address:

Community Development Department
Porterville City Hall
291 N. Main Street
Porterville, CA 93257
Attention: Julie Phillips, AICP

Late proposals will not be considered and will be returned to the applicant unopened. The City assumes no responsibility for delays caused by delivery service. Postmarking by the due date will not substitute for actual timely receipt.

Any proposal received prior to the submittal date may be modified or withdrawn by written request from the applicant to the City up to the submittal deadline.

X. QUESTIONS

For information concerning RFP procedures and regulations (i.e., submission deadline, required forms, etc.), interested parties shall request clarification electronically through the Public Purchase website.

Attachments

1. Commercial Cannabis Business Permit Application – Storefront Dispensary
2. Indemnification Agreement
3. Development Agreement Template
4. Porterville Municipal Code: Chapter 15, Article VII; Chapter 21, Series 200, Section 202.02 and 204.02; and Chapter 18, Article XI

Attachment 1

Commercial Cannabis Business Permit Application –
Storefront dispensary

CITY OF PORTERVILLE

Community Development Department
291 North Main Street, Porterville CA 93257
(559)782-7460

Commercial Cannabis Business Permit Application – Storefront Dispensary

A. Business Information

Business Name: _____

Property Address: _____

Assessor Parcel Number: _____ Zoning Designation: _____

B. Business Type (Check all that apply)

☐ Retailer Storefront (Adult-use)	☐ Retailer Storefront (Medical)	☐ Retailer Storefront (Adult-use and Medical)
--	--	--

*GR – Gross Receipts

C. Definitions

Applicant - The entity petitioning for the Cannabis Business Operator Permit.

Principal(s) - The individual members of the applicant team.

Primary Principal - An individual who has a 10% or greater ownership stake of the applicant business, which includes partners, officers, directors, and stockholders of every corporation, limited liability company, or general limited partnership that owns at least 10% of the stock, capital, profits, voting rights, or membership interest of the commercial cannabis business or that is one of the partners in the commercial cannabis business; the managers of the commercial cannabis business.

Operator - An applicant that has been licensed and conducts or conducted active cannabis operations.

Majority - A greater number; more than half. An equal number does not constitute a majority.

D. Applicant Information

Name of Primary Responsible Party Completing the Application: _____

Title: _____ DOB: _____

Social Security No: _____

If applicant is a not for profit, corporation, partnership or other business entity, please identify:

Name of Business Entity: _____

Type of Ownership: _____

Federal Tax Id: _____ Start Date: _____

Mailing Address: _____

Primary Phone No: _____ Alt. Phone No: _____

Email Address: _____

Preferred method of contact (check one) ☐ Mail ☐ Phone ☐ Email

E. Additional Responsible Party Information

Name: _____

Title:

DOB:

Social Security No:

Mailing Address:

Primary Phone No:

Alt. Phone No:

Email Address:

Preferred method of contact (check one)

☐ Mail

☐ Phone

☐ Email

Please attach additional sheets if there are more than 2 Responsible Parties.

F. Information on Property Owner or Landlord

Name:

Mailing Address:

Primary Phone No:

Alt. Phone No:

Email Address:

Preferred method of contact (check one)

☐ Mail

☐ Phone

☐ Email

If the applicant is not the legal owner of the property, the application must be accompanied by a notarized Owner's Statement of Consent to operate a commercial cannabis business on the property.

G. Related License Information

The applicant and/or responsible parties has been associated with a commercial cannabis business permit in the past 10 years.

☐ Yes

☐ No (If yes, please provide the following information)

Name:

City or County:

Start Date:

End Date:

Business Name:

Business Type:

Please attach additional sheets if necessary.

H. Required Submissions (Please check the box for each attachment)

Please attach all applicable documents listed below as part of your application as they pertain to your business type. For any items that do not apply to your business type, please provide a brief explanation as to why they do not apply.

☐ **Business Operations Plan**

- **Business Plan:** A plan describing how the commercial cannabis business will operate in accordance with City code, state law, and other applicable regulations. The business plan must include plans for handling cash and transporting cannabis and cannabis products to and from the site. The plan must include a description of the day-to-day operations of the facility including but not limited to standard operating procedures, number of employees, training program, inventory and quality control measures, lists of both recreational and medicinal products anticipated to be available (if applicable), waste management plan, delivery processes, testing, quality control practices and procedures, visitor and vendor protocols (logs, non-disclosures, etc.), and track

and trace procedures and policies.

- **Community Relations Plan:** A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.
- **State Licenses:** Copies of the state licenses relating to the commercial cannabis business licenses, the applicant holds (when available).
- **Insurance:** The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the cannabis business.
- **Budget:** A copy of the applicant's most recent annual budget for operations (If available)
- **Financial Capacity/Proof of Capitalization:** Proof demonstrating sufficient capital is in place to pay startup costs and at least three months of operating costs. Proof of capitalization shall be in the form of financial information such as bank statements and balances, available loans and/or other sources of funding the enterprise, and/or documentation of cash or other liquid assets; and a Letter of Credit.
- **Products and Services:** A list/description of the general products and services the business will provide.
- **Management Team:** An organization chart with the name and role of each known member of the management team, including roles that are known but unfilled, resumes for each member of the management team, a discussion of the experience of the management team, and information concerning any special business or professional qualifications or licenses of the management team that would add to the number or quality of services that the facility would provide, especially in areas related to medicinal cannabis, such as scientific or health care fields

☐ **Education Plan:** A plan describing the type of cannabis education and prevention efforts that will be provided by the business to the community.

☐ **Security Plan:** The security plan must be prepared by a qualified professional. A detailed security plan must outline the measures that will be taken to ensure the safety of persons and property on the business site, including general security policies, employee-specific policies and training, discussion of transactional security, visitor security, third-party security, and delivery security. Applicants should address ingress and egress access, perimeter security, lobby and storage area security, product security (at all hours), internal security measures for limited access areas, type of security systems (alarms, cameras, etc.), and security personnel to be employed. Displayed items must be secured behind a counter, and only accessible in the presence of an employee. Video surveillance must be provided at all times in a manner and design approved by the Porterville Police Department, and stored for a period of at least 90 days, and accessible by the Department. Facilities shall have a burglar alarm, to include panic buttons located at the front lobby and retail areas. Alarm services must be provided/monitored by a third party alarm company, with notification to the Porterville Police Department. GPS data for delivery vehicles must be preserved for not less than 90 days and made available to the Porterville Police Department upon request. The discussion must also include a description of how cannabis will be tracked and monitored to prevent diversion, such as by verifying the status of recommending physicians and retaining copies of all written recommendations from recommending physicians when applicable. Applicants are encouraged to provide a sample written policy that has been developed. Security plans shall not be made public, unless required by court action. Security plan details that could aid persons who wish to commit security violations shall be considered to be confidential and shall not be released to the public unless ordered by a court of law.

☐ **Lighting Plan:** A detailed lighting plan showing existing and proposed exterior and interior lights that will provide adequate security lighting for the business site. The lighting plan shall be subject to review, adjustment and approval of all City Departments.

☐ **Site and Floor Plans:** A dimensioned site plan of the business site, including all buildings, structures, driveways, parking lots, landscape areas and boundaries. Also provide dimensioned floor plans for each level of each building that makes up the business site, including the entrances, exits, and walls. The plans shall also include the following information about the site: current zoning, parking requirements, consistency with development standards for the zone and any applicable design guidelines, the new development planned for the site, and any other site development information. Entrances shall be unobstructed by tall landscaping or architectural features, and shall be visible from the public right of way and parking areas. The floor plan must provide for a front lobby that is completely separate and secured from the dispensary, for a separate secured storage room (which is illuminated and ventilated, and constructed of materials not easily compromised such as steel or concrete), and all requirements as required by State law. All facilities shall have a secured room within which all non-display cannabis merchandise is stored. The applicant must provide proof of ability to lease or purchase the property (Property Owner Affidavit). The plans provided must be to scale. The Retail Operation may be a component of a larger development proposal which can be described in this application.

- ☐ **Odor Control Plan:** A detailed plan describing how the applicant will prevent all odors generated from the storage of cannabis from escaping from the buildings on the business site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings.
- ☐ **Product Safety and Labeling:** The applicant shall provide how the facility will ensure enhanced consumer safety by testing or confirming that testing has been certified for biological and chemical contaminants. The applicant must also submit a discussion regarding the product labeling standard to be employed and how they will be in compliance with state and local laws, regulations, and policies. The applicant must also provide information on product labeling sufficient to ensure that cannabis and edible products containing cannabis clearly identify the percentage level of delta-9 (trans) tetrahydrocannabinol, cannabidiol, and cannabinol, and have adequate warnings.
- ☐ **Community Benefits:** The applicant shall demonstrate to the satisfaction of the City of its intent to local hiring and community support. The applicant must provide a discussion of how it intends to provide the City and its residents with community benefits and mitigate any nuisance and/or negative impacts that the facility's existence may create. Applicants must provide the City a description of how it plans to develop and implement a Community Benefits Program. Examples of benefits could include, but are not limited to, supporting or funding community programs, employment and job training programs, contributing to local substance abuse programs, funding foreclosure prevention programs, or other activities that benefit the local neighborhood as well as the City of Porterville. Such benefits and funding shall be set forth in a Development Agreement with the City.
- ☐ **Hiring and Employment Practices:** The applicant must submit a description of their labor and employment practices. These policies and practices could include, but are not necessarily limited to a discussion of hiring plan, training and continuing education opportunities (introductory and ongoing) that will be provided, the provision of equal benefits and/or the execution of a declaration of non-discrimination, and, for an applicant with 20 or more employees, a statement that the applicant will enter into or demonstrate that it has already entered into and will abide by, a labor peace agreement.

I. City Authorization

- ☐ I, the applicant, provide authorization and consent for the City Manager or his/her designee to seek verification of the information contained on this application.

J. Indemnification

- ☐ I, the applicant, agree to the fullest extent permitted by law, any actions taken by a public officer or employee under the City of Porterville regulations for Commercial Cannabis Businesses, shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, the permittee shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Porterville, the Porterville City Council, and its respective officials, officers, employees, representatives, agents and volunteers from any liability, damages, actions, claims, demands, litigations, loss (direct or indirect), causes of action, proceedings, or judgments (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) against the City to attach, set aside, void or annul, any cannabis-related approvals and actions and strictly comply with the conditions under which such permit is granted, in any. The City may elect, in its sole discretion, to participate in the defense of said action and the permittee shall reimburse the City for its reasonable legal costs and attorneys' fees.

K. Nonrefundable Filing Fee

- ☐ I, the applicant, understand and accept that the nonrefundable filing fee must be submitted with the completed Commercial Cannabis Business Permit Application and will be retained by the City regardless of the out-come of the application review.

L. Background – Request for Live Scan Services

- ☐ I, the applicant, understand that a completed and processed Request for Live Scan Service, State of California Form BCIA 8016, as determined by the City of Porterville, by a duly authorized business must be provided for the applicant and all interested parties. All applicable fees and charges are the responsibility of the applicants and interested parties.

M. Disqualification

- Application was received late
- Application is incomplete or inaccurate
- Facility does not meet City business licensing standards
- More than one application is received for the same cannabis business type on one property (stacking of applications)

N. Applicant's Certification

I agree to abide by and conform to the conditions of the permit and all provisions of the Porterville Municipal Code pertaining to the establishment and operation of the commercial cannabis business. I acknowledge that the approval of the Commercial Cannabis Business Permit shall, in no way, permit any activity contrary to the Porterville Municipal Code, or any activity which is in violation of any applicable law.

The information provided is genuine and not a sham, collusive, or made in the interest or on behalf of any party not therein named, and that the applicant has not directly or indirectly induced or solicited any other applicant to put in a sham proposal, or any other applicant to refrain from presenting information and that the prospective provider has not in any manner sought by collusion to secure an advantage.

The applicant has not paid or agreed to pay any fee of commission, or any other thing of value contingent upon the award of a permit or of any exclusive operating area, to any employee, official, or existing contracting consultant of the City of Porterville.

All costs of preparation or proposals including travel for any interviews scheduled shall be borne by the applicants.

All proposals become the property of the City of Porterville. The City reserves the right to reject any and all submittals; to request clarification of information submitted; to request additional information from competitors; and to waive any irregularity in the submission and review process. None of the materials submitted will be returned to the bidder.

Information or materials submitted in response to this application will be stored of file with the City of Porterville, and may be subject to the requirements of the California Public Records Act, or subject to public disclosure as ordered by a court of law. Proposed security plans shall be considered confidential.

The City reserves the right to request additional information not included in this application from any or all applicants.

The City reserves the right to contact references not provided in the submittals.

The City reserves the right to incorporate its standard agreement language into any contract resulting from this application.

The applicant understands that if selected to receive a permit by the City, applicant will be, in accord with City regulations, required to enter into a Development Agreement with the City containing additional terms and conditions for the development and operation of the business. Due to the unique nature of the subject business, a Development Agreement will be crafted to establish the terms and parameters within which the business may develop. If the applicant and City enter into a Development Agreement, the applicant will have five (5) years to operate a dispensary subject to the Agreement terms and conditions, the local regulations in effect at the time the Development Agreement was executed, and all applicable State law in effect at the time and as may be amended.

I certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of the information contained in this application, that I am authorized to execute this application and all portions thereof, and that the information contained herein is true and correct.

Signature: _____

Date: _____

The information contained on this document is subject to disclosure under the Public Records Act.

Applicants providing false or misleading information in the permitting process will result in rejection of the application and/or nullification or revocation of any issued permit. All commercial cannabis permits must be approved by the City Council. The City may attach conditions to the permit. A commercial cannabis permit may be

denied if any of the following findings are made:

- (i) The application does not meet all requirements of the commercial cannabis ordinance; or*
- (ii) Approval would very likely result in harm to public safety, health, or welfare; or*
- (iii) Potential negative impacts of the use cannot be mitigated with conditions or through the ordinance requirements.*

Applicants will be notified regarding application completeness

COMMERCIAL CANNABIS BUSINESS OPERATORS PERMIT APPLICATION

PROPERTY OWNER'S STATEMENT OF CONSENT

If the applicant is not the owner of record of the subject site, the following Statement of Consent must be completed by the owner or the owner's authorized representative, granting the applicant permission to apply for a cannabis business operator permit.

I, the undersigned legal owner of record, hereby grant permission to:

Applicant: _____ Phone: _____

Mailing Address: _____

To operate a commercial cannabis business on the property described below. I agree to abide by and conform to the conditions of the permit and all provisions of the Porterville Municipal Code pertaining to the establishment and operation of the commercial cannabis business. I acknowledge that the approval of the Commercial Cannabis Business Permit shall, in no way, permit any activity contrary to the Porterville Municipal Code, or any activity which is in violation of any applicable law. I further understand that I am responsible for, and also subject to, enforcement actions regarding any violations and/or nuisance activity which may occur at this property if leasing the property to the applicant.

The subject property is located at: _____

Assessor's Parcel Number: _____

Printed Name of Owner of Record: _____

Address of Owner of Record: _____

Phone: _____ Email address: _____

Signature of Owner of Record: _____ Date: _____

Attach:

☐

Proof of possession of the premises and approval of use (deed, lease, lease assignment, agreement showing willingness to sell property if applicant obtains permit)

Notary Use Only:

State of California
County of Tulare

On this, the _____ day of _____, 20____, before me a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purpose therein contained.

I witness hereof, I hereunto set my hand and official seal.

Notary Public

Attachment 2

Indemnification Agreement



CITY OF PORTERVILLE INDEMNIFICATION AGREEMENT

Pursuant to Porterville Municipal Code Chapter 21, Section 601.02(b)(4), and to the fullest extent permitted by law, the “Applicant” (owner of the subject property; or an agent representing the owner, duly authorized to do so in writing by the owner, including, but not limited to, a person with a duly executed written contract or exclusive option to purchase the subject property or a lessee in possession of the subject property) hereby agrees to defend, indemnify and hold harmless the City of Porterville, its officers, attorneys, agents, and employees:

1. From any claims, actions, proceedings or liability of any nature (collectively referred to as proceeding) brought against the City or its officers, attorneys, agents or employees, to attack, set aside, void, or annul:
 - a. Any action or decision by City Staff, City Council or any other City entity related to the subject property.
 - b. Any action taken to provide related environmental clearance or decisions under the California Environmental Quality Act (CEQA) by City Staff, City Council or any other City entity concerning the subject property.

The indemnification is intended to include but not be limited to damages, fees, and/or costs awarded against the City, if any, and cost of suit, attorney’s fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding.

2. The Applicant hereby agrees to indemnify the City for all of the City’s costs, fees, and damages which the City incurs enforcing the indemnification provisions of this Agreement.
3. In the event of a proceeding, the City retains the right to approve counsel to defend the City, all significant decisions concerning the manner in which the defense is conducted, and any and all settlements, which approval shall not be reasonably withheld. The City has the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses its own counsel to defend the City, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the above, if the City Attorney’s office participates in the defense, all City Attorney fees and costs shall be paid by the Applicant.
4. The defense and indemnification of the City set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

Print Name and Date

Signature (Owner or Legal Representative)

Attachment 3

Development Agreement Template

RECORDING REQUESTED BY

City of Porterville

AND WHEN RECORDED MAIL TO:

City of Porterville

291 N. Main Street

Porterville, CA 93257

Attention: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Recording Fee Exempt per Government Code §6103

**COMMERCIAL CANNABIS DISPENSARY DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND
[NAME OF OPERATOR/DEVELOPER], [TYPE OF LEGAL ENTITY]**

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this _____ day of _____, 2020, (the "Execution Date"), by and between the **CITY OF PORTERVILLE**, a California municipal corporation ("City") and **[NAME OF OPERATOR]**, [Legal Entity] XXX ("Owner"). City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement:

Commented [J1]: Include all parties who have a legal or equitable interest in the property or the development, and as required per the RFP

RECITALS

WHEREAS, the State of California enacted California Government Code Sections 65864 et seq. ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having legal or equitable interests in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction;

WHEREAS, the purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the Owner, and to meet certain public purposes of the local government;

WHEREAS, the City has adopted Municipal Code Article 609, establishing the procedures and requirements for the consideration of development agreements with the City;

WHEREAS, Owner(S) currently holds legal or equitable interest in real property considered in this Agreement which has a development area approximately _____ square feet located at _____, City of Porterville, State of California (the

"Site"). The Site includes Assessor's Parcel Number: XXXX-XXX-XXX, and is more fully described in Exhibit A and shown on the map in Exhibit B. Both exhibits being attached hereto and incorporated herein by this reference;

WHEREAS, presently, Owner has a leased interest in a portion of the Site [or property ownership] for the purpose of commercial cannabis related activities, specifically the development and operation of a commercial cannabis dispensary. Such Commercial Cannabis facilities shall operate in accordance with all applicable provisions of Business and Professions Code §§26000-26231.2; California Health and Safety Code Safety Code §§ 11357-11362.9 and 11362.7- 11362.85; Revenue and Taxation Code §§ 34010-34021.5; Vehicle Code §§ 2429.7 and 23222; Water Code §§ 1831, 1847, and 13276; the City of Porterville Municipal Code as it applies to such facilities (collectively the "Applicable Cannabis Laws"), and all Resolutions and procedures adopted or authorized by the City in accordance with those laws and regulations. Prior to operating a commercial dispensary Owner shall be required to obtain a Commercial Cannabis Permit from the City, and all related permits and licenses prior to the operation of same, pursuant to Chapter 15, Article VII and Chapter 21, Article 609 of the Porterville Municipal Code.

Commented [J2]: Modify re interest in property to describe each owner's property interest. Note: the terms of the agreement will be modified depending on the particular property interests held, and the arrangement between the property owner and any tenant. Property owners may be required to be parties to the agreement, or consent to the agreement, depending on the circumstances.

WHEREAS, Owner has obtained or intends upon obtaining a California State License issued, pursuant to Applicable Cannabis Laws, to operate a commercial storefront dispensary at the Site. The definition of "Owner" hereunder shall mean and refer to the fee simple owner and any authorized tenant of the Site to the extent such party holds or is covered by a Commercial Cannabis Permit;

Commented [J3]: See comment above.

WHEREAS, on _____, 2020 Owner applied to this City for a Commercial Cannabis Permit (*hereinafter* "CCP") to conduct Commercial Cannabis Activities. No such activities are allowed or authorized without a Development Agreement, a Commercial Cannabis Permit, and all requirements pursuant to the above-referenced City regulations.

WHEREAS, Owner presently intends to develop and open a commercial storefront dispensary on the Site consistent with the Applicable Cannabis Laws and Project Approvals (known as the "Project").

WHEREAS, the Project will consist of: one commercial building totaling approximately _____ square feet. The complex will employ approximately _____ employees per shift. The business will utilize the following areas:

[SAMPLE LANGUAGE]: General Business/Store and Offices – The facility will be open from ____ a.m. to ____ p.m., Monday through Friday, with _____ employees per shift.

[SAMPLE LANGUAGE]: Parking/Loading/Access: The proposed project provides _____ parking spaces, including _____ accessible van space(s). Loading will take

place on-site within an existing covered loading space accessed on the east side of the structure. In no event will loading occur within the public right-of-way. Vehicular access to the site will be through an existing driveway on _____. Within the site, access to the structures will be through the secured front office entrance. Pedestrian walkways within the structure and on the _____ and _____ sides of the structure allow pedestrian circulation throughout the site. The project complies with the CALGreen Tier 1 by incorporating stormwater pollution prevention measures, installing energy- and water-efficient equipment, and planting native and drought-tolerant landscaping at the front of the property.

[SAMPLE LANGUAGE]: Security: The project will secure the facility against unauthorized entry by installing security lights on the exterior of the building to illuminate the side areas and parking area, installing commercial-grade locks, installing an alarm and video surveillance system, establishing procedures for identifying authorized persons, establish inventory controls, and install a secure surveillance vault to maintain the integrity of records. Further, the project shall have a separately secured, limited access area, where all persons must be at least 21 years of age and have a business reason for entering the area; non-employees with authorized access must be escorted, and an access log must be maintained. In addition, the applicant will engage a licensed security company to provide an operational security plan in compliance with applicable City Regulations and policies.

WHEREAS, On _____, 2019, Ordinance No. _____ came into effect authorizing specified Commercial Cannabis Activities within the City of Porterville, in strict compliance with related State of California laws, regulations and policies, under specified conditions and provisions;

WHEREAS, all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied;

WHEREAS, the City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. The City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City's General Plan, zoning code and municipal ordinances;

WHEREAS, the City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that

the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner(s) has represented to City that it would not consider or engage in the Project absent City approving this Agreement;

WHEREAS, the City agrees that Owner's land use entitlements for the Project shall vest for the term of this Agreement as described below;

WHEREAS, After conducting a duly noticed hearing on _____, in conjunction with the City's applicable ordinances and resolutions, the Zoning Administrator of the City reviewed, considered and recommended environmental clearance and recommended approval of the execution of this Agreement to the City Council. The Zoning Administrator found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the City's zoning laws; in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City;

WHEREAS, after conducting a duly noticed hearing on _____, in conjunction with the City's applicable ordinances and resolutions, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the City's zoning laws; in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Porterville and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

1. Government Code and Municipal Code Required Elements

a. Description of Property. Land situated in the City of Porterville, County of Tulare, State of California; whose street address is _____, City of Porterville, State of California (the "Site"). The Site includes Assessor's Parcel Number: XXXX-XXX-XXX.

b. Owner and Other Person with Legal or Equitable Interest.

Owner: **[NAME OF OPERATOR]**,

Nature of Interest: **[SAMPLE: Lease for 10 years with Option to Renew for an additional 10 years]**.

If Owner is not the fee simple owner of the Site, check box below:

☒ Owner represents and warrants that the property owner has consented in writing to the execution and recordation of this Agreement against the Site. See attached Landlord Consent agreement, incorporated herein by this reference (Exhibit ____).

Commented [J4]: See above comments.

c. Permitted Uses. The subject property may be used for [DESCRIPTION: commercial storefront cannabis dispensary] as presently authorized under City Ordinance No. _____, including Porterville Municipal Code §§ 15-85 through 15-105 and Sections 609.01 through 609.11, and for any other use as authorized under applicable provisions of the Porterville Municipal Code.

d. Zoning. Owner shall guarantee that such activities outlined in Owner's Commercial Cannabis Permit Application ("Application") conducted pursuant to this Agreement and under the Commercial Cannabis Permit shall comply with the City's municipal code, including the above-referenced zoning regulations and any and all development and construction requirements contained therein. Owner shall not conduct any business under this Agreement or under the Commercial Cannabis Permit without having obtained all necessary permits, licenses, and approvals from the City and State of California.

e. Reservation or Dedication of Land for Public Purposes. If needed, sufficient roadway, sidewalk, and utility easements shall be reserved or dedicated to City for such purposes.

2. Term

This Agreement shall commence on the Effective Date and it shall end **five (5)** years from the starting date, and it shall remain in full force and effect so long as the subject property is used for a commercial cannabis facility as authorized under City Ordinance Nos. _____; provided, however, such use is not abandoned for a period of more than ninety (90) days.

This Agreement [SHALL] be extended for _____ additional (up to five) _____ year period following the expiration of the initial **five (5)** year term upon the occurrence of all of the following:

(i) The Owner shall give written notice to the City no later than one hundred twenty (120) days before the expiration of the initial five (5) year term that the Owner desires to extend this Agreement for an additional _____ year period;

(ii) The Owner shows adequate evidence to the City that it has a legal and/or equitable interest in the Property and/or will have such interests for the duration of the extended term of the Agreement;

(iii) The Owner shall deposit all fees required by the City necessary for processing the extension request and drafting necessary documentation;

(iv) The Owner shall be in compliance with all provisions of Ordinance Nos. _____, and all terms imposed by the City-issued Commercial Cannabis Permit; and

(v) The Owner shall not be in default of any provision of any agreement between City and Owner relative to the development of the Property or of any condition of approval imposed upon any entitlement granted by the City relative to the development of the Property for which Owner has been given a written notice to cure by the City and for which Owner has not cured or commenced to cure such default within thirty (30) days, if and as provided by such agreement or condition of approval.

3. Owner's Site and Floor Plans

a Owner's site plan and floor plan for the facility are attached hereto as Exhibit _____ and incorporated into the Application.

b A preliminary landscape plan shall be prepared and reviewed and approved by the City Manager, the Community Development Director, the Engineering and Project Management Director, and/or their respective designees. A final landscape plan shall be prepared and submitted in conjunction with building and site improvement plans prior to issuance of building permits for construction activities.

c An exterior signage plan shall be prepared and reviewed and approved by the appropriate City staff in accordance with the procedures and requirements of the Porterville Municipal Code.

4. Facility Operations

a Standard Operating Procedures. Owner is a lawful entity that will only transact business with other legally permitted persons and entities under the California Cannabis Laws. Prior to operating a dispensary, Owner shall be required to obtain a Commercial Cannabis Permit, and all requirements pursuant to said permit, from the City pursuant to City Ordinance No. _____. Further, and notwithstanding anything to the contrary, Owner may operate such cannabis-related activities as permitted in accordance with California state laws and regulations, as may be amended, including without limitation, as long as such activity is not inconsistent with Ordinance No. _____, this Development Agreement, the City-issued Commercial Cannabis Permit, and the Porterville Municipal Code.

During the term of its CCP and the term of this Agreement, Owner shall lawfully

operate in accordance with all state and local laws. Owner shall employ exemplary operating procedures to comply with state and local laws. Owner's facility shall employ safety and security measures for the safety and security of its employees, visitors, vendors, and neighboring communities and properties.

Owner shall fully comply with the minimum Operating Standards regulating the proposed Commercial Cannabis Activity as set forth in Article Chapter 15, Article 15, Sections 15-85 through 15-105 of the Porterville Municipal Code, and those required by Ordinance No. _____, and such more specific operational requirements set forth in Exhibit ____, "Operational and Business Standards", attached hereto.

b. Security Plan. Owner shall secure approval of its proposed security plan by the City prior to operating. The security plan shall include, at a minimum and as appropriate, provisions for video surveillance, perimeter fencing and/or security, protection of the building(s) from vehicle intrusion, cash handling procedures, internal accounting controls, product handling and storage procedures, and a professionally monitored alarm system. Equipment and systems used for video surveillance and building alarms shall be approved by City. See Porterville Municipal Code Section 15-87, subsections (N) and (O), and Exhibit ____ for minimum security requirements.

Video surveillance shall include, at a minimum, all site and facility entrances and access points, all spaces accessible by the public, all secured areas of the facility with restricted access, all interior spaces and rooms where cannabis products are handled, shipping and receiving areas, cash storage areas, and other areas necessary to protect the safety of employees and the public and to ensure cannabis products are received, handled, stored, and sold in compliance with applicable state and local laws and regulations. The video surveillance system shall be web-based with direct access provided to the City of Porterville Police Department upon request.

The security system shall also include sensors to detect entry and exit from all secure areas, panic buttons in appropriate locations, and a professionally monitored alarm system with glass breakage sensors and motion detectors.

Owner shall employ properly trained and licensed third-party security personnel to protect the welfare and safety of Owner and employees, and to ensure public safety to the neighboring community. Owner shall use security personnel during all hours of business operations. Security personnel may be armed so long as proper licensing and insurance requirements are followed and met by the third-party operator providing such security services. See Exhibit _____ for the additional minimum security requirements.

Further, the project shall have a separately secured, limited access area, where all persons must be at least 21 years of age and have a business reason for

entering the area; non-employees with authorized access must be escorted, and an access log must be maintained. The (nonlimited access) reception area shall be operated_____.

c. Fire Department Approval. Owner shall not operate any facility, and no permit, license, or other approval issued by City shall be valid unless and until the Porterville Fire Department has approved Owner's site plan, floor plan, safety plan, and any other plans that require its approval.

d. Possession of Firearms. Except for licensed and bonded security personnel, no person employed or contracted by Owner shall be in possession of any firearm while on the premises or location without having first obtained a license from the appropriate state or local agency authorizing the person to be in possession of such firearm. Every such person in possession of a firearm while on the premises or location must provide the City Manager and the Porterville Police Department, ten (10) days before bringing the firearm onto the premises, with the following:

- 1) A copy of the license issued to the person by the appropriate state or local agency authorizing him or her to possess such firearm;
- 2) A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency);
- 3) A copy of his or her California driver's license or California identification card; and
- 4) Any other information reasonably required by the Porterville Police Department to show that the individual is in compliance with the provisions of all laws regarding the possession and use of a firearm.

e. Identification Display. Each owner, manager, employee, and individual member engaged in the operation of the business shall at all times while engaged in the duties of his or her position wear in plain sight, on his or her person and at chest level, a valid identification badge, issued by Owner.

f. Employee Background Checks and Procedures for Inventory Control to Prevent Non-Medical Diversion of Medical Cannabis. Only employees who receive clearance from [] shall be permitted to enter Owner's facility. Each employee will have to meet a criminal background investigation as required by the City, which at minimum shall include a LiveScan criminal history check, which City shall make a good faith effort to facilitate within a reasonable time following the issuance of a Commercial Cannabis Permit(s) or license(s) to Owner.

Owner shall take all necessary and reasonable steps to prevent the sale or

distribution of any of its cannabis products to minors; prevent revenue from the sale or distribution of its cannabis and/or infused products from going to criminal enterprises, gangs and cartels; prevent the diversion of cannabis from California to any other state; prevent state-authorized cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevent violence and the use of firearms in the sale of cannabis; discourage and educate against drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use; disavow growing cannabis on public lands that creates attendant public safety and environmental dangers posed by such illegal uses; and discourage and educate against cannabis possession or use on federal property.

g. Point of Sale Tracking System. Owner shall maintain an inventory control and reporting system that accurately documents the cannabis products. The inventory control and reporting system shall comply with the track and trace program required by California Cannabis Law and regulations issued thereunder.

Owner shall employ an electronic point of donation/sale system approved by the State of California for all point of donations/sales tracking from seed or inception to product distribution to other licensed commercial cannabis facilities. Such approved system shall track all commercial cannabis products, each edible, harvested flower, and/or manufactured concentrate, as well as gross sales (by weight and sale). Owner's point of sale system shall have the capacity to produce historical transactional data in accordance with City's requirements.

h. Record Keeping. Owner shall maintain records for all commercial cannabis and/or infused products. Owner shall comply with all record-keeping responsibilities that are set forth in Ordinance No. 1853, Section 15-87(O) of the Porterville Municipal Code, including complete and up-to-date records regarding the amount of commercial cannabis delivered and sold, and applicable State law.

i. Commercial cannabis sales shall not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to use or storage of materials, processes, products, or wastes.

Owner shall store its commercial cannabis and/or commercial cannabis products in a locked safe room with T-card identification access for management only. The safe room shall be constructed of fire-rate walls with numerous cameras installed to view all entries and exits from the safe room, as well as all other activities performed within Owner's facility. Owner will not conduct outdoor operations except as related to lawful delivery and transportation of commercial cannabis and infused products. Owner will not store commercial cannabis or related products in its delivery vehicle outside normal operating hours of the facility.

Any excess or contaminated product will be securely stored on-site until it is properly disposed. Disposal may include composting, incineration, land-fill disposal through the local waste management hauler, or other disposal methodology in accordance with state and county health and safety codes and regulations.

j Odor Control. All structures shall have ventilation and filtration systems installed that prevent commercial cannabis plant odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by the Building Official and installed prior to commencing sales within the allowable structure. Facility air intake, exhaust, and recirculating system shall be of industrial grade. Activated charcoal, recirculating, and closed loop aeration systems will be utilized as necessary for effective odor control and management. See minimum requirements, pursuant to Exhibit_____ to this Agreement.

k Description of Banking Plan. Owner shall seek to open a bank account under the name of Owner or its associated management company to provide transparency for funds received, operational costs, including payroll, tax payments to the state and federal governments. Should a bank account not be forthcoming, Owner shall implement other industry standard banking and/or other industry standard transactional mechanisms.

l Transportation and Delivery Plan. Owner shall comply with all state and local law regarding transportation and delivery, including the rules governing delivery service. Owner shall retain a list of names and cellular contact numbers for all employees engaged in transportation and/or delivery of commercial cannabis products and provide it to the applicable oversight authority, keeping the list current and up to date.

Owner will keep complete and up-to-date records documenting each delivery, including the amount/product(s) provided, the date and time provided, the name of the employee making the delivery, the name and address of the individual corporation to whom delivery is made, and the amount of the related sale/monetary transaction.

5. Community Relations, Employment, and Wages

a Public Outreach and Education Program. The Owner shall coordinate and cooperate with City and any other Owners of commercial cannabis dispensaries located within City of Porterville in the establishment and implementation of appropriate public outreach and education programs, including but not limited to those described in Attachment _____. The public outreach and education programs shall be approved by City.

b Community Benefits Program. The Owner shall coordinate and cooperate

with the City and other Owners of commercial cannabis facilities located within the City of Porterville in the City Council's establishment and implementation, and the Owners' funding of a community benefits program which could include such items as senior citizen programs, City beautification efforts, funding for enforcement against illegal cannabis operations, public safety, housing programs, economic development, infrastructure, capital improvements, including expansion and/or improvement to existing facilities or other physical improvements that provide a benefit to the community, support of holiday and special community events, and support of local public service, public safety, and special social and community organizations. This community benefits program may be implemented by the City. The City may invite public participation in the decision-making process for identifying and prioritizing community needs and benefits, and identifying appropriate projects to be funded by the entity implementing this community benefits program. All projects under the community benefits program must be approved by the City.

Owner agrees, as a business expense, to pay the City the yearly sum of \$_____. Unless initialed below by the City Manager, this yearly sum shall be deposited **in full** into a dedicated account set up by the City in order to fund and implement a City-approved community benefits program.

_____ If initialed here by the City Manager, Owner has been approved for the following payment plan: Within thirty days of the Effective Date of this Agreement, the Owner shall deposit into the City's dedicated account, in good funds, twenty percent (20%) of the yearly sum of \$_____ [initial payment calculated at \$_____] and shall pay the balance thereof over a period of ____ (XX) months payable in equal monthly installments of \$_____ per month. Each monthly payment shall be due and payable on the 1st day of each month and shall be deemed late on the 5th day of the month. The amount and schedule of payments may only be modified by the written consent of the City Manager at his sole and complete discretion.

Thereafter, on the anniversary date of the Effective Date of this Agreement, and yearly through-out the entire term of this Agreement and any extension thereof, Owner shall pay to the City, as a business expense, the yearly sum of \$_____ payable in the same manner as set forth above.

c. Designation of Community Relations Liaison. At the time of this Agreement, Owner's day-to-day operations manager, _____, will be responsible for community inquiries and complaints and on-site management during normal business hours.

d. Interface with City of Porterville Police / Inspections. Owner's day-to-day operations manager, and/or the Owner's Community Relations Liaison, _____, will interface with the Porterville Police Department's assigned designee to ensure its operation complies with state and local laws and regulations. The City Manager, or designee, or the Porterville Police Department's

assigned designee acting at the City Manager's request and per his specific and limiting instructions, shall have the right to enter all Premises from time to time unannounced during hours of operation for the purpose of making reasonable inspections to observe and enforce compliance with this Agreement and state and local laws and regulations, without the requirement of a search warrant, subpoena, or court order, and subject to appropriate cost recovery fees set forth in this Agreement, or adopted by the City. See, Ordinance No. _____, as well as Porterville Municipal Code Section 15-87, 15-96.

Owner's Initials

e. **Local Recruitment, Hiring, and Training Programs.** Owner is committed to making a good-faith effort to recruit, hire, and train City residents for employment by Owner. A good-faith effort means Owner shall take the following or similar actions to recruit and employ City residents: 1) Contact local recruitment sources to identify qualified individuals who are City residents, 2) Advertise for qualified City residents in trade papers and newspapers of general circulation in the area, and 3) Develop a written plan to recruit and employ City residents as a part of the its workforce. At a minimum, the Owner commits to a local annual hiring goal of _____% of total operational jobs for permanent and apprentice employees. This goal shall apply horizontally, across all departments and managerial positions. The Owner shall not be penalized or deemed in default under this Agreement if it is unable to achieve such a goal. "Local" is defined as within a 3-mile radius of the boundaries of the City's boundaries. The Owner shall contact and work with a job referral agency assigned by the City Manager to implement a local hiring policy for permanent and apprentice employees. The purpose of the hiring policy is to facilitate the training and employment of local and disadvantaged job applicants for jobs within the City's jurisdiction, and 3-mile radius of City boundaries. Applicants for jobs shall not be disqualified from hiring solely on the basis of an arrest or conviction for a Cannabis-related crime that occurred prior to November 8, 2016, and could have been prosecuted as a misdemeanor or citation under current California law. The Owner shall report on compliance with the local hiring goals as part of its annual audit report.

Commented [J5]: This is an example of a City Council-determined Community Benefits Program. The Committee and staff are requesting input and direction from the City Council, including RFP-related requirements as to this Program.

6. **Indemnification Agreement by each Cannabis Permittee**

Pursuant to Ordinance No.1853, and including Porterville Municipal Code Section 15-87(T), to the fullest extent permitted by local, state and/or federal law, the City of Porterville shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Permit or executed a Development Agreement pursuant Ordinance No. 1853, or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any Commercial Cannabis Permit and to the execution and approval of a Development Agreement, the Owner shall be required to meet all the conditions enumerated in Porterville Municipal Code Sections 15-85 through 15-105, before this Agreement may be executed, and before they can receive the Commercial Cannabis Permit. The City

Commented [J6]: Staff requests that the City Council look at whether, and to what extent the City wants to require this. This requirement should also be tied to any representation the applicant made in its RFP response.

Manager shall require each Commercial Cannabis Permittee to execute a separate Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Commercial Cannabis Permit, the Commercial Cannabis Permittee's Commercial Cannabis Activities, and any action taken by the Cannabis Permittee. The Indemnification Agreement shall include the defense of the City and reimbursement of all fees, costs and expenses incurred by the City related to any action arising from this Agreement. Attached as Exhibit____, and incorporated herein by this reference, is true and correct copy of a fully executed Indemnification Agreement.

Commented [J7]: This section shall be consistent with the indemnification agreement required in the RFP response.

7. Fees, Costs, and Future Taxes

a. Permit Fees. Owner agrees to pay all permit fees and charges referenced in Ordinance No. 1853, all amounts adopted by City Council and as required by applicable laws and regulations, and any fees set forth in this Agreement. Permit application, processing, and renewal fees shall be due and payable at the time application is made or renewed.

b. Operating Fees.

As used herein, "**Premises**" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the Commercial Cannabis Permittee applicant or Commercial Cannabis Permittee where the Commercial Cannabis Activity will be or is conducted.

As used herein, "**Commercial Cannabis Activities**" means all permitted activities related to operating a commercial cannabis storefront dispensary.

As used herein, "**Gross receipts**" shall mean the total amount actually received or receivable in the course of business in a calendar year or calendar month from sales or the performance of acts or services for which charge is made or credit allowed. "**Gross receipts**" include, without limitation, all receipts, cash, credit, property received in lieu of cash, and any other valuable consideration taken in exchange for goods, services or other valuable consideration.

Owner agrees to pay City, in order to enable City to promote, protect, and enhance the health, safety, and welfare of the community and its residents and its quality of life, a monthly operating fee(s) of five (5)% of **Gross Receipts**, or a minimum of \$_____ per month, whichever is greater, for operations from the Cannabis Storefront Retail Permit on the **Premises**, including deliveries.

Operating fees shall begin to accrue in the month of the Effective Date of this Agreement. The operating fee shall be due and payable on the 10th day of each calendar month through-out the term of this Agreement. Failure to pay the fee within thirty (30) days after the due date shall result in a penalty for nonpayment

in a sum equal to 25% of the total amount due. Additional penalties will be assessed in the following manner: 10% shall be added to the first day of each calendar month following the month of the imposition of the 25% penalty if the fees remain unpaid in whole or in part – up to a maximum of 100% of the fee payable on the due date.

c. Owner understands and agrees that the fees set forth above shall be paid in a manner and in accordance with a payment schedule set or modified by City.

8. Additional Owner Obligations

a. Reporting of Gross Receipts from Operations

1) Quarterly Receipts. No later than **[For example, July 15, 2020]**, and every three months thereafter (Owner shall deliver to City a report (the "Quarterly Report") showing (i) Gross Receipts from operations for the immediate prior three months received by Owner, and a cumulative total of all amounts of Gross Receipts from Operations received by Owner for the calendar year, (ii) a calculation of the quarterly payment due to City for the prior three months, and (iii) a calculation of the cumulative total of all quarterly payments for the calendar year.

2) Statement of Receipts/Annual Audit. The Owner shall keep complete, accurate and appropriate books and records of all receipts from operations in accordance with generally accepted accounting principles. For purposes herein, "books and records" shall mean all bookkeeping or accounting documents Owner typically utilizes in managing its business operations relating to the Project. Such books and records, as well as all other relevant documents as the City Manager may reasonably require, shall, upon reasonable written notice, be open for inspection by City, its auditors or other authorized representatives. If at any time during the term such books and records prove inadequate in the reasonable judgment of City to record the Gross Receipts from Operations as herein required, Owner shall, upon the written request of the City, procure and maintain such books and records as shall be of a character and from adequate for such purpose. City shall have the right to audit and examine such books, records and documents and other relevant items in the possession of Owner, on no less than an annual basis, or at any time upon reasonable request by the City, to the extent necessary for a proper determination of Gross Receipts from Operations, and all such books, records, documents and other items shall be held available for such audit and examination. The City's audit shall be performed by a non-contingency fee independent auditor approved in advance by the City. Upon request by City, Owner shall make all such books, records and documents available to the City Manager, his designee, or to the City approved auditor, and provide removable copies thereof, within thirty (30) of the date of City's request. Owner shall pay all costs of such audits. Owner shall preserve such books, records,

documents, and other items in Porterville for a period of not less than one (1) years for the purpose of auditing or re-auditing these accounts upon reasonable notice; except that, if an audit is made within the seven-year period and Owner claims that errors or omissions have occurred, the books and records shall be retained and made available until those matters are resolved. City shall keep strictly confidential all statements of revenue furnished by Owner and all other information concerning Owner's operation of the Premises obtained by City as a result of the inspection audit and examination privileges of City hereunder, except as otherwise required by law. If City receives a request for such information pursuant to the Public Records Act (California Government Code Section 6250, et seq.), City shall provide Owner notice of any such request prior to disclosing any such information and afford Owner the opportunity to obtain a protective order. Within seven (7) years after the receipt of any statement of receipts under this Agreement, City at any time shall be entitled to carry out an audit of such revenue either by City or agent to be designated by City. If it shall be determined as a result of such audit that there has been a deficiency in any payment due under this Agreement made on the basis of such statement, then such deficiency shall become immediately due and payable within thirty (30) days of such determination.

1) Copies of Tax Filings. Owner shall provide the City with courtesy copies of each and every report Owner is required to provide to the County of Tulare or the State of California for sales, use, or other tax purposes at the time such filings are made.

b. Future Revenue Mechanisms. During the term of this Agreement, if the City imposes (by Citizen Initiative or otherwise) an alternative revenue mechanism specifically related to cannabis operations (e.g., a cannabis tax), Owner agrees to renegotiate in good faith the terms of this Development Agreement with the City so as to comply with an alternative revenue mechanism. As used in this section, "alternative revenue mechanism" does not include taxes, fees, or assessments levied on or collected from both medicinal cannabis and non-cannabis operations, or other general businesses in the City.

9. Insurance and Indemnity

a. Insurance. Owner shall require all persons doing work on the Project, including its contractors and subcontractors (collectively, "Owner" for purposes of this Article 6 only), to obtain and maintain insurance of the types and in the amounts described in this section and its subsections with carriers reasonably satisfactory to City.

b. General Liability Insurance. Owner shall maintain commercial general liability insurance or equivalent form with a limit of not less than ____ Million Dollars (\$_,000,000) (or as otherwise approved, in writing, by City) per claim and ____ Million Dollars (\$_,000,000) each occurrence. Such insurance shall also:

- 1) Name City, its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives as "Additional Insureds" by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed additional insured.

- 2) Be primary with respect to any insurance of self-insurance programs covering City, its officials, employees, agents, and representatives.

- 3) Contain standard separation of insured provisions.

c. Automotive Liability Insurance. Owner shall maintain business automobile liability insurance or equivalent form with a limit of not less than ____ Million Dollars (\$_,000,000) for each accident for the vehicles Owner operates in connection with its cannabis business. Such insurance shall include coverage for owned, hired, and non-owned automobiles. Such insurance shall also:

- 1) Name City, and work in good faith with the City and the insurers to name additional insureds as deemed reasonably necessary. "Additional Insureds" by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed additional insureds;

- 2) Be primary with respect to any insurance or self-insurance programs covering City, its officials, employees, agents, and representatives;

- 3) Contain standard separation of insured provisions.

d. Workers' Compensation Insurance. Owner shall take out and maintain during the term of this Agreement, workers' compensation insurance for all of Owner's employees employed at or on the Project, and in the event any of the work is subcontracted, Owner shall require any general contractor or subcontractor similarly to provide workers' compensation insurance for such contractor's or subcontractor's employees, unless such employees are covered by the protection afforded by Owner. In case any class of employee engaged in work on the Project is not protected under any workers' compensation law, Owner shall provide and shall cause each contractor and subcontractor to provide adequate insurance for the protection of employees not otherwise protected. Owner hereby indemnifies City for any damage resulting from failure of Owner, its agents, employees, contractors, or subcontractors to take out or maintain such insurance. Workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than ____ Million Dollars (\$_,000,000) each accident shall be maintained.

e. Other Insurance Requirements. Owner shall do all of the following:

1) Prior to taking any actions under this Agreement, furnish City with properly executed certificates of insurance that clearly evidenced all insurance required in this Article, including evidenced that such insurance will not be canceled, allowed to expire, or be materially reduced in coverage without thirty (30) days prior written notice to City.

2) Provide to City, upon request, and within seven (7) calendar days of said request, certified copies of endorsements and policies, and properly executed certificates of insurance evidencing the insurance required herein.

3) Replace or require the replacement of certificates, policies and endorsements for any insurance required herein expiring prior the termination of this Agreement.

4) Maintain all insurance required herein from the Effective Date of this Agreement to the earlier of the expiration of the term or the mutual written termination of this Agreement.

5) Place all insurance required herein with insurers licensed to do business in California with a current Best's Key Rating Guide reasonably acceptable to City.

Commented [J8]: Specific minimum requirements

f. Indemnity. To the fullest extent permitted by law, Owner shall indemnify, defend, and hold harmless the City, its officers, employees, agents and volunteers ("City indemnitees"), 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 Owner's (or Owner's contractors, subcontractors, agents, or employees) performance of its obligations under this agreement or out of the operations conducted by Owner (or Owner's contractors, subcontractors, agents or employees), 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 City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Owner's performance of this agreement, the Owner shall provide a defense to the City indemnitees, or at the City's option, reimburse the City their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.

10. Termination

a. Termination Upon End of Term. This Agreement shall terminate upon the expiration of the term, unless it is terminated earlier pursuant to the terms of this Agreement. Upon termination of this Agreement, City shall record a notice of such termination and this Agreement shall be of no further force or effect except as otherwise set forth in this Agreement.

b. Effect of Termination on Owner's Obligations. Termination of this Agreement shall eliminate any further obligation of Owner to comply with this Agreement, or some portion thereof, if such termination relates to only part of the Site or Project. Termination of this Agreement, in whole or in part, shall not, however, eliminate the rights of Owner to seek any applicable and available remedies or damages based upon acts or omissions occurring before termination.

c. Effect of Termination on City's Obligations. Termination of this Agreement shall eliminate any further obligation of City to comply with this Agreement, or some portion thereof. Termination of this Agreement shall not, however, eliminate the rights of City to seek any applicable and available remedies or damages based upon acts or omissions occurring before termination.

d. Survival After Termination. The rights and obligations of the Parties set forth in this Agreement which, by its express terms or nature and context is intended to survive termination of this Agreement, will survive any such termination.

11. Resources Efficiency

Owner shall endeavor to reduce its environmental impact when possible. The design of the facility shall include reasonable water and energy conservation measures in accordance with applicable State regulations.

12. Standard Conditions for Construction

During any on-site construction activities related to development of the project site and any buildings thereon, or renovation or remodeling of existing buildings, Owner shall comply with all applicable terms and conditions of City's Standard Conditions for Construction, attached hereto and incorporated herein by reference as Exhibit _____. The Project shall comply with the applicable parking standards established by the City for these particular cannabis activities.

13. Defaults and Remedies

a. Remedies in general. It is acknowledged by the parties that City would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof, except as hereinafter expressly provided. Subject to extensions of time by mutual consent in writing, failure to delay by either party to perform any term or provision of this Agreement beyond a reasonable notice and cure period shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than thirty (30) day notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured during any such thirty (30) day period, the party charged shall not be considered in

default for purposes of termination or institution of legal proceedings. Notwithstanding the foregoing to the contrary, if the alleged default is of such a nature that it cannot be cured within thirty (30) days, the alleged defaulting party shall not be deemed in default as long as such party commences to cure such default within such thirty (30) day period and thereafter diligently prosecutes such cure to completion.

After notice and expiration of the thirty (30) day period, the other party to this Agreement, at its option, may institute legal proceedings pursuant to this Agreement.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that City shall not be liable in monetary damages, unless expressly provided for this Agreement, to Owner, to any mortgagee or lender, or to any successors in interest of Owner or mortgagee or lender, or to any other person, and Owner covenants on behalf of itself and all successors in interest to the Property or any portion thereof, not to sue for damages or claim any damages.

- 1) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- 2) For the impairment or restriction of any right or interest conveyed or provided under, with, or pursuant to this Agreement, including, without limitation, any impairment or restriction which Owner characterizes as a regulatory taking or inverse condemnation; or
- 3) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

Nothing contained herein shall modify or abridge Owner's rights or remedies (including its rights for damages, if any) resulting from the exercise by City of its power of eminent domain. Nothing contained herein shall modify or abridge Owner's rights or remedies (including its rights for damages, if any) resulting from bad faith intentional acts, the grossly negligent or malicious acts of City and its officials, officers, agents and employees. Nothing herein shall modify or abridge any defenses or immunities available to City and its employees pursuant to the Government Liability Act and all other applicable statutes and decisional law.

Except as set forth in the preceding paragraph relating to eminent domain, Owner's remedies shall be limited to those set forth in this Section.

Notwithstanding anything to the contrary contained herein, City covenants as provided in Civil Code Section 3300 not to sue for or claim any consequential damages or, in the event all or a portion of the Property is not developed, for lost

profits or revenues which would have accrued to City as a result of the development of the Property.

b. Specific Performance. The parties acknowledge that money damages and remedies at law are inadequate, and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

1) Except as provided in this Agreement, money damages are unavailable against City.

2) Due to the size, nature and scope of the Project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, Owner may be foreclosed from other choices it may have had to use the Property or portions thereof. Owner has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate Owner for such efforts; the parties acknowledge and agree that any injunctive relief may be ordered on an expedited, priority basis.

c. Release. Except for those remedies set forth in this Agreement, Owner, for itself, its successors and assignees, hereby releases City, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, based or asserted, pursuant to Article 1, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon City because it entered into this Agreement or because of the terms of this Agreement.

Owner acknowledges that it may have suffered, or may suffer, damages and other injuries that are unknown to it, or unknowable to it, at the time of its execution of this Agreement. Such fact notwithstanding, Owner agrees that the release provided in this Section shall apply to such unknown or unknowable claims and damages. Without limiting the generality of the foregoing, Owner acknowledges the provisions of California Civil Code Section 1542, which provide:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

Owner hereby waives, to the maximum legal extent, the provisions of California Civil Code Section 1542 and all other statutes and judicial decisions of similar

effect.

Owners' Initials

d. Termination of Agreement for Default of City. Owner may terminate this Agreement in the event of a default by City in the performance of a material term of this Agreement and only after providing written notice to City of default setting forth the nature of the default and the actions, if any, required by City to cure such default and, where the default can be cured, City has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default. Notwithstanding anything to the contrary, in the event that Owner deem it is necessary and/or advisable to cease operations in Porterville, then Owner may terminate this Agreement, and such termination shall be effective upon the date of written notice to the City.

e. Attorneys' Fees and Costs. In any action or proceeding between City and Owner brought to interpret or enforce this Agreement, or which in any way arises out of the existence of this Agreement or is based upon any term or provision contained herein, the "prevailing party" in such action or proceeding shall be entitled to recover from the non-prevailing party, in addition to all other relief to which the prevailing party may be entitled pursuant to this Agreement, the prevailing party's reasonable attorneys' fees and litigation costs, in an amount to be determined by the court. The prevailing party shall be determined by the court in accordance with California Code of Civil Procedure Section 1032. Fees and costs recoverable pursuant to this Section include those incurred during any appeal from an underlying judgment and in the enforcement of any judgment rendered in any such action or proceeding.

f. Owner Default. No building permit shall be issued or building permit application accepted for any structure on the Property after Owner is determined by City to be in default of the terms and conditions of this Agreement until such default thereafter is cured by Owner or is waived by City. If City terminates this Agreement because of Owner's default, then City shall retain any and all benefits, including money or land received by City hereunder.

14. Third Party Litigation

a. General Plan Litigation. City has determined that this Agreement is consistent with its General Plan. Owner has reviewed the General Plan and concurs with City's determination.

City shall have no liability under this Agreement or otherwise for any failure of City

to perform under this Agreement, or for the inability of Owner to develop the Property as contemplated by the **Agreement**, which failure to perform or inability to develop is as the result of a judicial determination that the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law, or that this Agreement or any of City's actions in adopting it were invalid, inadequate, or not in compliance with the law.

b. Hold Harmless Agreement. To the fullest extent permitted by law, Owner hereby agrees to, and shall hold City, its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Owner or Owner's contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations be by Owner, or by any of Owner's contractors, subcontractors, agents, or employees operations under this Agreement, whether such operations be by Owner, or by any of Owner's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for Owner or any of Owner's contractors or subcontractors. Owner agrees to and shall defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damage caused, or alleged to have been caused, by reason of any of the aforesaid operations.

c. Indemnification. To the fullest extent permitted by law, Owner shall defend, indemnify, and hold harmless City and its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following: (i) this Agreement and the concurrent and subsequent permits, licenses and entitlements approved for the Project or Property; (ii) the environmental impact report, mitigated negative declaration or negative declaration, as the case may be, prepared in connection with the development of the Property; (iii) any claims based on or alleging inverse condemnation by any person or entity with an interest in the Property; and (iv) the proceedings undertaken in connection with the adoption or approval of any of the above. In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision of this Agreement or any portion thereof as set forth herein, the parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, City, at its sole option, may tender the complete defense of any third-party challenge as described herein. In the event City elects to contract with special counsel to provide for such a defense, City shall meet and confer with Owner regarding the selection of counsel, and Owner shall pay all costs related to retention of such counsel. This Indemnification is provided in addition to that set forth in Section 9(f).

d. Environmental Contamination. To the fullest extent permitted by law,

Owner shall indemnify and hold City, its elective and appointive boards, commissions, officers, agents, attorney's, contractors, consultants and employees free and harmless from any liability, based or asserted, upon any act or omission of Owner, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors, excepting and acts or omissions of City as successor to any portions of the Property dedicated or transferred to City by Owner, for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and Owner shall defend, at its expense, including attorneys' fees, City, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. City may in its discretion participate in the defense of any such claim, action or proceeding. This Indemnification is provided in addition to that set forth in Section 9(f).

The provisions of this Section do not apply to environmental conditions that predate Owner's ownership or control of the Property or applicable portion; provided, however, that the foregoing limitation shall not operate to bar, limit or modify any of Owner's statutory or equitable obligations as an owner or seller of the Property.

e. City to Approve Counsel. With respect to this Section, City reserves the right to approve the attorney(s) which Owner selects, hires or otherwise engages to defend City hereunder, which approval shall not be unreasonably withheld.

f. Accept Reasonable Good Faith Settlement. With respect to this Section, City shall not reject any reasonable good faith settlement. If City does reject a reasonable, good faith settlement that is acceptable to Owner, Owner may enter into a settlement of the action, as it relates to Owner, and City shall thereafter defend such action (including appeals) at its own cost and be solely responsible for any judgment rendered in connection with such action. This Section applies exclusively to settlements pertaining to monetary damages or damages which are remedial by the payment of monetary compensation. Owner and City expressly agree that this Section does not apply to any settlement that requires an exercise of City's police powers, limits City's exercise of its police powers, or affects the conduct of City's municipal operations.

g. Survival. The provisions of this Section inclusive, shall survive the termination or expiration of the Agreement.

15. California Environmental Quality Act

Owner shall pay all fees and reimburse City for any and all costs incurred by City related to project review under the California Environmental Quality Act (CEQA), Public Resources Code, §§21000-21189.3, and the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, §§15000-15387. If reasonably requested by City, Owner shall conduct and pay for any required CEQA reviews and

analyses. The City has found that the proposed Project is Categorically Exempt from California Environmental Quality Act (CEQA) requirements under provisions of CEQA Guidelines **Section 15301** – Existing Facilities. This exemption applies to projects characterized as alterations to existing facilities meeting the conditions described in **Section 15301**.

Commented [J9]: This language is subject to change depending on the specific project/site.

16. Rules, Regulations, and Official Policies

Except as otherwise provided in this Agreement, the rules, regulations, and official policies of City governing permitted uses of the land, governing density, and governing the design, improvements, and construction standards and specifications applicable to the development of the Project subject of this Agreement, shall be those rules, regulations, and official policies of City in force at the time of the execution of this Agreement. This Agreement does not prevent City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor does this Agreement prevent City from denying or conditionally approving any subsequent development project application based on such existing or new rules, regulations, or policies.

17. Commercial Cannabis Permit Conditions of Approval

Owner shall comply with all conditions of approval of the City-issued Commercial Cannabis Permit.

18. Periodic Reviews

This Agreement shall be subject to annual review. Owner and Landlord executing this Agreement, shall demonstrate good faith compliance with the terms of this Agreement. If, as a result of such periodic review, City finds and determines, based on substantial evidence, that Owner or Landlord executing this Agreement, or successor in interest thereto, has not complied in good faith with the terms or conditions of this Agreement, City may terminate or modify this Agreement (except no modification shall increase Owner's liability nor reduce Owner's rights), provided that City shall first provide Owner notice of its intent to terminate, with a detailed explanation as to why, and provide Owner the reasonable right to cure the same.

a. Periodic Review. City Council shall review this Agreement annually, on or before each anniversary of the Effective Date, in order to ascertain Owner's good faith compliance with this Agreement. During the periodic review Owner shall be required to demonstrate good faith compliance with the terms of the Agreement, through submitting an annual monitoring report, records, or equivalent written materials to the Community Development Department. The Department will schedule a hearing on the periodic review of the Development Agreement on or following the anniversary of the Effective Date, but Owner has no obligation to compel such hearing, and no implication will be made to Owner's detriment if a hearing is not in fact held. Owner shall document any request for an extension of

the term due to delays beyond the control of Owner (see Section_____, "Force Majeure").

b. Conditional Use Permit. For all intents and purposes, the Commercial Cannabis Permit to be issued under this Agreement shall be treated as if it were a Conditional Use Permit issued to Owner for the establishment and operation of its business. The operation of the business at all times shall be required to comply with the terms of this Agreement.

c. Special Review. City Council may order a special review of compliance with this Agreement at any time. The Community Development Director or his or her designee shall conduct such special review. During a special review, Owner shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Owner.

d. Review Hearing. At the time and place set for the review hearing, Owner shall be given an opportunity to be heard. If City Council finds, based upon substantial evidence, that Owner has not complied in good faith with the terms or conditions of this Agreement, City Council may terminate this Agreement notwithstanding any other provision of this Agreement to the contrary, or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of City. The decision of City Council shall be final, subject only to judicial review pursuant to Code of Civil Procedure Section 1094.5.

e. Certificate of Agreement Compliance. If, after a periodic or special review, Owner is found to be in compliance with this Agreement, and if Owner requests it, City shall issue a Certificate of Agreement Compliance ("Certificate") to Owner stating that after the most recent periodic or special review, and based upon the information known or made known to the Planning Director and City Council, that (i) this Agreement remains in effect and (ii) Owner is not in default.

City shall not be bound by a Certificate if a default existed at the time of the periodic or special review, but was concealed from or otherwise not known to the Planning Director and City Council, regardless of whether the Certificate is relied upon by assignees or other transferees or Owner.

f. Failure to Conduct Review. City's failure to conduct a periodic review of this Agreement shall not constitute a breach of this Agreement.

19. Assignment

Assignment by Owner. Owner shall not transfer, delegate, sublet or assign its interest, rights, duties, and obligations under this Agreement

Any assignment, delegation, or subletting shall be null and void.

20. Operating Commercial Cannabis Facility

21. Notice

If to City: City of Porterville
291 North Main St.
Porterville, CA 93257
Attention: City Manager

If to Owner: [NAME AND ADDRESS OF OPERATOR]

With a courtesy copy to:

22. Miscellaneous Provisions

a Amendment or Cancellation. This Agreement may be amended, or canceled in whole or in part, only by the written mutual consent of the parties to this Agreement or their successors in interest.

b Waiver. Waiver by City of any one or more of the terms or conditions of this Agreement shall not be construed as waiver of any other term or condition under this Agreement.

c Enforcement/Reserved Powers. Unless amended or canceled pursuant hereto, this Agreement shall be enforceable by any party hereto, or successor in interest thereto, notwithstanding any subsequent change in any applicable general or specific plan, zoning, subdivision or building regulation, or municipal code amendment adopted by City that conflicts with the terms of this Agreement. However, this Agreement is subject to the City's "Reserved Powers." For purposes of this Agreement, "Reserved Powers" means the rights and authority excepted from this Agreement's restrictions on the City's police powers and which are instead reserved to the City. The Reserved Powers include the powers to enact regulations or take future discretionary actions after the Effective Date of this Agreement that: (1) are necessary to protect the public health and safety, and are generally applicable on a City-wide basis (except in the event of natural disasters as found by the City Council such as floods, earthquakes and similar acts of God); (2) are amendments to California Marijuana Laws or California Uniform Codes, as adopted by the City of Porterville, and/or the Porterville Municipal Code, as applicable, regarding the construction, engineering and design standards for private and public improvements to be constructed on the Site; (3) are necessary to comply with state or federal laws and regulations; or (4) involve sign and parking ordinances and guidelines, changes to the City's zoning laws, Specific Plan or the City's General Plan, whether adopted previous or subsequent to the Effective Date of this Agreement).

If any City ordinance, rule or regulation or addition to the Porterville Municipal Code is enacted or imposed by a citizen-sponsored initiative or referendum after the Effective Date that would conflict with this Agreement or an associated Commercial Cannabis Permit, business license or other authorizations and City approvals, or reduce development rights or assurances provided to the Owner in this Agreement, then such changes, additions or deletions to the Porterville Municipal Code shall not be applied to the Site or Project; provided, however, the parties acknowledge that the City's approval of this Agreement is a legislative action subject to referendum. The parties shall cooperate with each other and undertake such reasonable actions as may be appropriate to ensure this Agreement remains in full force and effect and is implemented in accordance with its terms and to the fullest extent permitted by state or federal law.

Notwithstanding anything to the contrary in this Agreement, site

improvements contemplated by this Agreement shall be completed pursuant to the City's development standards and design guidelines.

d. Joint and Several Liability. Owner shall be jointly and severally liable for any amount due under this Agreement, and any breach of this Agreement or failure to pay by one Party shall also constitute a breach of this Agreement by the other Party.

e. Severability. If any part of this Agreement is found to conflict with applicable state laws or regulations, such part shall be inoperative, null, and void insofar as it conflicts with said laws or regulations, or modified or suspended as may be necessary to comply with such state laws or regulations, but the remainder of this Agreement shall continue to be in full force and effect.

f. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. The execution of this Agreement may be by actual, facsimile, or electronic signature.

g. Jurisdiction. The law governing this Agreement shall be that of the State of California. The parties agree that this Agreement is entered into and to be performed in Tulare County, California.

h. Disclaimer. Despite California's commercial cannabis laws and the terms and conditions of this Agreement, or any Commercial Cannabis Permit issued pertaining to Owner or the property specified herein, California commercial cannabis possessors or business operators may still be subject to arrest by state or federal officers and prosecuted under state or federal law. The Federal Controlled Substances Act, 21 USC § 801, prohibits the manufacture, distribution, and possession of cannabis without any exemptions for medical use.

i. Force Majeure. If delays are caused by unforeseen events beyond the control of Owner, such delays will entitle Owner to an extension of time as provided in this section. Such unforeseen events ("Force Majeure") shall mean war, insurrection, acts of God, local, state or national emergencies, strikes and other labor difficulties beyond the party's control, or any default by City hereunder, which Force Majeure event substantially interferes with the development, construction or operation of the Project.

j. Constructive Notice and Acceptance. Every person who after the Effective Date and recording of this Agreement owns or acquires any right, title, or interest to any portion of the Site, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Site, and all rights and interests of such person in the Site shall be subject to the terms, requirements, and provisions of this Agreement.

k Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same. Except as otherwise provided, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all authorized successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide constructive notice thereof, the City Clerk will record this Agreement with the Tulare County Recorder within the period required by Government Code Section 65868.5.

l Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between the City and the Owner is that of a government entity regulating the development of private property and the owner of such property.

m Changes to Project. The parties acknowledge that changes to the Project or Development Plans and related approvals may be appropriate and mutually desirable to carry out the intent and purpose of this Agreement. This Agreement shall not prevent the City from applying, with the consent or at the request of the Owner, *Subsequent Land Use Regulations* or *Subsequent Development Approvals* that do not directly conflict with the Project, Site or Development Plan authorized under this Agreement. The granting of one such change or request shall not obligate the City to grant other similar changes or requests. As used herein, "*Subsequent Development Approvals*" include, without limitation, all excavation, grading, building, construction, demolition, encroachment or street improvement permits, occupancy certificates, utility connection authorizations, or other non-discretionary permits or approvals necessary, convenient or appropriate for the Project. As used herein, "*Subsequent Land Use Regulations*" means ordinances, resolutions and codes adopted or approved by the City after the Effective Date of this Agreement governing the development and use of the land, including general plan amendments, zone changes, variances or conditional use permits affecting the permitted use of the land including density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions of reservation or Dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Development of the Property.

n Conflicting Federal or State Rules. In the event that any conflicting federal or state laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, *this Agreement shall remain in full force and effect as to those provisions not affected*; and

(i) Notice of Conflict. Either party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and

(ii) Modification Conferences. The parties shall, within thirty (30) days of the notice referenced to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law or regulation.

(iii) City Council Hearings. In the event the City believes that an amendment to this Agreement is necessary due to the effect of any federal or state law or regulation, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment necessitated by such federal or state law or regulation. Owner shall have the right to offer oral and written testimony at the hearing. Any modification ordered by the City Council pursuant to such hearing is subject to judicial review in accordance with California law.

(iv) City Cooperation. The City shall cooperate with Owner in securing any City permits, licenses or other authorizations that may be required as a result of any amendment resulting from actions initiated by the City. As required by this Agreement, Owner shall be responsible to pay all applicable fees in connection with securing of such permits, licenses or other authorizations.

a. Effective Date. "Effective Date" means the date on which all of the following are true: (i) thirty (30) days have elapsed since the second reading of the Ordinance adopting and approving this Development Agreement and (ii) all Exhibits to this Agreement are finalized, executed and notarized by all affected parties (if applicable) and attached hereto; provided, however, that if these conditions have not been fully satisfied by the Owner the Effective Date may not thereafter occur and this Agreement may not thereafter become effective.

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

CITY OF PORTERVILLE

[NAME OF OPERATOR] OWNER

Mayor

Name: XXXX
Title: XXXX

OTHER PARTY

Name: XXXX
Title: XXXX

APPROVED AS TO FORM:

City Attorney
City of Porterville

EXHIBITS

Attachment 4

Porterville Municipal Code

Chapter Article VII

CANNABIS DISPENSARIES

15-85: DEFINITIONS:

The following definitions are applicable to the terms when used in [chapter 15](#), [18](#), or [21](#) of this Code, concerning regulations pertaining to cannabis uses, activities and operations.

APPLICANT: Means a person who is required to file an application for a permit under this article.

BUSINESS OWNER: Means the owner(s) of the cannabis business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of five percent (5%) or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of twenty percent (20%) or more in the commercial cannabis business.

CANNABIS: Means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties; whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purposes of this Code, "cannabis" does not mean "industrial hemp" as defined by section 11018.5 of the Health and Safety Code.

CANNABIS ACCESSORIES: Means any equipment, products, or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. "Cannabis accessories" also has the same meaning as in section 11018.2 of the Health and Safety Code.

CANNABIS BUSINESS OR CANNABIS INDUSTRY: Means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

CANNABIS DISPENSARY OR DISPENSARY: Means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code division 10 and any successor statute(s), as may be adopted or amended from time to time. For the purposes of obtaining a City permit and operating within the City, "cannabis

dispensary" or "dispensary" is limited to storefront cannabis retailers.

CANNABIS PRODUCT: Means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in section 11018.1 of the Health and Safety Code.

CITY: Means the City of Porterville, either the entity or its territorial limits, as the context requires.

CITY COUNCIL OR COUNCIL: Means the City Council of the City of Porterville.

COLLECTOR: Means the City's Financial Director or his or her designee.

COMMERCIAL CANNABIS BUSINESS, COMMERCIAL CANNABIS ACTIVITY, OR CANNABIS BUSINESS OR CANNABIS OPERATION: Means any commercial marijuana activity allowed under State law and the implementing regulations, as State law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, non-medical, or any other purpose and includes the activities of any business licensed by the State or other government entity under division 10 of the California Business and Professions Code, or any provision of State law regulating the licensing of cannabis businesses. It also includes cannabis dispensaries, cooperatives or collectives.

COMMERCIAL CANNABIS REGULATORY PERMIT OR REGULATORY PERMIT: Means the permit required under this article to have a cannabis business.

CONCENTRATED CANNABIS: Means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

DELIVERY: Means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this article that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

DELIVERY EMPLOYEE: Means an individual employed by a licensed dispensary who delivers cannabis goods from the licensed dispensary premises to a physical address.

DEVELOPMENT AGREEMENT: Means an agreement entered into between the City and the business owner and any other responsible parties as required by the City, in accordance with chapter 21, series 600, article 609 of this Code.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis or cannabis products between licensees.

DISTRIBUTOR: Means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code division 10 and any successor statute, as may be adopted or amended from time to time.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage,

salary, commission, barter or any other form of compensation.

GROSS RECEIPTS: Means the amount a cannabis operation received from all sources during its accounting period, without subtracting any costs or expenses.

MAUCRSA: Means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in division 10 of the California Business and Professions Code, as the same may be amended from time to time.

MANUFACTURE: Means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

MEDICAL CANNABIS DISPENSARY: Means a storefront cannabis dispensary with a valid M-type 10 retailer license in accordance with MAUCRSA.

OPERATOR: Means the business owner and any other person designated by the business owner as responsible for the day to day cannabis business operation.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

PROCESSING: Means any method used to prepare cannabis or its byproducts for personal use or commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis related products and concentrates.

RESPONSIBLE PARTY: Shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis businesses operations.

STATE: Means the State of California.

STATE LAW: Means all regulations and laws pertaining to cannabis business in the State of California.

STATE LICENSE: Means a State license issued pursuant to California Business and Professions Code section 26000, et seq., or other applicable State law.

TRANSPORT OR TRANSPORTATION: Means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this article. (Ord. 1853, 5-7-2019)

15-86: CANNABIS DISPENSARIES PERMITTED USES AND ZONING:

Business owners meeting the requirements of this article shall be allowed to conduct storefront cannabis dispensary operations in the zone districts and locations as specified in chapter 21 of this Code, upon obtaining a regulatory permit from the City, obtaining a business license from the City, obtaining the applicable license from the State of California, and entering a Development Agreement with the City as specified further in this article. Non-storefront cannabis retailers are not permitted within the City. (Ord. 1853, 5-7-2019)

15-87: CANNABIS DISPENSARIES REQUIREMENTS AND RESTRICTIONS:

- A. **Maximum Number Of Permits:** The number of regulatory permits for dispensaries is limited to no more than one permit plus an additional permit per every twenty five thousand (25,000) residents. Said permits may be issued for medical (type M) or adult use (type A) businesses as allowed by the State. However, the City Council is authorized to reserve one of the allowed permits for exclusively a medical cannabis dispensary.
- B. **Regulatory Permit/Fees:**
1. **Regulatory Permit:** No person or entity shall operate a cannabis dispensary within the City of Porterville without first obtaining a cannabis regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the regulatory permit.
 2. **Request For Proposals Processes:** The City may conduct initial request for proposals processes for regulatory permit applications (commercial and/or medical), once it determines when dispensary regulatory permits shall become available, and thereafter as such permits become available. Nothing in this article or Code shall be construed to create an obligation for the City to conduct a request for proposals process for, or to create an obligation to grant a permit to, any cannabis dispensary.
 3. **Medical Cannabis Dispensaries:**
 - a. If, after one full year from the City's first issuance of a Request for Proposals solely for a medical cannabis dispensary, no responses are received within the prescribed time period for such responses, the City Council may opt to allow the permit reserved for a medical dispensary to be utilized for an adult-use dispensary, as otherwise permitted by this article.
 - b. Any medical cannabis dispensary established pursuant to this article must be in operation for a full year before it will be eligible to apply for any transition to an adult-use dispensary (type A), and any medical cannabis dispensary applying for a transition shall be subject to all the requirements of this article, including applying for a new regulatory permit and entering into a new development agreement.
 4. **Permit Availability At The Discretion Of The City Council:** The City shall maintain complete discretion over whether any permit approvals are made, and when permits shall be issued, where the uses may be located (subject to chapter 21 of this Code), and the manner of permit approvals.
 5. **Fees:** All related fees and charges associated with conducting a request for proposals process, regulatory fee application process, and the granting, administering, and enforcing of the regulatory permits, and any other City costs related to the operations of a dispensary shall be established by resolution(s) of the City Council, which may be amended from time to time.
- C. **Development Agreement:** No approval required by this article shall be given for any permit for a dispensary unless the City Council prior to or concurrently with approves a Development Agreement, setting forth the terms and conditions under which the commercial cannabis activity will operate in addition to the requirements of this article, all other local ordinances and regulations, State law and such other terms and conditions that will protect and promote the public health,

safety and welfare. No use or operation under any permit for a dispensary shall be allowed to begin until the development agreement is effective.

- D. **State Law And Other State Laws:** The cannabis dispensary shall at all times be in compliance with State law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State law, and any other applicable State law. The operator shall obtain required licenses under State law prior to opening for business, or if the State is not ready to issue licenses under State law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the operator shall at all times be in compliance with all other requirements of State law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State law. The operator shall meet or exceed the health and safety requirements of State law in any operations relating to recreational cannabis.
- E. **Register Of Employees:** The operator shall maintain a current register of the names of persons required to have employee permits. The register shall be available to the Police Chief at all times immediately upon request. All agents, officers, or other persons acting for or employed by a licensee shall display a laminated identification badge issued by the licensee. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.
- F. **Labeling:** All cannabis products offered to customers at a retail location must provide testing and labeling at a minimum as required by State law and in compliance with any additional City regulations and as they may be amended.
- G. **Signage:** All signage shall be subject to approval by the City of Porterville and consistent with the City's signage ordinances, and any other policies or guidelines adopted by the City.
- H. **Alcoholic Beverages:** Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the premises.
- I. **Transportation:** Transportation shall only be conducted according to activity permitted by State law.
- J. **Distribution:** There shall be no distributions to the premises of cannabis or cannabis containing products except from properly licensed and permitted cannabis businesses. City-licensed and permitted cannabis retailers shall not distribute cannabis as a licensed distributor within the City.
- K. **Minors:** It shall be unlawful for any operator to employ any person who is not at least twenty one (21) years of age, or any older age if set by the State.
- L. **Hours Of Operation:** Cannabis dispensaries shall be allowed to operate per the requirements of the underlying zone district and subject to the City's Noise and Nuisance Ordinances but in no case shall exceed the minimum State standards. Additionally, cannabis dispensaries shall not be open before ten o'clock (10:00) A.M. on weekdays, nine o'clock (9:00) A.M. on weekends, or remain

open after ten o'clock (10:00) P.M. on weeknights, or eleven o'clock (11:00) P.M. on weekends, Pacific Standard Time.

- M. Compliance With Building And Related Codes: The premises in which the cannabis dispensary operations occur shall comply with all applicable local, State and Federal laws, rules, and regulations including, but not limited to, Building Codes and the Americans With Disabilities Act, as certified by the building official of the City. The operator shall obtain all required building permits and comply with all applicable City standards.
- N. Secure Building: All cannabis dispensary operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum Building Code requirements for commercial structures and include material strong enough to prevent entry except through an open door.
- O. Premises Security: The following security conditions shall apply:
1. Alarm system (both perimeter, fire and panic). A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(c). A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.
 2. Remote monitoring of alarm systems.
 3. Exterior lighting systems for after-hours security.
 4. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of State law, include interior monitoring of all access points of the site from the interior, and be of a minimum five (5) mega pixels in resolution. Cameras shall record continuously twenty four (24) hours per day and at a minimum of twenty (20) frames per second. Areas monitored are defined by State law.
 5. All security systems at the site are attached to an uninterruptable power supply that provides continuous power.
 6. The Porterville Police Department or department designee shall have access to all security systems.
 7. Subject to the provisions below regarding the use and handling of confidential information, IP access for remote monitoring of security cameras by the Porterville Police Department or department designee.
 8. Subject to the provisions below regarding the use and handling of confidential information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Porterville Police Department or department designee for duplication upon demand. In addition, upon request by the Porterville Police Department the responsible party shall duplicate the records for the Porterville Police Department or department designee.

9. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
10. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
11. Electronic track and trace systems for cannabis products shall be utilized as approved by the City and as required by State law.
12. Premises may be inspected and records of the business owner audited by the City for compliance on a quarterly basis or at any reasonable time at the City's discretion.
13. State of the art network security protocols and equipment need to be in place to protect computer information.
14. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the business owner.
15. The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the premises and video and/or audio feeds or recordings of the premises ("recipients") may receive or be provided with confidential information relating to the cannabis dispensary, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "confidential information"). To the extent confidential information is acquired without a warrant for access to the premises and video and/or audio feeds or recordings as authorized under this section, the recipients shall, to the maximum extent possible, keep such confidential information confidential and not disclose the confidential information to any third parties. Provided, however, that the recipients may disclose confidential information to the State or Federal courts in California in connection with any criminal law enforcement action against the business owner or operator, (including its employees, contractors and agents conducting business within the premises) arising from or related to the cannabis dispensary, but only to the extent it is necessary and relevant to such criminal prosecution, and the recipients shall file any such documents under seal to the extent they contain any confidential information. Notwithstanding the foregoing, the City may disclose confidential information:
 - a. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the operator and provide the operator with a reasonable opportunity to obtain a protective order before disclosing the confidential information.
 - b. In connection with any City enforcement proceeding relating to compliance with this Code and this section, but only to the extent the confidential information is relevant to the proceeding.

P. Delivery:

1. All deliveries of cannabis goods must be performed by a delivery employee of a licensed dispensary.
2. Each delivery employee of a licensed dispensary shall be at least twenty one (21) years of age.
3. A licensed dispensary shall not use the services of an independent contractor or courier service to deliver cannabis goods.

4. All deliveries of cannabis goods shall be made in person. A delivery of cannabis goods shall not be made through the use of an unmanned vehicle.
5. A delivery employee begins the process of delivering when the delivery employee leaves the dispensary premises with the cannabis goods for delivery. The process of delivering ends when the delivery employee returns to the licensed dispensary premises after delivering the cannabis goods to the cannabis patients or primary caregivers.
6. A delivery employee of a licensed dispensary shall, during deliveries, carry a copy of the dispensary's current license, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.
7. A licensed dispensary shall maintain an accurate list of the dispensary's delivery employees.

Q. Deliveries Of Supplies And Transportation Of Product: The following rules apply to the deliveries and transportation:

1. Deliveries to the premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a cannabis dispensary.
2. The transportation of cannabis samples and product to and from the premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The responsible party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

R. Premises Maintenance: The business owner, operator, and all responsible parties shall continually maintain the premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public, and in accordance with the conditions and site plan approved with the Development Agreement. The premises of the cannabis dispensary shall not be maintained in a manner that causes a public or private nuisance.

S. Additional Regulations: In addition to any regulations, policies, or procedures authorized to be adopted by the City in accordance with this article or this Code, the City Manager, or his or her designee, is authorized to establish any additional rules, regulations, policies and standards governing the: application review and approval process, the issuance, denial or renewal of cannabis dispensary regulatory permits, the ongoing operation of commercial cannabis dispensary businesses and the City's oversight of same; and/or concerning any other subject determined to be necessary to carry out the intent and purposes of this article. Additional rules, regulations, policies and standards shall be published to the City's website and maintained and available to the public in the Office of the City Clerk.

T. Indemnification And Limitations On City's Liability:

1. To the fullest extent permitted by local, State, and/or Federal law, the City shall not assume any liability whatsoever with respect to having issued a regulatory permit or executed a development agreement pursuant to this article, or otherwise approving the operation of any commercial cannabis business.

2. As a condition to the approval of any regulatory permit and approval of a development agreement, the applicant shall be required to execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend at the applicant's sole cost and expense, and hold harmless the City, and its officers, officials, employees, representatives, and agents from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's drafting, adoption and passage of regulations, related resolutions, policies, rules and guidelines, allowing cannabis dispensaries or in the future making any regulatory amendments; the City's issuance of the regulatory permit; the City's approval and execution of a development agreement; the City's decision to approve the operation of the dispensary; the process used by the City in making the decision to issue, approve or deny a permit or a development agreement; and/or the alleged violation of any Federal, State or local laws by the dispensary or any of its officers, employees or agents.
3. The dispensary shall maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the City.
4. The dispensary shall reimburse the City for all costs and expenses, including but not limited to attorney fees and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's regulatory permit, or related to the City's approval of the applicant's commercial cannabis activity, or the City's approval of a development agreement. The City may, at its sole discretion, participate at its own expense in the defense of such action, but such participation shall not relieve any of the obligations imposed hereunder.
5. The terms and provisions as enumerated in this section related to indemnification and limitation on the City's liability shall be an explicit term of a regulatory permit and a development agreement that an applicant and permittee shall agree to in order for same to be valid. (Ord. 1853, 5-7-2019)

15-88: REGULATORY PERMIT REQUIRED:

- A. Application For Permit: At the time authorized by the City, applications for regulatory permits shall be filed by the proposed business owner(s) with the City and include the information set forth herein. The City may request such additional information as they deem necessary to determine who the applicant is, and may adopt additional requirements as authorized in subsection [15-87B](#) of this article.

The applicant shall certify under penalty of perjury that all the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:

1. The full name, present address, and telephone number, including such information to the premises owner.
2. Date of birth.
3. Tax identification number.
4. The address to which notices relating to the application are to be mailed.
5. Previous addresses for the five (5) years immediately preceding the present.

6. The height, weight, color of eyes and hair.
7. Photographs for identification purposes (photographs shall be taken by the Police Department).
8. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
9. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
10. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis sales will occur on its property.
11. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis business activities proposed to occur on the premises.
12. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis production, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. For cannabis dispensaries, the floor plan should show the layout and design of the building. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ($\pm 6"$).
13. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the City, twenty four (24) hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the Police Chief and updated within twenty four (24) hours of any changes.
14. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.
15. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school or any other sensitive use as set forth in the operational requirements.
16. Authorization for the City, its agents and employees to seek verification of the information submitted.

B. Other Permits Or Licenses: The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit. (Ord. 1853, 5-7-2019)

15-89: EMPLOYEE PERMIT REQUIRED:

- A. Every employee or independent contractor working at a cannabis operation or involved in transportation/delivery related services for a cannabis business shall obtain an employee permit. It shall be the duty of the operator to ensure that employee permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are

listed as a business owner on a regulatory permit shall not be required to obtain an employee permit if such person also serves as an employee or contractor. All responsible parties, except the business owner, shall be required to obtain an employee permit.

- B. Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:
1. Name, current resident address, and telephone number.
 2. Date of birth.
 3. Tax identification number.
 4. Height, weight, color of eyes, and hair.
 5. Photographs for identification purposes (photographs shall be taken by the Police Department).
 6. Be fingerprinted by the Police Department.
 7. Such other identification and information as deemed necessary by the Police Chief and pertinent to the employee permit.
 8. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
 9. The name of the business owner holding the regulatory permit and the operator for which such person is proposed to work. (Ord. 1853, 5-7-2019)

15-90: APPLICATION FEES:

Every new application for a regulatory permit, employee permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license, tax, or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general ongoing monitoring for compliance and processing of the application. (Ord. 1853, 5-7-2019)

15-91: INVESTIGATION:

- A. Upon the filing of a properly completed application and the payment of the fee, the Police Chief is authorized to conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a regulatory permit and employee permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Porterville Police Department.
- B. For employee permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation. (Ord. 1853, 5-7-2019)

15-92: TERM OF PERMITS AND RENEWALS:

Regulatory permits issued under this chapter shall expire on December 31st each year. Applications for renewal shall be made at least forty five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this article. When made less than forty five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed. Regulatory fees may be pro-rated based on the term of the regulatory permit. (Ord. 1853, 5-7-2019)

15-93: GROUNDS FOR DENIAL OF REGULATORY PERMIT:

Nothing in this article shall be construed to require the City to grant a regulatory permit. Notwithstanding this, applications for a regulatory permit are required to be denied for one or more of the following:

- A. The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
- B. The business owner or operator has been issued a local or State permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the business owner or operator has had disciplinary action relating to the permit.
- C. The business owner or operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- D. Consistent with State law or other applicable State law, the business owner or operator, or any responsible person, has been:
 - 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 - 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
 - 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
 - 4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act; or
 - 5. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State law; or

6. Consistent with State law or other applicable State law, the business owner or operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices; or
7. The business owner or operator is under twenty one (21) years of age, or any older other age set by the State; or
8. The cannabis operation does not comply with the Zoning Ordinance standards of the City, the development standards set forth in this Code, or the terms of the Development Agreement; or
9. The required annual business license fee, annual regulatory fee or fees specified in this Code or the Development Agreement have not been paid. (Ord. 1853, 5-7-2019)

15-94: GROUNDS FOR DENIAL OF EMPLOYEE PERMIT:

The grounds for denial of an employee permit shall be one or more of the following:

- A. The applicant has been issued a local or State permit related to cannabis production at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
- B. Consistent with State law or other applicable State law, the applicant has been:
 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
 4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in State law; or has engaged in misconduct related to the qualifications, functions or duties of a permittee; or
 5. Consistent with State law or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices; or
 6. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit; or
 7. An applicant is under twenty one (21) years of age, or any older age set by the State. (Ord. 1853, 5-7-2019)

15-95: NOTICE OF DECISION AND FINAL ACTION:

- A. Regulatory Permit: Action on a properly authorized and submitted application for a regulatory permit shall be as follows:

1. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a regulatory permit, and the date and time when the City Council will consider action on the regulatory permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
2. Following a public hearing before the City Council, the Council may grant the regulatory permit subject to the other requirements of this article and subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the regulatory permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.

B. Employee Permit: Action on the employee permit shall be as follows: The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an employee permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an employee permit shall be final, subject to judicial review. (Ord. 1853, 5-7-2019)

15-96: SUSPENSION AND REVOCATION OF REGULATORY PERMIT OR EMPLOYEE PERMIT:

- A. Regulatory Permit: The City Council may suspend or revoke the regulatory permit of a commercial cannabis operation when any of the following occur:
1. The cannabis operation is conducted in violation of any provision of this article, the terms of the Development Agreement, State law, or any other applicable State law.
 2. The cannabis operation is conducted in such a manner as to create a public or private nuisance.
 3. A failure to pay the regulatory fee required by this article or other required fees pursuant to this Code or the Development Agreement.
 4. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or obstruction of the operation of another business.
 5. A failure to comply with the terms and conditions of the regulatory permit issued in connection therewith or the terms of the Development Agreement.
 6. Any act which would be considered grounds for denial of the regulatory permit in the first instance.
- B. Employee Permit: The Police Chief may suspend or revoke an employee permit when the permittee or the employee has committed any one or more of the following acts:
1. Any act which would be considered a ground for denial of the permit in the first instance.
 2. Violates any provision of this article, State law, or any other applicable law relating to the cannabis operation.
 3. Violates or fails to comply with the terms and conditions of the employee permit.

- C. Procedures For Revoking Regulatory Permits: For regulatory permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a conditional use permit.
- D. Procedures For Revoking Employee Permits: Prior to suspension or revocation of an employee permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an employee permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.
- E. Immediate Suspension: The Police Chief may immediately suspend or revoke a regulatory permit and an employee permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
1. The business owner or operator is convicted of a public offense in any court for the violation of any law which relates to the cannabis operation, or in the case of an employee permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
 2. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension. (Ord. 1853, 5-7-2019)

15-97: EFFECT OF DENIAL OR REVOCATION:

When the City Council shall have denied a regulatory permit or revoked a regulatory permit, or the Police Chief shall have denied or revoked an employee permit, no new application for a regulatory permit and no new application for an employee permit shall be accepted and no regulatory permit or employee permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one year after denying or revoking the regulatory permit or employee permit. (Ord. 1853, 5-7-2019)

15-98: ABANDONMENT:

In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if the cannabis operation ceases for a period of more than ninety (90) consecutive days. Before restarting operations, a new regulatory permit shall be secured. The ninety (90) day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee. (Ord. 1853, 5-7-2019)

15-99: OTHER LICENSES, PERMITS, TAXES OR CHARGES:

Except as expressly provided in this article, nothing contained in this article shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or chapter of this Code to any permits, licenses, taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the permits, licenses, taxes, fees or charges, or schedule of license fees, provided for in other titles or chapters of this Code unless otherwise expressly provided. (Ord. 1853, 5-7-2019)

15-100: VIOLATION DEEMED MISDEMEANOR AND OTHER REMEDIES:

Any person who violates any provision of this article or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in section [1-9](#) of this Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury. Additionally, the City may avail itself of any remedies or enforcement provisions provided for in this Code. (Ord. 1853, 5-7-2019)

15-101: ACTIONS TO COLLECT:

The amount of any tax, fee, penalty and/or interest imposed pursuant to this chapter shall be deemed a debt owed to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent tax, fees, penalties and interest thereon. (Ord. 1853, 5-7-2019)

15-102: SEVERABILITY:

If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable. (Ord. 1853, 5-7-2019)

15-103: REMEDIES CUMULATIVE:

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 1853, 5-7-2019)

15-104: AMENDMENT OR REPEAL:

This article may be repealed or amended by ordinance of the Porterville City Council. (Ord. 1853, 5-7-2019)

15-105: PENALTIES:

Any entity that fails to pay the taxes and/or fees required by this Code or the Development Agreement within fifteen (15) days after the due date shall pay in addition to those taxes and/or fees a penalty for nonpayment in the sum equal to twenty five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty five percent (25%) penalty if the fee remains unpaid - up to a maximum of one hundred percent (100%) of the fee payable on the due date. Receipt of the fee payment by the City shall govern the determination of whether the fee is delinquent. Postmarks will not be accepted as adequate proof of a timely payment. (Ord. 1853, 5-7-2019)

202.02: LAND USE REGULATIONS:

Table 202.02 of this section prescribes the land use regulations for downtown districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"C" designates use classifications that are permitted after review and approval of a conditional use permit by the city council.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

Use classifications are defined in article 701, "Use Classifications", of this chapter. In cases where a specific land use or activity is not defined, the zoning administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this chapter.

TABLE 202.02: LAND USE REGULATIONS - DOWNTOWN DISTRICTS

Use Classification	DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
Residential use classifications:										
Single-family dwelling:										
Attached	P(1)	-	-	-	P	P	-	-	-	
Multi-family residential	P(1)	P(2)	-	P	P	P	P(1)	-	-	
Family day care home:										
Small	P	P	-	P	P	P	P	-	-	
Large	-	-	-	P	P	P	-	-	-	Section 301.07 , "Family Daycare Home, Large"
Group residential	-	-	-	P(3)	P	P	-	-	-	
Mixed use development				C						Section 203.04 , "Supplemental Regulations"
Residential care facilities, limited	P	P	-	P	P	P	P	-	-	
Single room occupancy hotels	-	-	-	C(1)	-	-	-	-	-	Section 301.18 , "Single Room Occupancy Hotels"
Public and semi-public use classifications:										
Clubs and lodges	C(4)	P	P	P	-	-	P(5)	P	-	Section 301.02 , "Alcoholic Beverage Sales"

Use Classification		DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
	Colleges and trade schools, public or private	C(5)	C	C	C	-	-	C	C	P	
	Community center	-	-	-	C	-	-	-	-	P	
	Cultural institutions	C(5)	C	C	C	-	-	P	C	P	
	Day care centers	C	C	C	C	C	C	P	-	C	
	Elderly and long term care	-	-	-	-	P	P	P	-	-	
	Government offices	P	P	P	-	-	-	P	-	P	
	Instructional services	P(5)	P	P	P	-	-	P	P	P	
	Park and recreation facilities, public	P	P	P	P	P	P	P	P	P	
	Religious facilities	-	-	-	C	C	C	-	-	-	
	Residential care facilities, general	-	-	-	-	C	C	-	-	-	Section 301.15 , "Residential Care Facilities, General"
	Schools, public or private	P(4)	P	P	P	-	-	-	-	P	
	Social service facilities	-	-	-	C	C	C	-	-	-	Section 301.19 , "Social Service Facilities"
Commercial use classifications:											
	Animal care, sales, and services:										
	Kennels	-	-	C	-	-	-	-	C	-	
	Pet stores	M(6)	P(6)	P(6)	M(6)	-	-	-	P(6)	-	
	Veterinary services, small	-	-	C	-	-	-	-	P	-	
	Artists' studios	P	P	P	P	-	-	-	P	-	
Automobile/vehicle sales and services:											
	Automobile/vehicle rentals	-	-	-	-	-	-	-	P	-	
	Automobile/vehicle sales and leasing	-	C	C(7)	-	-	-	-	P	-	
	Automobile/vehicle service and repair, major	-	-	C	-	-	-	-	C	-	Section 301.04 , "Automobile/Vehicle Service And Repair, Major And Minor"
	Automobile/vehicle service and repair, minor	-	C(7)	C(7)	-	-	-	-	P	-	Section 301.04 , "Automobile/Vehicle Service And Repair, Major And Minor"

Use Classification		DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
	Automobile/vehicle service and repair, washing	-	-	-	-	-	-	-	C	-	Section 301.05 , "Auto Service Stations And Car Washing"
	Service station	-	-	-	-	-	-	-	C	-	Section 301.05 , "Auto Service Stations And Car Washing"
	Banks and financial institutions:										
	Banks and credit unions	P(8)	P(8)	P	P(8)	-	-	P(8)	P	-	
	Bed and breakfasts	-	-	-	P(3)	-	P(3)	P(3)	-	-	
	Building materials and services	-	-	-	-	-	-	-	P(9)	-	
	Business services	P(10)	P(10)	P(10)	P(10)	-	-	P	P	-	
	Cannabis dispensary	P	P	P	P	-	-	-	P	-	Municipal Code chapter 15, article VII
	Commercial entertainment and recreation:										
	Cinema/theaters	C	C	C	C	-	-	-	C	-	Section 301.02 , "Alcoholic Beverage Sales"
	Downtown entertainment	-	-	C	C	-	-	-	C	C	Section 301.02 , "Alcoholic Beverage Sales"
	Small-scale	C	C	C	C	-	-	-	C	-	Section 301.02 , "Alcoholic Beverage Sales"
	Eating, drinking, and smoking establishments:										
	Bars/night clubs/lounges	C	C	C	C	-	-	-	C	-	Sections 300.08 , "Outdoor Seating"; and 301.02 , "Alcoholic Beverage Sales"
	Coffee shops/cafes	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8,13)	Section 300.08 , "Outdoor Seating"
	Restaurants	P(8)	P(8)	P(8)	P(8)	-	-	P(8)	P(8)	P(8,13)	Sections 300.08 , "Outdoor Seating"; and 301.02 , "Alcoholic Beverage Sales"
	Tobacco bars	C	C	C	C	-	-	-	C	-	

Use Classification		DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
	Food and beverage retail sales, less than 5,000 square feet	P	P	P	P	-	-	P(11)	P	P(11)	Section 301.02 , "Alcoholic Beverage Sales"
	Food and beverage retail sales, more than 5,000 to 50,000 square feet	P	P	P	P	-	-	-	-	-	Section 301.02 , "Alcoholic Beverage Sales"
	Hotels and motels	C	C	C	C	-	-	-	C	-	
	Maintenance and repair services less than 1,500 square feet	-	-	-	-	-	-	-	P(12)	-	
	Medical facilities:										
	Medical clinic	-	P	P	P	-	-	P	P	P	
	Professional/medical	P(13)	P	P	P	-	-	P	P	P	
	Mixed use development				C						Section 203.04 , "Supplemental Regulations"
	Nurseries and garden centers	-	C	C	C	-	-	-	P	-	
	Offices:										
	General offices	P(13)	P	P	P	-	-	P	P	P	
	Walk-in clientele	P	P	P	P	-	-	P	P	P	
	Parking, public or private	P	P	P	P	P	P	P	P	P	
	Personal services	P	P	P	P	-	-	P	P	-	
	Retail sales, less than 50,000 square feet	P	P	P	P	-	-	P(11)	P	-	
	Retail sales, more than 50,000 square feet	C	C	C	C	-	-	-	C	-	
	Industrial use classifications:										
	Handicraft/custom manufacturing	-	-	-	-	-	-	-	P	-	
	Industry, limited	-	-	-	-	-	-	-	C	-	
	Recycling facilities:										
	Recycling collection facility	-	C	-	-	-	-	-	C	C	Section 301.14 , "Recycling Facilities"
	Reverse vending machine	-	P	P	P	-	-	-	P	P	Section 301.14 , "Recycling Facilities"

Use Classification		DR-N	DR-S	DR-D	D-MX	DRM-2	DRM-3	D-PO	D-GC	D-PS	Additional Regulations
Transportation, communication, and utilities use classifications:											
Communication facilities:											
	Antenna and transmission towers, camouflage facilities	P	P	P	P	-	-	P	P	P	Section 301.20 , "Telecommunication Facilities"
	Antenna and transmission towers, non-camouflage facilities	C(14)	C(14)	C(14)	C(14)	-	-	C(14)	C(14)	C(14)	Section 301.20 , "Telecommunication Facilities"
	Broadcasting facility	-	M	M	M	-	-	-	M	-	Section 301.20 , "Telecommunication Facilities"
	Call center	-	-	-	-	-	-	P(5)	P(5)	P	
	Recording studio	-	-	P(6)	P(6)	-	-	-	P(6)	-	
	Transportation passenger terminals	P(15)	P(15)	P(15)	-	-	-	-	-	-	
	Utilities, minor	P	P	P	P	P	P	P	P	P	
Other applicable types:											
	Accessory uses and structures	P	P	P	P	P	P	P	P	P	Section 301.01 , "Accessory Uses And Structures"
	Home occupations	P	P	P	P	P	P	-	-	-	Section 301.09 , "Home Occupations"
	Second dwelling unit	-	-	-	-	P	P	-	-	-	Section 301.16 , "Second Dwelling Units"
	Nonconforming use	Article 307, "Nonconforming Uses, Structures, And Lots"									
	Temporary use	Section 301.21 , "Temporary Uses"									

Notes:

Specific Limitations:

(1)Residential units allowed only on upper floors unless approved with a conditional use permit. Common ancillary areas are allowed on the ground floor except on Main Street.

(2)On Main Street, residential units are allowed only on upper floors unless approved with a conditional use permit.

(3)Limited to no more than 2 rooms in a dwelling rented to not more than a total of 4 persons and meals are not provided to more than 4 boarders.

(4)Allowed only on upper floors and limited to 5,000 square feet in size.

(5)Limited to 5,000 square feet in size.

(6)Provided that such use shall be completely enclosed in a building of soundproof construction.

(7)Limited to uses conducted wholly within a building enclosed on all sides including the display, storage, repair, and reconditioning of vehicles.

(8)Drive-through facilities are prohibited.

(9)Bulk storage of sand, gravel, or cement is not allowed.

(10)Wholesale services are not allowed.

(11)Permitted only as accessory to a primary use.

(12)No outdoor operations or outdoor storage is allowed.

(13)Limited to 25 percent of ground floor area unless additional floor area is approved with a conditional use permit. No square footage limitation on upper floors.

(14)Shall not be located within 300 feet of any R District.

(15)Not allowed on Main Street. No repair or storage of vehicles is allowed.

(Ord. 1801, 12-3-2013; Ord. 1854, 5-7-2019)

204.02: LAND USE REGULATIONS:

Table 204.02 of this section prescribes the land use regulations for employment districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"C" designates use classifications that are permitted after review and approval of a conditional use permit by the city council.

"M" designates use classifications that are permitted after review and approval of a minor conditional use permit by the city council.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

Use classifications are defined in article 701, "Use Classifications", of this chapter. In cases where a specific land use or activity is not defined, the zoning administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this chapter.

TABLE 204.02: LAND USE REGULATIONS - EMPLOYMENT DISTRICTS

Use Classification		PO	IP	IG	IA	Additional Regulations
Public and semi-public uses:						
	Colleges and trade schools, public or private	C	P	-	-	
	Correctional facility	-	P	P	-	
	Cultural institutions	P	-	-	-	
	Day care centers	P	P(1)	-	-	
	Elderly and long-term care	P	-	-	-	
	Instructional services	P	P	-	P	
	Residential care facilities, general	C	-	-	-	Section 301.15 , "Residential Care Facilities, General"
	Schools, public or private	P	-	-	-	
Commercial uses:						
	Aircraft sales, services, and storage	-	-	-	P	

Use Classification		PO	IP	IG	IA	Additional Regulations
	Animal care, sales and services:					
	Kennels	-	M	M	-	
	Veterinary services	-	P	P	-	
	Automobile/vehicle sales and services:					
	Automobile/vehicle service and repair, major	-	P	P	-	Section 301.04 , "Automobile/ Vehicle Service And Repair, Major And Minor"
	Automobile/vehicle service and repair, minor	-	P	P	-	Section 301.04 , "Automobile/ Vehicle Service And Repair, Major And Minor"
	Automobile/vehicle washing	-	P	P	-	Section 301.05 , "Auto Service Stations And Car Washing"
	Large vehicle and equipment sales, service, and rental	-	C	P	-	
	Service station	-	C	C	-	Section 301.05 , "Auto Service Stations And Car Washing"
	Towing and impound	-	C	P	-	Section 300.09 , "Outdoor Storage"
	Banks and financial institutions:					
	Banks and credit unions	P	P(1)	P(1)	P(1)	
	Check cashing businesses	P	-	-	-	
	Bed and breakfasts	P(10)	-	-	-	
	Building materials and services	-	P	P	-	
	Business services	P	P(1)	P(1)	-	
	Cannabis dispensary	-	-	-	P	Municipal Code chapter 15, article VII

Use Classification		PO	IP	IG	IA	Additional Regulations
	Commercial entertainment and recreation:					
	Large-scale	-	C	C	C	Section 301.02 , "Alcoholic Beverage Sales"
	Small scale	-	C	-	-	Section 301.02 , "Alcoholic Beverage Sales"
	Eating, drinking, and smoking establishments:					
	Coffee shops/cafes	P(2)	P(1)	P(1)	P	Section 300.08 , "Outdoor Seating"
	Restaurants	P(2)	P(1)	P(1)	P	Sections 300.08 , "Outdoor Seating"; and 301.02 , "Alcoholic Beverage Sales"
	Food and beverage retail sales	P(2)	P(1)	P(1)	-	Section 301.02 , "Alcoholic Beverage Sales"
	Funeral parlors and mortuaries	-	P	P	-	
	Hotels and motels	-	C	C	-	
	Light fleet based services	-	P	P	-	
	Maintenance and repair services	-	P	P	-	
	Medical facilities:					
	Hospital	P	-	-	-	
	Medical clinic	P	-	-	-	
	Professional/medical	P	-	-	-	
	Offices:					
	General offices	P	P	P	P	
	Walk-in clientele	P	-	-	-	
	Parking, public or private	P(3)	P	P	-	
	Personal services	P(2)	P(1)	-	-	

Use Classification		PO	IP	IG	IA	Additional Regulations
	Retail sales	P(2)	P(2)	P(2)	-	
	Salvage and wrecking:	-	C	C	C	Section 300.09 , "Outdoor Storage"
	Salvage and wrecking conducted wholly within a building	-	P	P	P	Section 300.09 , "Outdoor Storage"
	Sexually oriented business	-	P	P	-	Section 301.17 , "Sexually Oriented Businesses"
	Wholesaling and distribution	-	P	P	P	
	Industrial uses:					
	Construction and material yards	-	P	P	-	Section 300.09 , "Outdoor Storage"
	Handicraft/custom manufacturing	-	P	P	P	
	Industry, general:	-	P	P	P	
	Alcohol manufacture	-	C(4)	C	-	
	Hazardous waste management facilities	-	C(5)	C	-	
	Manufacture, processing, or treatment of materials which may be obnoxious, offensive or hazardous to health and safety of persons and property	-	-	C	-	
	Industry, limited	-	P	P	P	
	Recycling facilities:					
	Recycling collection facility	-	-	P	-	Section 301.14 , "Recycling Facilities"
	Recycling processing facility	-	-	P	-	Section 301.14 , "Recycling Facilities"
	Warehousing and storage:					
	Chemical, mineral, and explosives storage	-	C	C	C	
	Indoor warehousing and storage	-	P	P	P	

Use Classification		PO	IP	IG	IA	Additional Regulations
	Personal storage	-	P	P	P	Section 301.13 , "Personal Storage Facilities"
Transportation, communication, and utilities uses:						
	Communication facilities:					
	Antenna and transmission towers, camouflage facilities	P	P	P	P	Section 301.20 , "Telecommunication Facilities"
	Antenna and transmission towers, non-camouflage facilities	M(7)	M(7)	M(7)	M(7)	Section 301.20 , "Telecommunication Facilities"
	Broadcasting facility	-	P	P	P	Section 301.20 , "Telecommunication Facilities"
	Call center	P(2)	P	P	-	
	Freight/truck terminals and warehouses	-	P	P	P	
	Heliports	-	C	C	C	
	Transportation passenger terminals	-	P	P	P	
	Utilities, major:	-	P	P	P	
	Renewable energy facility		C	C	C	
	Solid waste collection, treatment, and disposal	-	-	P	C	
	Utilities, minor	P	P	P	P	
Agricultural and extractive uses:						
	Crop cultivation, commercial	M	P	P	M	Section 301.06 , "Crop Cultivation"
	Crop cultivation, non-commercial	-	P	P	-	
	Mining and quarrying	-	-	C(6)	-	
Other applicable types:						
	Accessory uses and structures	P	P	P	P	Section 301.01 , "Accessory Uses And Structures"

Use Classification		PO	IP	IG	IA	Additional Regulations
	Additional uses	-	-	-	P(9)	
	Caretaker unit	-	P(8)	P(8)	-	
	Nonconforming use	Article 307, "Nonconforming Uses, Structures, And Lots"				
	Temporary use	Section 301.21 , "Temporary Uses"				

Notes:

Specific Limitations:

- (1) Permitted only as an accessory use that supports industrial uses, business and office parks, and corporate offices.
- (2) Permitted only as an accessory to a primary office and limited to establishments with a gross floor area less than 5,000 square feet in size.
- (3) Limited to parking areas for exclusive use of occupants, employees and patrons of the uses, buildings, stores, and businesses located in that zone.
- (4) Alcohol manufacture must be located more than 500 feet from the nearest Residential, or Commercial zoning designation as shown on the Official Zoning Map.
- (5) On-site hazardous waste management facilities must be accessory and incidental to a primary use.
- (6) In areas designated as Mineral Resource Zones in the General Plan.
- (7) Prohibited within 300 feet of any R District.
- (8) For agricultural employees, when located on farms or ranches containing more than 10 acres.
- (9) Additional uses may be allowed with City Council approval of a conditional use permit.
- (10) Limited to no more than 2 rooms in a dwelling rented to not more than 4 persons. Meals may not be provided to more than 4 boarders.
- (Ord. 1801, 12-3-2013; Ord. 1818, 10-21-2014; Ord. 1854, 5-7-2019)

Chapter Article XI

CANNABIS ACTIVITIES AND USE (NON-COMMERCIAL)

18-120: PURPOSE AND INTENT:

- A. The City Council finds that restrictions on personal cannabis activities including drying, harvesting, processing, smoking and use are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the Council in its Charter and State law.
- B. The purpose of this section is to restrict personal cannabis activities including drying, harvesting, processing, smoking, and use, consistent with permitted local regulation under State law.
- C. To the extent not covered in this article, personal, non-commercial cultivation of cannabis is regulated, consistent with applicable State law, pursuant to section 301.23 of this Code. (Ord. 1855, 4-16-2019)

18-121: DEFINITIONS:

For the purposes of this article, "cannabis" and/or "marijuana", "cannabis product", "cannabis accessories", "cultivation", "distribution", "manufacture", "processing", and "transporting" have the same meanings as defined in sections 301.23 and/or [15-85](#) of this Code. (Ord. 1855, 4-16-2019)

18-122: INTERPRETATION AND APPLICABILITY:

- A. Nothing in this article is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
- B. Nothing in this article is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.
- C. Nothing in this article is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and State construction, electrical, plumbing, land use or any other building or land use standards or permitting requirements.
- D. Nothing in this article is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
- E. All personal (non-commercial) cultivation activities are also subject to the provisions of section 301.23 of this Code.

F. Commercial cannabis activities are restricted and regulated under [chapter 15, article VII](#) of this Code. (Ord. 1855, 4-16-2019)

18-123: SEVERABILITY:

If any part of this article is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections of this article. (Ord. 1855, 4-16-2019)

18-124: PERSONAL ACTIVITIES/USE RESTRICTIONS AND PROHIBITIONS:

A. Prohibitions:

1. To the extent that the following activities are permitted by State law, nothing in this section shall prohibit a person twenty one (21) years of age or older from:
 - a. Possessing, processing, purchasing, transporting, obtaining or giving away to persons twenty one (21) years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;
 - b. Possessing, processing, purchasing, transporting, obtaining or giving away to person twenty one (21) years of age or older, without compensation whatsoever, up to eight grams (8 g) of cannabis in the form of concentrated cannabis;
 - c. Smoking or ingesting cannabis or cannabis products except as prohibited by California Health and Safety Code section 11362.3 or other State laws (and as restricted by this section);
 - d. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons twenty one (21) years of age or older without compensation whatsoever; or
 - e. Engaging in the cultivation of six (6) or fewer live cannabis plants, as set forth in section 301.23 of this Code.
2. The use of gas products or other volatile solvent (e.g., CO₂, butane, etc.) for cannabis cultivation, processing or manufacture is prohibited.
3. No distribution of cannabis cultivated or processed for personal use shall be allowed other than as authorized by this Code, or required to be allowed by law.
4. A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the City, unless the commercial activity is expressly permitted by this Code, and the activity at the location has been expressly authorized by the City in accordance with applicable City regulations and applicable State laws.
5. The smoking, ingesting, or use of cannabis or cannabis products is prohibited in all public places, in all locations where smoking tobacco is prohibited, and on all business properties or within business facilities within the jurisdictional limits of the City, unless otherwise expressly authorized by City regulation, or required to be allowed by State law. (Ord. 1855, 4-16-2019)

18-125: ENFORCEMENT:

Any violation of this article is subject to any and all penalties as prescribed in this Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This section is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations. In any civil action brought pursuant to this article, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in this Code, no provision of this article authorizes a criminal prosecution, arrest, or penalty inconsistent with or prohibited by Health and Safety Code section 11362.71 et seq., or section 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under this Code and any penalties set forth in State law, the maximum penalties allowable under State law shall govern. (Ord. 1855, 4-16-2019)

CITY OF PORTERVILLE
CALIFORNIA
CANNABIS BUSINESS OPERATING PERMIT FOR RETAIL DISPENSARY
BID NO: 19/20-SR1898

BEGINNING OF ADDENDUM No. 1

Date: March 4, 2020

ITEM No. 1

On Tuesday, February 18, the City suffered a tragic loss. In the Library Fire incident, which resulted in the destruction of the City's library, our Fire Department lost two firefighters. Due to the proximity of the Library to City Hall, offices were closed for two days, and on the final day that proposals were due, February 28, City Hall was closed for three hours to allow staff to attend the memorial service.

In light of this, City leaders have decided that it is reasonable and fair to provide an extension of three additional days (until no later than 4:00 p.m., Friday March 6) to submit the Final Application and documentation, and \$750 review fee, or for those who have submitted, to review your submitted materials and confirm that you accurately and completely followed submittal instructions, including registering through Public Purchase as a "plan holder," since some people relied on computers at City Hall or the Library to complete that step, and as mentioned above, both resources were closed.

We will not be answering any further questions related to any proposals, but for those of you who have already delivered proposals, the City will be allowing you to give everything one final review between now and 4:00 pm on Friday, March 6. All proposals, as of today, remain unopened and sealed. If you choose to come to City Hall, Staff will allow you to "check out" your proposal to open and review it, but you will have to return it to Staff sealed by 4:00 p.m. Friday.

REMINDER: SUBMISSION OF THE PROPOSAL REQUIRED PURSUANT TO SECTION IX OF THE RFP IS MANDATORY IN ORDER TO BE ELIGIBLE FOR ANY OPPORTUNITY TO PROCEED TO THE NEXT PHASES OF THE EVALUATION PROCESS. NO PROPOSAL SHALL BE RECEIVED FROM ANY APPLICANT WHO HAS NOT SUBMITTED A PROPOSAL AS REQUIRED AND REGISTERED AS A PLAN HOLDER ON THE PUBLIC PURCHASE WEBSITE BY 4:00 P.M. ON MARCH 6, 2020.

THIS EXTENSION IS MEMORIALIZED AS ADDENDUM NO. 1 TO THE RFP, IN ACCORDANCE WITH RFP SECTION IV.2 AND IV.5.

END OF ADDENDUM No. 1



April 2, 2020

City of Porterville
291 N. Main Street
Porterville, CA 93257
Attn: Mr. John D. Lollis, City Clerk

Re: Cannabis Dispensary Permit Application

Dear City Clerk John D. Lollis,

Pursuant to Chapter 612 of the Porterville Development Ordinance, Shryne Group Inc. files this appeal on behalf of itself and its subsidiary Authentic Porterville LLC ("Authentic Porterville") to appeal the City of Porterville's (the "City") March 31, 2020 decision (the "Decision") to reject Authentic Porterville's application for a cannabis retail permit at 81 W Putnam Ave, Porterville, CA 93257. The Decision is attached as Exhibit A for your reference and is based on Authentic Porterville's failure to register as a Plan Holder on the Public Purchase website.

Facts

The facts are as follows:

1. On or around May 2019, the City's Community Development Manager Ms. Julie Phillips started an **informal** email distribution list for persons interested in being informed on when the RFP would be issued (the "General Interest Ad Hoc Email List"). Ryan Nguyen, a former employee of Shryne Group requested Ms. Phillips add him to the General Interest Ad Hoc Email List on or around June 2019.
2. At the City Council Meeting on December 17, 2019, the City unveiled a draft of the RFP (the "Draft RFP") which stated on Page 3 that RFP can be downloaded at no cost through the Public Purchase website and that "All correspondence during the application process will be handled electronically through the Public Purchase website."
3. Authentic Porterville registered with Public Purchase on December 24, 2020 and listed Tak Sato, Chief Development Officer, as the Primary Point of Contact.
4. The City of Porterville kicked off the RFP process on January 24, 2020.
5. Authentic Porterville registered as a vendor for RFP #19/20-SR1898 - Cannabis Business Operating Permit for Retail Dispensary on January 24, 2020.
6. The final version of the City of Porterville's Request For Proposals – Cannabis Business Operating Permit For Retail Dispensary January 2020 (the "RFP") contained the same language as the Draft RFP and stated "All addenda and correspondence during the application process will be handled electronically through the Public Purchase website." (Page 3)
7. Tak Sato, as the registered Point of Contact, received numerous emails from the Public Purchase website via notices@publicpurchase.com including answers to questions

regarding the application process from the City of Porterville. See Exhibit B for an example of correspondence Tak Sato received as the Point of Contact regarding the RFP process.

8. Another employee of Authentic Porterville, Ellen Wysocki, physically handed in Authentic Porterville's application on February 24, 2020 and the \$750.00 application fee to the City prior to the February 28, 2020 deadline.
9. On March 4, 2020, Porterville Community Development Manager Ms. Julie Phillips sent an email the General Interest Ad Hoc Email List (comprised of people who had been informally communicating with Ms. Phillips regarding the RFP) (the "Email"). The Email extended the February 28, 2020 deadline to March 6, 2020 to provide applicants an opportunity to register through Public Purchase as a Plan Holder as some of the other applicants had also physically submitted applications but also failed to register as a Plan Holder. Despite Tak Sato being registered as the Point of Contact on Public Purchase for RFP #19/20-SR1898 - Cannabis Business Operating Permit for Retail Dispensary and despite the RFP's guideline that "All addenda and correspondence during the application process will be handled electronically through the Public Purchase website", Tak Sato did not receive the email from Ms. Julie Phillips granting applicants another opportunity to properly register as a Plan Holder with Public Purchase.
10. Tak Sato joined Shryne Group/Authentic Porterville on October 14, 2020 and was not aware of the General Interest Ad Hoc Email List that his former colleague was a part of.
11. On March 24, 2020, Tak Sato was first made aware of Authentic Porterville's failure to register as a Plan Holder with Public Purchase through correspondence received from Ms. Julie Phillips (the "March 24 Notice"). On that same day, Tak Sato clicked on the "Add as Plan Holder" prompt on the Public Purchase website and Authentic Porterville was immediately added as a Plan Holder.

Basis For Appeal

Failure to Provide Required Notice

Authentic Porterville's first basis for appeal is based on the fact that the City failed to follow its own guideline in its RFP that states "All addenda and correspondence during the application process will be handled electronically through the Public Purchase website" when it notified some applicants of its decision to extend the submission deadline from February 28, 2020 to March 6, 2020 to allow applicants to properly register as a Plan Holder. This email also served as "Addendum No. 1 to the RFP". Although Authentic Porterville had registered as a vendor for RFP #19/20-SR1898 and listed Tak Sato as its Point of Contact, the March 4, 2020 email from Ms. Julie Phillips granting applicants until March 6, 2020 to register as a Plan Holder and serving as Addendum No. 1 to the RFP was not communicated through the Public Purchase website as required under the RFP. Because the March 4, 2020 email was only sent to a select number of potential applicants who had signed up to an informal email list maintained by Ms. Phillips, Authentic Porterville was not provided the proper notice required under the RFP.

In fact, from January 24, 2020, when the RFP process kicked off until he received the March 24 Notice, Tak Sato had been regularly checking for communications and addendums on the Public Purchase website. However, the notice regarding the extension to correct the Plan Holder issue and the Addendum No. 1 extending the deadline was nowhere to be found on Public Purchase website despite the requirement that all communications and addendums be conducted through the website. In fact, as of April 1, 2020, Addendum No. 1 and the communication extending the deadline to correct the Plan Holder issue is still not on the Public Purchase website. See Exhibit C.

Ms. Julie Phillips in a telephone conversation with Tak Sato and Ellen Wysocki on March 25, 2020 stated that the reason the deadline was extended from February 28, 2020 to March 6, 2020 was because multiple applicants had also not registered as a Plan Holder with Public Purchase. Considering that “multiple” applicants had also been unable to properly register as a Plan Holder and considering the severe consequences of not registering, the City had every reason to follow the required procedure for providing notice instead of relying on an informal email distribution list that most potential applicants had no reason to even know about. While the email distribution may have been an appropriate method for the City to communicate with potential applicants prior to the opening of the RFP process on January 24, 2020, once the RFP process started on January 24, 2020, the Email and Addendum No. 1 resulting from the Email should have been communicated through the Public Purchase website as required under the RFP guidelines. The RFP clearly requires the use of Public Purchase to communicate “during the application process”.

This failure to follow the notice requirements under the RFP deprived Tak Sato and Authentic Porterville the opportunity to register Authentic Porterville as a Plan Holder with Public Purchase and provided other potential applicants who were notified of the extended deadline through an informal email list to register as a Plan Holder an unfair advantage with regards to Authentic Porterville. While Shryne Group employee Ellen Wysocki, and a former Shryne Group employee, Ryan Nguyen, were on the March 4, 2020 email distribution list, they were not the proper Point of Contact listed for RFP #19/20-SR1898. The fact that other correspondence from the City regarding this RFP was being sent via Public Purchase to Tak Sato only exacerbated the situation as Tak Sato assumed from these other messages that all correspondence was being undertaken through the Public Purchase website and not some informal email list he was not a part of or aware of.

The fact that Ryan Nguyen, who is on this informal email list, is no longer at Shryne Group underscores the importance of following the strict notice requirements during an RFP process. As employees come and go from companies and cities, sticking to the notice requirements of an RFP process, similar to the notice requirements of legally binding contracts, provide both the sender and recipient of notices a system and a framework they can rely on to maintain communication during a process even as certain employees or city officials come and go.

No Prejudice To City

The second basis for Authentic Porterville's appeal is based on the fact that the City did not suffer any prejudice or harm from Authentic Porterville's failure to click the "Register as Plan Holder" box. Authentic Porterville submitted its application and paid the \$750 application fee on time and in person on February 24, 2020. The RFP required that all applications be submitted in person and not through the Public Purchase website and Authentic Porterville timely fulfilled this requirement. The only purpose the Public Purchase website has served so far is to permit the City and the potential applicants to correspond regarding the RFP process as required. The City has therefore not suffered any prejudice or harm from Authentic Porterville's failure to register as a Plan Holder. The other applicants have also not suffered any prejudice from Authentic Porterville's failure to check a box and would have also been disqualified if not for the fact that they were on an informal email list which did not include Authentic Porterville's appointed Point of Contact. To further illustrate the clerical nature of this requirement, Authentic Porterville was immediately able to add itself as a Plan Holder by clicking on one box when the proper Point of Contact, Tak Sato, was notified of Authentic Porterville's failure to register as a Plan Holder on March 24, 2020.

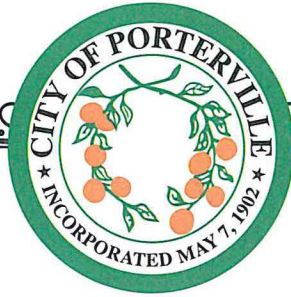
Conclusion

The City's failure to utilize the proper notification mechanism required under the RFP deprived Authentic Porterville an opportunity to fix its misunderstanding of the Plan Holder registration requirement which is the basis for the Decision. The failure to follow the RFP's required means of correspondence and addendums to the RFP resulted in other applicants who were part of Ms. Phillips' informal email list receiving an opportunity to fix this common misunderstanding while depriving Authentic Porterville of the same opportunity. Furthermore, this failure to click one box did not prejudice the City or the other applicants. The requirement to register as a Plan Holder has served no purpose to date and only caused confusion amongst multiple applicants as reflected by the fact that multiple applicants failed to check this box. It would be inconsistent and ironic for the City to disqualify an applicant for failure to click one box on the Public Purchase website when the City (despite the RFP's clear requirement that all communication be made through Public Purchase) has failed to use the same website as required for communications during the application process and that same failure played a part in an applicant's failure to so register. For these reasons, Authentic Porterville appeals the Decision and requests that its application be accepted.

Thank you,

Tak Sato

Tak Sato
Shryne Group Inc./Authentic Porterville LLC
Chief Development Officer
728 E. Commercial Street
Los Angeles, CA 90012
310-488-5707
Tak@shrynegroup.com



**Community Development
Department**

March 31, 2020

Tak Soto, Chief Development Officer
Shryne Group, Inc.
Sent via email to tak@shrynegroup.com

RE: Authentic Porterville Cannabis Business Operating Permit

Mr. Soto,

I am in receipt of your request to re-evaluate the requirement to have registered as a Plan Holder through Public Purchase, which was an application requirement clearly and repeatedly stated throughout the RFP, email correspondence from staff, and in the description summary for the RFP on the Public Purchase webpage.

I have reviewed your correspondence from March 25, 2020 and March 30, 2020, outlining the reasons you feel that this submittal requirement can be waived or "corrected" during the Phase 2 review. After reviewing the Request for Proposals, it is my determination that this requirement cannot be waived, nor is it a correctable element of the application. Without confirming that an applicant was a registered plan holder, staff was unable to open and review said application, which was noted in the letter included when our office returned your application.

Zoning Administrator Determinations may be appealed to the City Council, as outlined in Chapter 612 of the Porterville Development Ordinance. This section may be reviewed at http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/600Series-Effective2014_01_03_001.pdf

The timeframe to file an appeal is ten days from the action, which in this case would be the date of this letter. I understand that this determination is likely disappointing, but please understand that deviance from clearly defined parameters undermines the proposal process. Thank you for your interest in Porterville.

Sincerely,

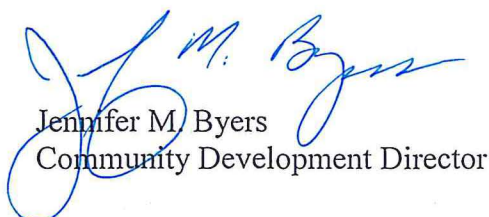

Jennifer M. Byers
Community Development Director

Exhibit B

Public Purchase <notices@publicpurchase.com>
to Tak ▾

Mon, Feb 10, 9:15 AM ☆ ↶ ⋮

Public | Purchase

Tak Sato

An answer was posted to your question regarding bid [RFP #19/20-SR1898 - Cannabis Business Operating Permit for Retail Dispensary](#) on Feb 10, 2020 9:44:35 AM MST

Question: *Site and Floor Plans are specifically mentioned in the RFP, but elevations are not. Are elevations expected to be included in the package?*

Answer: *Elevations should be included.*

All questions and answers posted for this bid can be viewed at the following link:

http://www.publicpurchase.com/gems/bid/questions/questionsBid?bidId=123675#question_710454

Please contact City of Porterville with any further inquiries about this bid.

If you experience any difficulties accessing this bid, please contact Public Purchase at vendorsupport@publicpurchase.com

Thank you for using Public Purchase.

Public Purchase Support Team
Email: support@publicpurchase.com
Website: www.publicpurchase.com

Exhibit C

→

C

publicpurchase.com/gems/bid/bidView?bidId=123675

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Bid Type **RFP**

Bid Number **19/20-SR1898**

Title **Cannabis Business Operating Permit for Retail Dispensary**

Start Date **Jan 23, 2020 5:37:21 PM PST**

End Date **Feb 28, 2020 4:00:00 PM PST**

Agency **City of Porterville**

Bid Contact **Anita Gustuson**
(559) 782-7451
fin-pur@ci.porterville.ca.us
291 N. Main St.
Porterville, CA 93257

Questions
14 Questions
14 New Questions, and
8 New Answers
[View Questions]

Plan Holders
Added to List
[Remove me from Plan Holders]
[View Plan Holders List]

Contractors
Not in List
[Add me to Contractors]
[View Contractors List]

Print Response
[Print Submitted Information]

Description

The City of Porterville (hereinafter referred to as "CITY") is issuing this Request for Proposals ("RFP") process for retail dispensary businesses only. II. SUMMARY OF CANNABIS REQUEST FOR PROPOSALS

A retail dispensary permit is required for all activities for which State law requires a "Type 10," or similar license, for the sale of Cannabis or Cannabis Products at a location open to the public.

Based on Porterville Municipal Code Chapter 15, Article VII, §15-87, the City may issue up to two (2) adult-use dispensary permits. This RFP does not include the medical cannabis permit. A separate RFP will be distributed for the medical cannabis only retail permit. The RFP may result in selected applicants securing eligibility to apply for a retail dispensary Cannabis Business Operator's Permit ("CBOP").

In order to apply for and be eligible to receive a CBOP, the applicant must have control over a physical location within the approved downtown districts or the Airport Industrial zone. Receiving an award to apply for a CBOP does not constitute an entitlement approval. All applicants whose proposals are accepted must thereafter enter into a Development Agreement, obtain a CBOP State license, apply for and obtain a City Cannabis permit and any other applicable regulatory approvals. The Development Agreement template is attached.

The RFP process will be in four parts as described herein. Applicants responding to the RFP are required to:

- Provide required background materials
- Submit a complete application package along with the Phase I required fee. Staff will review the application for completeness, and provide an opportunity for applicants to issue written questions.
- If it is determined the applicant meets the minimum requirements of Phase I review and has paid the Phase II required fee, the completed proposal will proceed forward to Phase II. □ Selected applicants will enter into a Development Agreement between the City and the Business Owner and any other Responsible Parties.

Applicants who are applying for more than one permit must meet each of the foregoing requirements for each proposed location.

Instructions to applicants, RFP, and application forms may be inspected at City Hall, 291 N. Main Street, Porterville, California. Applications and related forms may be inspected and electronically downloaded with no cost, at the Public Purchase website, <https://www.publicpurchase.com>. No copies of said documents will be provided by the City. All addenda and correspondence during the application process will be handled electronically through the Public Purchase website. **No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website.**

Delivery Information

RFP Issued Friday, January 24, 2020
Written Questions from Applicants due Friday, February 7, 2020
Answers to Written Questions Issued Friday, February 14, 2020
Submit Final Application and documentation, and \$750 review fee due Friday, February 28, 2020 by 4:00 PM
Staff review of applications and letters issued for completeness and/or correctory notices Friday, March 13, 2020
Proposal, Complete/Corrected Application and \$7,500 fee due Friday, April 3, 2020 by 4:00 PM Third Party Independent Review TBD
Interviews with City Council TBD
Announcement of Selected Applicants and Letters Issued to Successful Applicants TBD

Documents

Name	Acceptance Required	Acceptance Status
 1898 RFP Cannabis Business Operating Permit for Retail Dispensary.pdf 1.0	No	[Download]

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The Public | Group

Chapter 612 Appeals

Sections:

612.01	Purpose
612.02	Rights of Appeal
612.03	Time Limits
612.04	Procedures
612.05	Standards of Review

612.01 Purpose

This chapter establishes uniform procedures for appeals of final decisions by the Zoning Administrator, City Engineer or Parcel Map Committee.

612.02 Rights of Appeal

Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.

612.03 Time Limits

Unless otherwise specified in State or federal law, all appeals shall be filed with the City Clerk in writing within ten (10) calendar days of the date of the action. In the event an appeal period ends on a Saturday, Sunday, or holiday observed by the City, the appeal period shall end at the close of business on the next consecutive business day.

612.04 Procedures

- (a) **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
- (b) **Filing an Appeal.** All final decisions of the Zoning Administrator, City Engineer or Parcel Map Committee may be appealed to the City Council by filing a written appeal with the City Clerk accompanied by the required fee. The notice of appeal shall set forth, in concise language, the following:
 - (1) Date of appeal;
 - (2) Name of appellant and the individual representing appellant;
 - (3) Address to which notices shall be sent;
 - (4) Telephone number of representative;
 - (5) Name of applicant, if different from appellant;
 - (6) Action or decision being appealed and the date of such action or decision;
 - (7) Address and description of real property involved; and
 - (8) Grounds for appeal.

- (c) **Transmission of Record.** The City Clerk shall schedule the appeal for consideration by the City Council within 30 days of the date the appeal was filed. The Zoning Administrator shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the City Council. The Zoning Administrator shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- (d) **Public Notice.** In addition to providing notice in the same manner required for the action that was the subject of the appeal, the City Clerk shall provide notice to all persons who spoke on the matter at any prior hearings on the same matter. Notice to such persons shall be mailed only if they provided their names and addresses at the time they spoke at the prior hearing.
- (e) **City Council Action.** The City Council shall review the appeal, the record, and any written correspondence submitted after the appeal has been filed, and may take one (1) of the following actions:
 - (1) Conduct a public hearing; or
 - (2) Remand the matter to the Zoning Administrator to cure a deficiency in the record or proceedings.
- (f) **City Council Decision.** The City Council shall render its decision within thirty (30) days of the date the hearing is closed unless State law requires a shorter deadline.
- (g) **Council Action In-Lieu of Appeal.** The City Council may call up for review and a public hearing any action of the Zoning Administrator within ten (10) days of the decision. Such action by the Council shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.

612.05 Standards of Review

When reviewing any decision on appeal, the City Council shall use the same standards and criteria for decision-making required for the original decision. The City Council may adopt the same decision and findings as were originally approved.



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Central Mutual Water Company Consolidation and Associated Entitlements

SOURCE: Community Development

BACKGROUND: 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 its meeting of April 7, 2020. Since that notice was published, the COVID-19 pandemic extended into California, including a statewide stay-at-home order. The applicant – Central Mutual Water Company – 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. At the meeting of April 7, 2020, the Council opened the Public Hearing, and receiving no comments, continued the Hearing to the meeting of April 21, 2020.

COMMENT: The project proposes consolidation of the Central Mutual Water Company, a small water system that serves roughly thirty (30) homes, into the City's municipal water system. Pursuant to the City's Annexation Policy, such consolidation requires annexation. This annexation would subsequently require an amendment to the Urban Development Boundary and the Sphere of Influence. The project also includes physical improvements associated with connecting the water company to the City's water system. Throughout this report, this group of project components is called the consolidation project.

The source of funding for the consolidation of the Central Mutual Water Company (CMWC) is the California Water Resources Control Board (Water Boards), which is granting funds to CMWC to assist in the long-term provision of reliable, quality drinking water. The City would be the grant recipient of the funds necessary to complete the consolidation project.

ANALYSIS: The proposed Project is consistent with the goals, policies, and land use designation of the Porterville 2030 General Plan. The General Plan designates the site as Rural Residential, and is supported by the RR (Rural Residential) zoning. The CMWC area is fully developed with residential homes on large lots, including one day-care center, and the existing development is consistent with the land uses allowed by the General Plan.

The consolidation of the CMWC system is consistent with State priorities to consolidate small water systems into larger water systems to improve system resiliency and improve infrastructure maintenance. The City of Porterville has been a consistent partner with Water Boards to assist in the consolidation of multiple water systems in recent years, as well as assisting with the permanent solution for water for East Porterville. The proposed project, including the annexation and Urban Development Boundary Amendment, would be consistent with City policies as defined in Resolution 19-2016.

ENVIRONMENTAL REVIEW: On March 5, 2020, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed consolidation project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a 30-day review period from March 6, 2020 through April 6, 2020. At the time of writing the staff report, no comments had been received.

RECOMMENDATION: That the City Council

- 1) Resume the Public Hearing from the April 7, 2020 City Council meeting;
- 2) Adopt the draft Resolution approving the Mitigated Negative Declaration;
- 3) Adopt the draft Resolution to approve Annexation 484, including an amendment to the Urban Development Boundary, and
- 4) Adopt the draft Resolution establishing an agreement to consolidate the Central Mutual Water Company.

ATTACHMENTS:

1. Project Locator Map
2. Draft Resolution - Environmental
3. Draft Resolution - Boundary Change Alternative A
4. Draft Resolution - Boundary Change Alternative B
5. Consolidation Agreement

Appropriated/Funded:

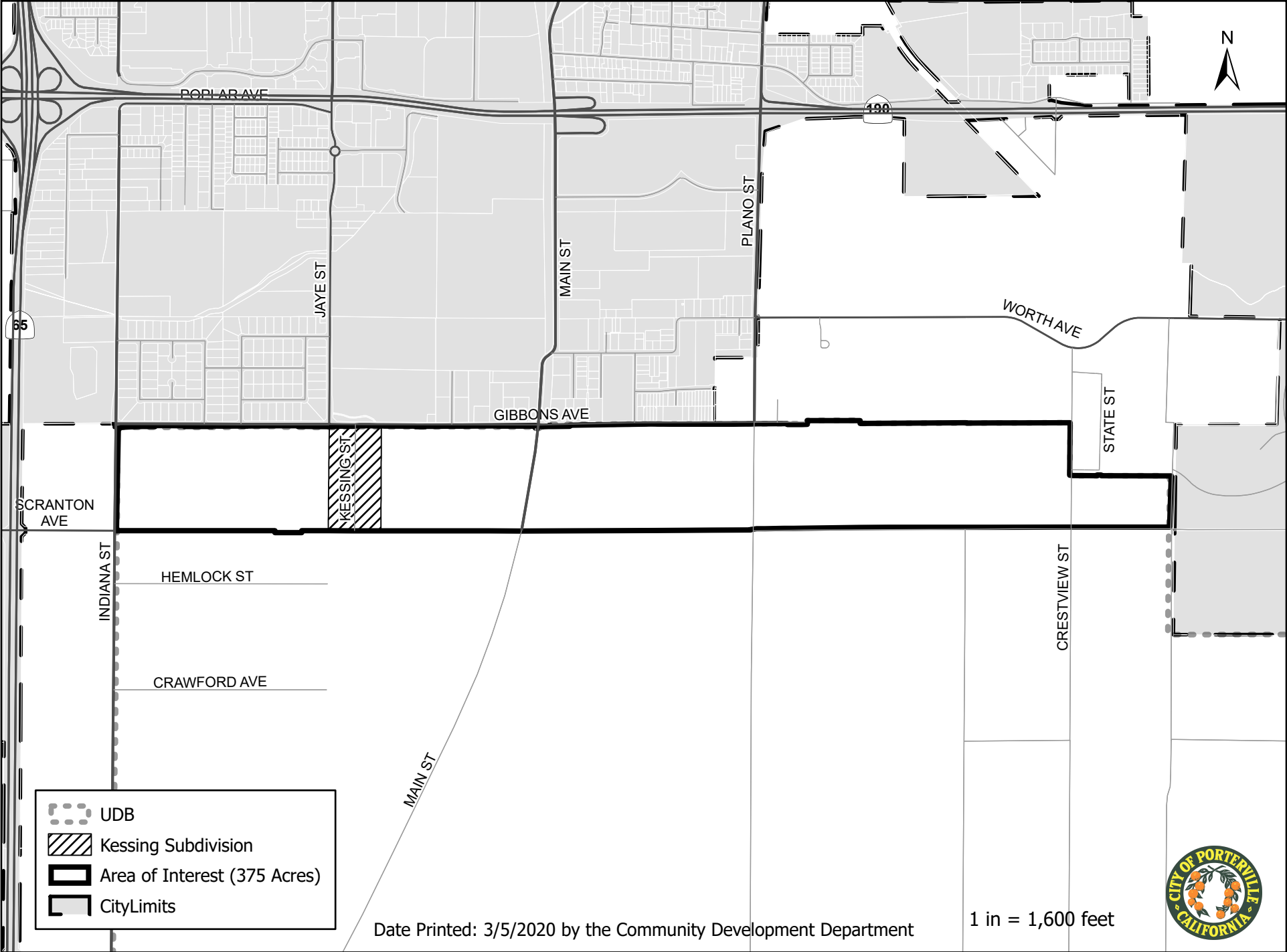
Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

SOI Amendment Alternatives



RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE
PROPOSED CONSOLIDATION AND ANNEXATION OF THE CENTRAL MUTUAL
WATER COMPANY

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 7, 2020, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of the consolidation of the Central Mutual Water Company, a small water system that serves roughly 30 homes, into the City's municipal water system. Pursuant to the City's Annexation Policy (Resolution 19-2016), such consolidation requires annexation. This annexation would subsequently require an amendment to the Urban Development Boundary and the Sphere of Influence. The Mitigated Negative Declaration evaluated the physical elements of the improvements associated with linking the water company to the City's water system, as well as the entitlements identified above (hereinafter "the consolidation project"); and

WHEREAS: Due to the COVID-19 pandemic, and reduced ability for people to congregate in large numbers, the applicant (Central Mutual Water Company, or "CMWC") requested that the public hearing be continued to the meeting of April 21, to allow the members of CMWC to prepare to use technological means to participate in the meeting. The City Council opened the public hearing on April 7th, and no comments were received at that time. As of the date of this report, no comments regarding the environmental document have been received; and

WHEREAS: The source of funding for the consolidation of the Central Mutual Water Company (CMWC) is the California Water Resources Control Board (WaterBoards), which is granting funds to CMWC to assist in the long term provision of reliable, quality drinking water; and

WHEREAS: On March 5, 2020, the Environmental Coordinator, in coordination with WaterBoards environmental staff, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed consolidation project; and

WHEREAS: The proposed Project is consistent with the goal, policies and land use designation of the Porterville 2030 General Plan. The General Plan designates the site as Rural Residential, and is supported by as supported by the RR (Rural Residential) zoning. The CMWC area is fully developed with residential homes, including one day-care center, and the existing development is consistent with the land uses allowed by the General Plan; and

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

1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. The consolidation project will not create adverse environmental impacts on biological resources or adjacent neighborhoods when mitigation measures are implemented and standards of the Development Ordinance and General Plan are maintained.
3. That the City Council is the decision making body for the consolidation project.
4. On March 5, 2020, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed consolidation project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a 30 day review period from March 6, 2020 through April 6, 2020. At the time of writing the staff report, no comments were received.
5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would occur to biological resources when the mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated in the Mitigation Monitoring Program which is attached as an exhibit to this resolution (Exhibit A). In addition to these mitigation measures, any further mitigation measures recommended by a responsible or trustee agency shall be upheld at the expense of the applicant with the oversight of the City and said responsible or trustee agency.
6. That the environmental assessment and analysis prepared for this project supporting the Mitigation Negative Declaration reflects the independent judgement of the City of Porterville.
7. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the consolidation project for the Central Mutual Water Company, and that the mitigation measures defined in Exhibit A shall be implemented by the developer/applicant or his/her partners and successors with project implementation.

PASSED, APPROVED AND ADOPTED this 21st day of April, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Chapter 4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Central Mutual Water Company New Water Service Project (Proposed Project) in Tulare County (County). The MMRP lists mitigation measures recommended in the IS/MND for the Proposed Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the Proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the County to ensure that individual mitigation measures have been complied with and monitored.

Chapter Four: Mitigation Monitoring and Reporting Program
Central Mutual Water Company Consolidation Project

Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
Mitigation Measure Bio-1a: Avoidance					
Bio-1: Take Avoidance survey. If feasible, the Project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31.	Prior to Construction and During Construction		CMWC	Survey Report	
Mitigation Measure Bio-2b: Pre-Construction Surveys and Buffers					
BIO-2a: Take Pre-Construction survey. If construction is to occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 14 days prior to the start of construction. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.	Prior to Construction		CMWC	Survey Report	

RESOLUTION NO. ____-2020

A RESOLUTION OF APPLICATION BY THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKE
PROCEEDINGS FOR ANNEXATION 484

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 7, 2020, conducted a public meeting to consider the consolidation of the Central Mutual Water Company, a small water system that serves roughly 30 homes, into the City's municipal water system. Pursuant to the City's Annexation Policy (Resolution 19-2016), such consolidation requires annexation. This annexation would subsequently require an amendment to the Urban Development Boundary and the Sphere of Influence. A Mitigated Negative Declaration was prepared that evaluated the physical elements of the improvements associated with linking the water company to the City's water system, as well as the entitlements identified above (hereinafter "the consolidation project"); and

WHEREAS: Due to the COVID-19 pandemic, and reduced ability for people to congregate in large numbers, the applicant (Central Mutual Water Company, or "CMWC") requested that the public hearing be continued to the meeting of April 21, to allow the members of CMWC to prepare to use technological means to participate in the meeting. The City Council opened the public hearing on April 7, and no comments were received at that time. As of the date of this report, no comments have been received; and

WHEREAS, the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 484; and

WHEREAS, the territory proposed to be annexed to the city totals approximately 19.53± acres, and is substantially developed with single family residential development; and

WHEREAS, this proposal is beyond the Sphere of Influence for the affected city. An amendment to the sphere of influence also known as the Porterville Urban Development Boundary would be required to accommodate the project. The City Council considered two alternative amendments to the Sphere of Influence: Alternative A, which includes only the CMWC, and Alternative B, which includes the areas west and east of the CMWC, for a total of roughly 360 acres. The City Council selected Alternative A; and

WHEREAS, notice of a public information meeting was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within the subject area and within a 300-foot radius surrounding the subject areas on March 6, 2020; and

WHEREAS, this proposal is made pursuant to Sections 56654 and 56428 of the California Government Code; and

WHEREAS, the reasons for this proposal are as follows:

1. To respond to the Central Mutual Water Company's request to consolidate with the Porterville Municipal Water System. The California Water Resources Control Board (WaterBoards), which is granting funds to CMWC to assist in the long term provision of reliable, quality drinking water, has encouraged the consolidation with the City; and
2. To efficiently provide government services in manner consistent with the City's Annexation and Municipal Services Objectives, Policies, and Procedures (Resolutions 19-2016 and 75-2014).

WHEREAS, the proposed annexation area and any future development thereof would be subject to compliance with the Porterville Municipal Code and Porterville General Plan.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation and modification of the Porterville Urban Development Boundary for the territory as described in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the detachment of the same area from County Service Area #1.

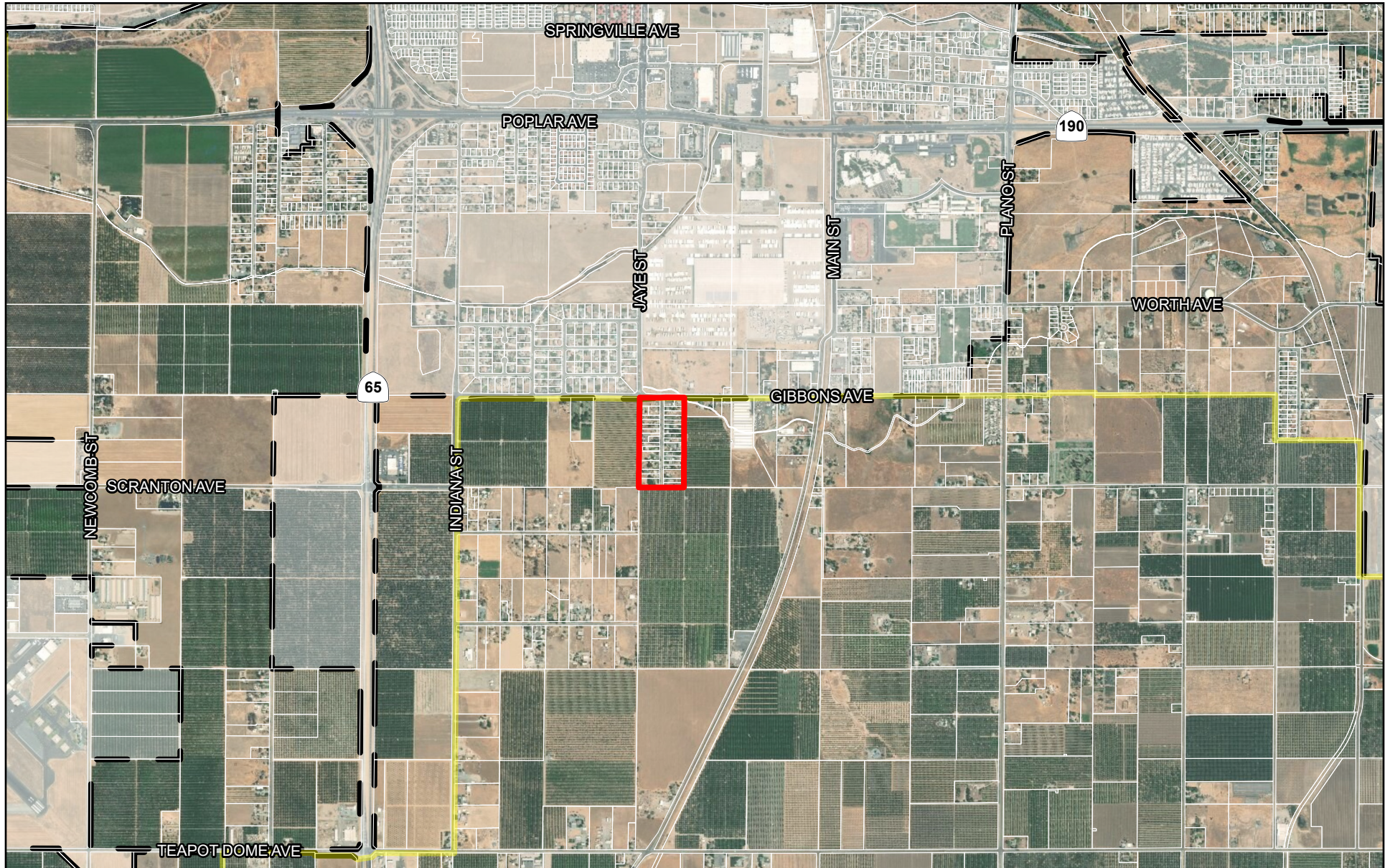
PASSED, APPROVED AND ADOPTED this 21st day of April, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Central Mutual Water Company Alternative 1 Radius Map



1 in = 2,000 feet

-  Area of Interest
-  City Limits
-  UDB



RESOLUTION NO. ____-2020

A RESOLUTION OF APPLICATION BY THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR
ANNEXATION 484

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 7, 2020, conducted a public meeting to consider the consolidation of the Central Mutual Water Company, a small water system that serves roughly 30 homes, into the City's municipal water system. Pursuant to the City's Annexation Policy (Resolution 19-2016), such consolidation requires annexation. This annexation would subsequently require an amendment to the Urban Development Boundary and the Sphere of Influence. A Mitigated Negative Declaration was prepared that evaluated the physical elements of the improvements associated with linking the water company to the City's water system, as well as the entitlements identified above (hereinafter "the consolidation project"); and

WHEREAS: Due to the COVID-19 pandemic, and reduced ability for people to congregate in large numbers, the applicant (Central Mutual Water Company, or "CMWC") requested that the public hearing be continued to the meeting of April 21, to allow the members of CMWC to prepare to use technological means to participate in the meeting. The City Council opened the public hearing on April 7, and no comments were received at that time. As of the date of this report, no comments have been received; and

WHEREAS, the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 484; and

WHEREAS, the territory proposed to be annexed to the city totals approximately 19.53± acres, and is substantially developed with single family residential development; and

WHEREAS, this proposal is beyond the Sphere of Influence for the affected city. An amendment to the sphere of influence also known as the Porterville Urban Development Boundary would be required to accommodate the project. The City Council considered two alternative amendments to the Sphere of Influence: Alternative A, which includes only the CMWC, and Alternative B, which includes the areas west and east of the CMWC, for a total of roughly 360 acres. The City Council selected Alternative B; and

WHEREAS, notice of a public information meeting was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within the subject area and within a 300-foot radius surrounding the subject areas on March 6, 2020; and

WHEREAS, this proposal is made pursuant to Sections 56654 and 56428 of the California Government Code; and

WHEREAS, the reasons for this proposal are as follows:

1. To respond to the Central Mutual Water Company's request to consolidate with the Porterville Municipal Water System. The California Water Resources Control Board (WaterBoards), which is granting funds to CMWC to assist in the long term provision of reliable, quality drinking water, has encouraged the consolidation with the City; and
2. To efficiently provide government services in manner consistent with the City's Annexation and Municipal Services Objectives, Policies, and Procedures (Resolutions 19-2016 and 75-2014).

WHEREAS, the proposed annexation area and any future development thereof would be subject to compliance with the Porterville Municipal Code and Porterville General Plan.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation and modification of the Porterville Urban Development Boundary for the territory as described in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the detachment of the same area from County Service Area #1.

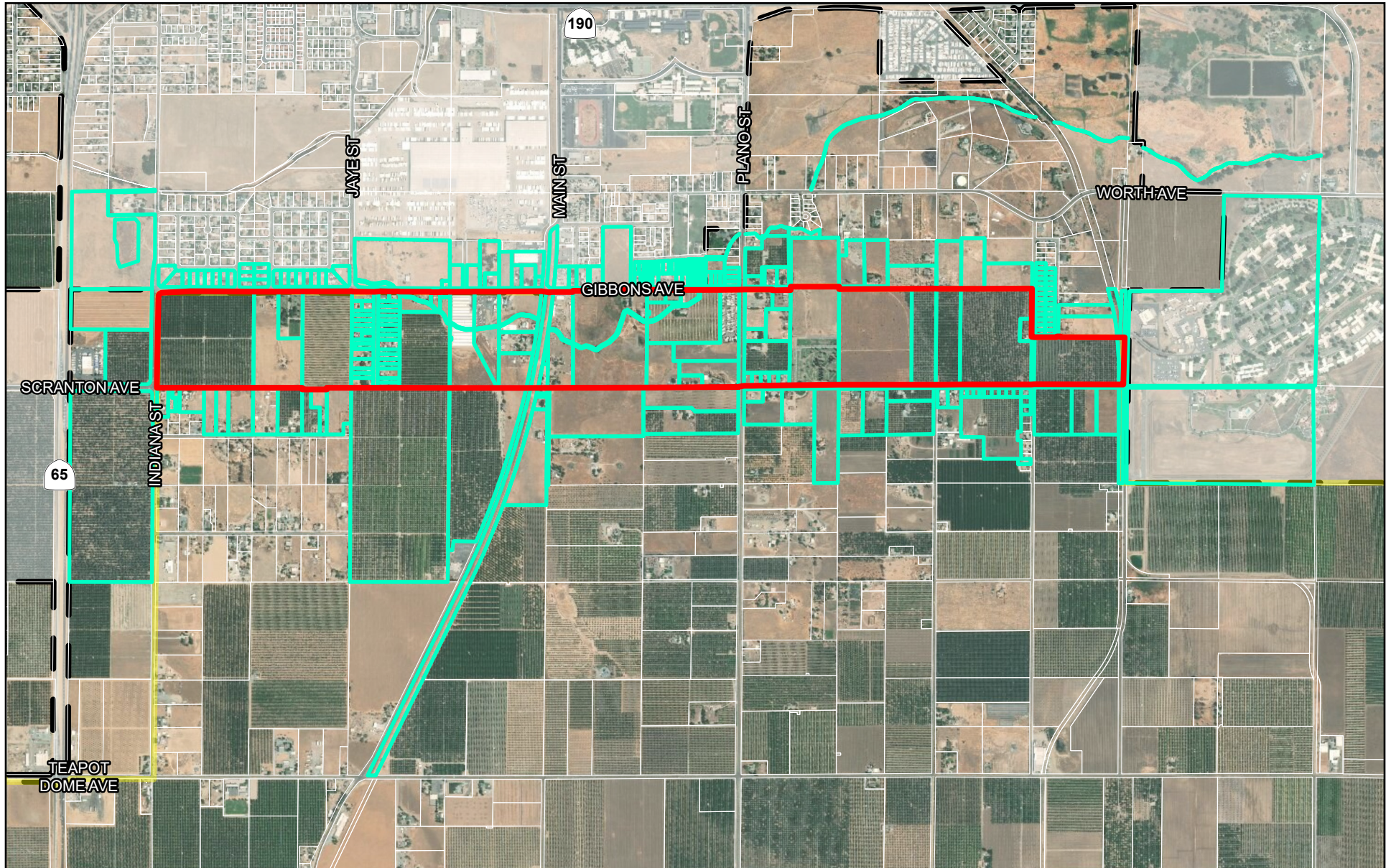
PASSED, APPROVED AND ADOPTED this 21st day of April, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Central Mutual Water Company Alternative 2 Radius Map



1 in = 1,871 feet

Date Printed: 3/4/2020 by the Community Development Department

-  Area of Interest
-  City Limits
-  UDB
-  Parcels within 300 ft of project



RESOLUTION NO. _____ - 2020

A RESOLUTION OF THE CITY OF PORTERVILLE ESTABLISHING AN AGREEMENT
BETWEEN THE CITY OF PORTERVILLE
AND THE CENTRAL MUTUAL WATER COMPANY
FOR POTABLE WATER SERVICE AND SYSTEM MAINTENANCE

THIS AGREEMENT, made and entered into by and between the CITY OF PORTERVILLE, a California Charter City, hereinafter referred to as City, and the CENTRAL MUTUAL WATER COMPANY, a private water company located in Tulare County, hereinafter referred to as Water Company.

WHEREAS, Water Company exists for the purpose of providing water to certain residents of those parcels south of Gibbons Avenue on Kessing Street, located south of Porterville, California; and

WHEREAS, Water Company is unable to provide safe drinking water to its residents; and

WHEREAS, Water Company's service territory is located immediately adjacent to the city limit of City. Annexation of the subject area is already in process and is a condition of this consolidation; and

WHEREAS, the California State Water Resources Control Board (WaterBoards) has insured the capacity to serve the Water Company's customers with potable water, through improvements being funded in association with the East Porterville Emergency Water Project; and

WHEREAS, City has applied for funds from WaterBoards for the purposes of constructing the replacement distribution system and infrastructure necessary to connect Water Company's water system to City's water system, as well as construction of said improvements; and

WHEREAS, the funding agreements will require an agreement between City and Water Company that commits the City to providing potable water supply after construction of the new system is complete; identifies the party responsible for operation and maintenance of the new water distribution system within Water Company's service territory after construction and is conditioned on Water Company's surrender of its water supply permit after the Consolidation is complete and prior to connecting Water Company to city's water system.

NOW THEREFORE BE IT RESOLVED, that City shall supply with potable water the properties currently served by Water Company, subject to the following terms and conditions:

1. Consolidation. City agrees to serve with potable water the properties currently served by Water Company, including all thirty-four (34) subdivision lots and existing homes located thereon. All drinking water connections shall comply with all applicable local, state and federal requirements, and shall be made under the supervision of City and City's agents. The area to be served includes one road internal to the subdivision, Kessing Street, as depicted on the attached map, incorporated as Exhibit A to this Agreement. A water main will be constructed in Kessing Street to provide water service to customers of the Water Company. The reconstructed water distribution system

shall be integrated into and made part of the City's water distribution network, and City shall supply water to the residents currently served by Water Company who will become individual customers of the City.

2. **Ownership of Pipeline.** Upon completion of construction of the reconstructed water system, ownership of the water distribution system within Water Company's service territory shall transfer from Water Company to City. The new system shall be owned, operated and maintained by City as part of its reconstructed municipal water system.
3. **User Fees.** When Water Company's customers become City's customers, they shall pay the current rates for water services charged to other City customers, as set by the City Council.
4. **Other Fees.** The Water Company agrees to pay capacity and connection charges on behalf of its existing customers through a construction fund obtained for the purposes of installing new water mains and making water system upgrades as described below. Future development in need of new water service may be subject to regular City fees at the time of connection. If construction funding does not materialize or does not cover such charges and other funding sources cannot be found, this agreement shall be deemed null and void.
5. **Water System Upgrades.** Water Company agrees that prior to the consolidation with the City's system, its water distribution system shall be fully functional, constructed in accordance with City standards and specifications and system improvements accepted by the City Council. Specific conditions to be completed prior to the consolidation are as follows:
 - A. The Water Company shall reconstruct the existing water distribution system to meet City Standards, including but not limited to the installation of residential water services and meters of a size and type specified by the City, and pay all applicable water related fees. The reconstruction is subject to plan approval and inspection by City.
 - B. The existing well owned by Water Company will be abandoned in accordance with local, state and federal requirements after the expiration of a mutually agreed-upon period of time to allow residents to connect to the reconstructed water distribution system. The parcel on which the well exists shall be merged with one or more of the adjacent parcels.
 - C. By this Agreement, maintenance of the reconstructed water system shall be performed by City commencing with the transfer of ownership as provided for in Item 2 of this Agreement.
6. **Project Funding.** It is mutually understood that the planning, design and construction of improvements described herein is contingent upon the receipt of anticipated funding from the State Water Resources Control Board. Should the City and the State fail to execute a financial assistance agreement to provide funding for eligible costs of the improvements, as defined in such agreement between City and the State Water Resources Control Board, then neither party is obligated to the

terms of this Agreement.

7. Inspection. City inspect the reconstruction of the drinking water system as construction of the water system progresses on an inspection schedule established by the City. Fees for inspection required by the Consolidation process shall be paid by Water Company.
8. Permits. Water Company agrees to obtain all permits necessary for construction. City agrees to submit a Water Supply Permit Amendment Application to the State Water Resources Control Board, Division of Drinking Water, reflecting the change in service area.
9. Dissolution. Upon final execution of the consolidation described herein, the Water Company, Central Mutual Water Company, shall cease operation and dissolve its organizational structure, and shall voluntarily surrender its existing water permit for Public Water System ID number 5400655. \
10. Liability. Upon consolidation of the reconstructed water distribution system, City will assume responsibility for the delivery of safe, potable drinking water to the residents formerly served by Water Company.
11. Indemnification. Prior to consolidation/connection of the reconstructed water distribution system, Water Company assumes all responsibility for the control, distribution and disposal of water delivered under this agreement. Water Company shall, to the fullest extent permitted by law, hold harmless, and indemnify City and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Water Company and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the City. Upon connection of the reconstructed water distribution system, City assumes all responsibility for the control, distribution and disposal of water delivered under this agreement. City shall, to the fullest extent permitted by law, hold harmless, and indemnify Water Company and its officers, officials, employees and volunteers from and against all claims arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the City and its employees, agents and subconsultants, except where and to the extent caused by the negligence or willful misconduct of the Water Company. The provisions of this section survive completion of the services or the termination of this Agreement.
12. Attorney's Fees. Should any litigation be commenced between the parties concerning this Agreement, or the rights and duties of either party under this Agreement, the party prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for attorneys' fees in such litigation, which shall be determined by the court in such litigation or in a separate action brought for that purpose.

13. Term. This agreement shall become effective upon its execution, and shall remain in effect until such time as all conditions described herein are met and the consolidation can be consummated or until February 1, 2024, whichever occurs first.
14. Notices. Any and all notices or other matters required or permitted by this Agreement or by law to be served on, given to, or delivered to either party by the other party to this Agreement shall be in writing and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is directed or to a supervisory employee of that party, or, in lieu of personal service, when deposited in the United States mail, first-class postage prepaid, addressed to City at 291 N Main St, Porterville CA 93257 (Attn: John Lollis, City Manager), or to Water Company at 1587 S Kessing Street, Porterville, CA 93257 (Attn: Central Mutual Water Company Secretary). Either party may change its address for purposes of this Paragraph by giving written notice of this change to the other party in the manner prescribed by this Paragraph.
15. Sole and Only Agreement. This instrument constitutes the sole and only agreement of the parties, City and Water Company, relating to water system consolidation and correctly sets forth the rights, duties, and obligations of each to the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect.
16. Binding on Heirs and Successors. This Contract shall inure to the benefit of and be binding on the heirs, executors, administrators, successors, and assigns of each party to this Agreement.
17. Subject to Valid Laws. This Agreement is subject at all times to any and all valid laws, ordinances, and governmental regulations whether federal, state, county, or city, and any modification made to this Agreement by any such law or ordinance or regulation or to the conduct of the parties under this Agreement shall not impose liability on either party for breach of their duties under this Agreement.

PASSED, APPROVED AND ADOPTED this 21st day of April, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Resolution No. ____-2020

WATER COMPANY:

By: _____
President, Central Mutual Water Company

Central Mutual Water Company



-  Annexation Area
-  Parcels
-  Current City Limits

0 100 200 Feet





CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Adoption of the 2020 Five-Year Consolidated Plan and 2019-2020 Action Plan for Investment of Community Development Block Grant (CDBG) Entitlement Funds

SOURCE: Community Development

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all CDBG entitlement cities to prepare a three- or five-year Consolidated Plan. Porterville's previous Five-Year Consolidated Plan was prepared and subsequently approved in 2015. It is now necessary to develop a new Five-Year Consolidated Plan which will cover the time frame of 2020 to 2025.

HUD administers a variety of programs designed to provide decent housing, expand economic opportunities and assist in meeting public service needs of the community. These programs are principally designed to assist the low and moderate income families of the community.

The Consolidated Plan identifies the housing and non-housing community development needs of the City of Porterville, as well as, establishes objectives, priorities, and actions to address these needs. A summary of the proposed Consolidated Plan is as follows:

HOUSING AND HOMELESS NEEDS ASSESSMENT: This section includes an assessment of the housing needs of lower income families, renters and owners, elderly persons, large families and persons with special needs and disabilities.

HOUSING MARKET ANALYSIS: This section includes an analysis of the general characteristics of the housing market, the condition and cost of available housing, and the concentration of racial/ethnic persons and low income persons within the community.

PRIORITY NEEDS- OBJECTIVES- STRATEGIES: This section includes a priority needs table, objectives to be met over the next five (5) year period, and a discussion of resources available for meeting the need. Priority needs as drafted include:

- Assist in the creation and preservation of affordable housing opportunities.
- Support activities to prevent and end homelessness
- Support activities that strengthen neighborhoods
- Expand economic development and employment opportunity programs.

ACTION PLAN: This section includes the one (1) year action plan to deal with the needs of the community and a description of the programs to be implemented. The City of Porterville expects an Entitlement Grant of approximately \$831,420 for fiscal year 2020-2021.

The CDBG Citizens' Advisory Committee held a Public Hearing in March to seek input on the types of programs that the public would like to see included in the Consolidated Plan and annual Action Plan. Subsequent to public discussion, the consensus of the Committee submitted recommendations for the 2020-2021 Entitlement allocation are as follows:

Section 108 Debt Service \$ 296,534
Administration \$ 166,000
City-Operated Youth Center \$ 110,875
Continuum of Care on Homeless \$ 5,000
Parks Improvement Program \$ 66,673
Homebuyer Education \$ 1,338
Curb, Gutter, and Sidewalk Improvements \$ 130,000
Business Assistance \$ 40,000
Tulare Housing First PSH \$ 15,000
(formerly Shelter Plus Care)

The Owner Occupied Housing Rehabilitation Program, the First Time Low Income Homebuyer Program, the Public Utility Loan Program, and Administration will also be funded from previous allocations of entitlement funds, program income, and other grant sources. The Business Assistance Program will be additionally funded from carryover of previous entitlement funds and from program income received and anticipated during the year from debt service on existing business loans.

Views obtained during this hearing will be considered for inclusion in the Five-Year Consolidated Plan and Annual Action Plan to be presented to the City Council. No written public comments were received during the 30-day comment period.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing on the proposed 2020 Five-Year Consolidated Plan and 2020/21 Action Plan;
2. Adopt the draft Resolution approving the 2020 Five-Year Consolidated Plan and 2020/21 Action Plan; and
3. Authorize the City Manager to execute all necessary documents.

ATTACHMENTS:

1. Draft Consolidated Plan
2. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE



COMMUNITY DEVELOPMENT BLOCK GRANT

2020-2025 CONSOLIDATED PLAN

& 2020-2021 ACTION PLAN

DRAFT

ENTITLEMENT APPLICATION

MARCH 2020

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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Porterville (City) is an entitlement jurisdiction that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to invest in local communities. The City gets HUD funding under the Community Development Block Grant (CDBG) Program, which is designed to assist low- and moderate-income (LMI) households. The primary objective of the CDBG program is to develop viable communities through the provision of decent housing, a suitable living environment, and expanded economic opportunities. CDBG grantees are eligible to use the resources they receive for Planning and Administration, Public Services, Community and Economic Development, Capital Improvement Projects (CIP) Public Facilities/Infrastructure, and CIP Housing Rehabilitation. Planning and Administration costs include staffing, preparation of the Consolidated Plan, general management, oversight, and coordination. Public Service projects provide social services and other direct support to individuals and households in need of assistance. Community and Economic Development projects are focused on assisting businesses and organizations with small business loans, façade improvements, and other initiatives. CIP Public Facilities/Infrastructure projects are those which aim to improve public facilities and infrastructure. CIP Housing Rehabilitation projects are for housing rehabilitation improvements of single and multi-unit housing. The City anticipates approximately \$5,161,592 in CDBG funding from 2020-2025, based on the most recent annual allocation received.

Introduction 1

As an entitlement jurisdiction, HUD requires that the City prepare a Consolidated Plan every five years to foster a community-wide dialogue regarding the market environment and affordable housing and community development needs of the City. The City is also required to prepare an Annual Action Plan (Action Plan) to report on the distribution of federal funding and a

Consolidated Plan	PORTERVILLE	1
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Consolidated Annual Performance Consolidated Plan Evaluation Report (CAPER) to identify the City's progress in meeting the goals discussed in the Consolidated Plan's Strategic Plan and Action Plan.

Introduction 2

Five Year Goals

The Consolidated Plan goals below represent high priority needs for the City and serve as the basis for the strategic actions the City will use to meet these needs. The goals, listed in no particular order, are:

1. Assist in the creation and preservation of affordable housing opportunities.
2. Support activities to prevent and end homelessness.
3. Support activities that strengthen neighborhoods.
4. Expand economic development and employment opportunity programs.

Introduction 3

Methodology

The City's Consolidated Plan for Fiscal Years 2020-2025 serves as the strategic plan that identifies the priority housing and community development needs to guide the distribution of CDBG funding. The majority of data utilized in this plan is provided by HUD for the purpose of preparing the Consolidated Plan. HUD periodically receives custom tabulations of data from the U.S. Census Bureau that are largely not available through standard Census products. Known as the Comprehensive Housing Affordability Strategy (CHAS) data, it demonstrates the extent of housing problems and housing needs, particularly for low income households. The CHAS data is used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.[1]

When CHAS data is not available or appropriate, other data is utilized, including 2009 and 2015 U.S. Census data and American Community Survey (ACS) 2011-2015 five-year estimates. While

ACS one-year estimates provide the most current data, this report utilizes five-year estimates as they reflect a larger sample size and are considered more reliable and precise.[2]

Introduction 4

Federal funds provided under the CDBG entitlement program are primarily concerned with activities that benefit LMI households whose incomes do not exceed 80 percent of the area median family income (AMI), as established by HUD, with adjustments for smaller or larger families.[1] HUD utilizes three income levels to define LMI households:

- **Extremely low income:** Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- **Very low income:** Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- **Low and moderate income:** Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The City is located in the eastern most portion of the Central San Joaquin Valley (Central Valley), covers the southeast area of the County of Tulare (County), and rests against the foothills of the Sierra Nevada Mountains. The City is the third largest city in the County and is home to more than 59,988 residents. 16,933 households with a median household income of \$41,246 are located in the City. The City also stands as a trade center that serves more than 100,000 people. Its economy is centered on various industries, including agri-business, light industry, and commercial enterprise. The City's local businesses produce a number of goods and services, including printed materials, specialty documents, and food products[1]. Its geography, small-town character, and rising economy provide the City with various opportunities for growth and development.

Summary 1

The following provides a brief overview of the results of the Needs Assessment:

Consolidated Plan	PORTERVILLE	3
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NA-10 Housing Needs

- Fifty-four percent of households (8,525 households) in the City are LMI, with incomes ranging from 0-80% AMI. A breakdown would be: 18 percent are extremely low income (2,840 households at 0-30% AMI) 16 percent are low income (2,575 households at 30-50% AMI) 20 percent are moderate income (3,110 households at 50-80% AMI).
- Thirty-three percent of households are cost-burdened, spending more than 30 percent of their incomes on housing costs.
- Twenty- two percent of households (3,425 households) are severely cost burdened, with 2,080 renter households and 1,345 owner households spending more than 50 percent of their incomes toward housing costs.
- There are currently 4,134 households listed on the City's public housing waiting list that is managed by the Housing Authority of Tulare County (HATC) and 10,267 listed on HATC's countywide Section 8 program waiting list.

Summary 2

NA-15 Disproportionately Greater Need: Housing Problems

- Eighty-seven percent of Hispanic households (1,515 households) in the 0-30 % AMI category experience housing problems, compared to 79 percent (2,255 households) of the jurisdiction as a whole.

NA-20 Disproportionately Greater Need: Severe Housing Problems

- Fifty-five percent of All Pacific Islander households (10 households) in the 50-80% AMI category experience severe housing problems, compared to 28 percent (870 households) of the jurisdiction as a whole.

NA-25 Disproportionately Greater Need: Housing Cost Burden

- Forty-three percent of City households (6,610 households) are cost burdened and spend more than 30 percent of their income on housing costs.
- Twenty- three percent (3,580 households) are severely cost burdened and paying more than 50 percent of their income on housing costs.

- Among severely cost burdened households paying more than 50 percent of their income toward housing costs, Pacific Islander households experience a disproportionate need, with 57.1 percent (10 households) experiencing severe cost burden, compared to 19 percent (3,580 households) of the jurisdiction as a whole.

Summary 3

NA-35 Public Housing

- Currently, there are a total of four accessible units in HATC's public housing stock in the City and 17 individuals on the waiting list for accessible units in the public housing program.
- Countywide, households receiving public housing and Section 8 assistance have an average annual income of \$21,961.

NA-40 Homeless Needs

- On the night of the 2019 Tulare/Kings County PIT count, 1,069 persons were identified as homeless in the region – 175 (16 percent) of which were located in the City.
- 556 (52 percent) of the total homeless persons counted in the City identified as Non-Hispanic/Latino and 456 (43 percent) identified as Hispanic/Latino.
- Children under the age of 18 made up 8 percent of people experiencing homelessness in families.
- Veterans represent 9 percent of homeless adults in Kings and Tulare Counties.

NA-45 Non-Homeless Special Needs

- From April 2006 through June 2014, a total of 413 cases of AIDS were reported within the County of Tulare; 187 are still living. During the same period, a total of 129 HIV cases were reported; 121 individuals are still living.
- Currently, there are a total of 23 households containing at least one disabled member living in public housing in the City and 436 households containing at least one disabled member utilizing Section 8 countywide.

Summary 4 NA-50 Non-Housing Community Development Needs

Survey respondents identified the following community development needs as priority areas within the following categories:

- Health Care Facilities
- Park and Recreation Facilities
- Youth Centers
- Libraries
- Fire Stations & Equipment
- Community Centers
- Child Care Centers
- Senior Centers

3. Evaluation of past performance

The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant programs. The City's Annual Action Plans and CAPERs have provided many details about the goals, projects, and programs completed by the City over the past 39 years.

The City recognizes that the evaluation of past performance is critical to ensure the City and its sub-recipients are implementing activities effectively and that those activities align with the City's overall strategies and goals. The production of programs and systems are evaluated annually.

Goals for future projects are set by the evaluation and the success of existing programs as well as the evaluation of the needs that exist in the community. With 37 percent of entitlement funding received applied to the Section 108 loan, there is a limited amount of discretionary funding available for large projects. The City will continue funding salaries for the very successful Youth Center and the Tulare First Permanent Supportive Housing Project (formerly known as Shelter plus Care), and as more funding becomes available, the City will look for ways to improve living conditions, eliminate slum and blight, and improve public facilities.

4. Summary of citizen participation process and consultation process

To maximize participation in the preparation of the 2020-2025 Consolidated Plan, the City designed and administered a community needs survey and held community forums. The community needs survey was distributed to residents, workers, service providers, and businesses of the City. It is estimated that there was a potential reach of 37,838 entities, organizations, or persons that were informed of and/or engaged in the preparation of the Consolidated Plan. More than 500 hardcopy surveys were distributed to public housing sites, school districts, at a business expo event, the public counter, libraries, and community centers. The survey was also distributed via email and social media. The City sent emails to 86 different individuals or organizations notifying them of the Community Needs Survey and Community and Stakeholder Forums. It is estimated that 13,500 persons on Facebook were reached with information regarding the Consolidated Plan. One hundred and fifty seven survey responses were submitted to the City. The City also held three Community Forums and one focus group which were attended by a total of 43 individuals, and presented the Consolidated Plan to multiple organizations and advisory boards.

5. Summary of public comments

Not applicable. The City did not receive any public comments for this Consolidated Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

Not applicable. The City did not receive any public comments for this Consolidated Plan.

7. Summary

Please see the discussions above.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	City of Porterville	Community Development Department
CDBG Administrator	City of Porterville	Community Development Department
HOME Administrator	N/A	N/A

Table 1 – Responsible Agencies

Narrative

The City of Porterville (City) is the Lead Agency for the United States Department of Housing and Urban Development (HUD) entitlement programs. The City's Department of Community Development is responsible for administering the funds it receives under the Community Development Block Grant (CDBG).

Consolidated Plan Public Contact Information

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PR-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The City, with the assistance of The Ramsay Group, conducted a thorough outreach effort, consulting with stakeholders of the City to assess needs, set goals and strategize for implementing the Consolidated Plan. Outreach focused on engaging stakeholders of the City, and community residents of the City. The City held three community forums and one focus group to inform participants of the Consolidated Planning process and purpose as well as discuss community member's top priorities for the City of Porterville. In addition to community meetings, the City also conducted a Community Needs Survey as an alternative way to quantify what resident's want to see supported through the entitlement funding programs.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City worked collaboratively with public officials, City departments, community residents and stakeholders, and beneficiaries of entitlement funds to craft the priorities and strategies included in this Consolidated Plan. The City facilitated a community outreach and engagement effort to further strengthen the dialogue between public and assisted housing providers and private and governmental health, mental health and service agencies that receive federal funding. The City held three community forums and one focus group meeting to prompt a discussion on the City's top community needs and approaches to addressing them.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Kings/Tulare Homeless Alliance, also called the Continuum of Care, (Alliance), is made up of a group of advocates, public agencies, homeless individuals, and service providers with the purpose of confronting the needs of the homeless population within the Kings and Tulare County regions. The City of Porterville continues to be an active participant in the monthly Alliance meetings, with the purpose of enhancing coordination between organizations, disseminating

knowledge on best practices, and developing a stronger understanding of the needs of the homeless population within both counties. The Alliance also works to reduce duplication of such services and to improve service delivery to homeless people. Community Development Department staff regularly attends Alliance meetings. Furthermore, in adherence to the institutional delivery system, the City financially supports the Alliance, which is recognized as a 501(c)(3) organization of partners.

The Alliance also implemented a coordinated entry and assessment system called Every Door Open, to serve both counties. The system's purpose is to help at-risk or current homeless people by prioritizing the most vulnerable homeless people, including the chronically homeless, veterans, families with children, and unaccompanied minors, obtain necessary services.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

Not applicable. The City does not receive Emergency Solutions Grant Funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

1	Agency/Group/Organization	Burton School District
	Agency/Group/Organization Type	Services- Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

2	Agency/Group/Organization	US Census
	Agency/Group/Organization Type	Other government- Federal
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
3	Agency/Group/Organization	Central California Family Crisis Center
	Agency/Group/Organization Type	Services- victims of domestic violence Services- victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
4	Agency/Group/Organization	City of Porterville
	Agency/Group/Organization Type	Other government - local civic leaders

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
5	Agency/Group/Organization	Community Services Employment Training (CSET)
	Agency/Group/Organization Type	Services- Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs- Veterans Non-Homeless Special Needs Economic Development Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

	coordination?	
6	Agency/Group/Organization	Family Healthcare Network
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Health Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
7	Agency/Group/Organization	Tulare County Association of Realtors
	Agency/Group/Organization Type	Business Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Market Analysis Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

8	Agency/Group/Organization	Porterville College
	Agency/Group/Organization Type	Services- Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
9	Agency/Group/Organization	Proteus Inc.
	Agency/Group/Organization Type	Services- Children Services- Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan Homelessness Strategy Anti-poverty Strategy
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
10	Agency/Group/Organization	Sierra View Medical Center
	Agency/Group/Organization Type	Services- Health
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	How the Agency/Group/Organization consulted and what was are the	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

	anticipated outcomes of the consultation or areas for improved coordination?	
11	Agency/Group/Organization	Employment Development Department (EDD)
	Agency/Group/Organization Type	Other- government- State
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan Economic Development
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
12	Agency/Group/Organization	Grand Ave & First United Methodist Church
	Agency/Group/Organization Type	Faith Based Institution
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
13	Agency/Group/Organization	Commission Honorifica Mexicana Americana (CHMA)
	Agency/Group/Organization Type	Other- Socio-economic welfare

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non- Homeless Special Needs Market Analysis Anti- Poverty Strategy
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
14	Agency/Group/Organization	Hot Springs Capineros
	Agency/Group/Organization Type	Senior Community Center
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
15	Agency/Group/Organization	Porterville Area Coordinating Council
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan Public Housing Needs

		Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
16	Agency/Group/Organization	Porterville Unified School District (PUSD)
	Agency/Group/Organization Type	Services- Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
17	Agency/Group/Organization	South East Asian Communities Representative
	Agency/Group/Organization Type	Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Non-Housing Community Development Strategy Strategic Plan
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

	consultation or areas for improved coordination?	
18	Agency/Group/Organization	Tule River Tribe of CA
	Agency/Group/Organization Type	Other government- State
	What section of the Plan was addressed by Consultation?	Non-housing Community Development Strategy
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.
19	Agency/Group/Organization	Tulare County Association of Governments
	Agency/Group/Organization Type	Other government- State
	What section of the Plan was addressed by Consultation?	Non-housing Community Development Strategy Anti-poverty Strategy Housing Need Assessment Public Housing Needs
	How the Agency/Group/Organization consulted and what was are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended at least one community forum and provided input to help prioritize the City's community needs.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City did reach out to a diverse group of agencies, groups and organizations for consultation during the City's outreach period. These groups were also asked to participate in the community needs survey as well as share the survey with other stakeholders. It is possible that members from these organizations participated in the community needs survey, but it cannot be for certain, since the survey remained anonymous. Overall, the City did not intentionally exclude any organization from participating.

The following organizations were provided with a link to complete the survey as well as invited to participate in one of our three public meetings:

- | | |
|---|---|
| 1. Alta Vista Elementary School District | 22. Family Services of Tulare County |
| 2. AMAE | 23. Filipino American Association of Porterville-PRES |
| 3. Anthem Blue Cross | 24. Grand Ave & First United Methodist |
| 4. Burton School District | 25. Helping Hands Soup Kitchen |
| 5. CA Hot Springs Senior Center (Capineros) | 26. Hillside Community Church |
| 6. CASA of Tulare County | 27. Hot Springs Capineros |
| 7. CCFCC | 28. HUD Vash- Tulare Area |
| 8. Census - State Rep | 29. Kings View |
| 9. Census- Partnership Tribal Specialist | 30. Kings View-PATH |
| 10. Census-Federal Rep | 31. Kings/Tulare Homeless Alliance |
| 11. Census-Hmong Rep | 32. Love in the Name of Christ |
| 12. Central California Legal Services | 33. Methadone clinic – BAART |
| 13. Child support Services | 34. Operation Lend a Hand |
| 14. CHMA | 35. Owens Valley Career Development Center |
| 15. City Manager | 36. Paint Poplar |
| 16. City of Porterville Staff | 37. Parenting Network |
| 17. Council Member - Mayor | 38. Food Pantry |
| 18. CSET | 39. Porterville Adult School |
| 19. Employment Connection Center | 40. Porterville Area Coordinating Council |
| 20. EDD Veterans | 41. Porterville Church of Christ |
| 21. Family Healthcare Network | |

42. Porterville Church of God
 43. Porterville College
 44. Porterville Library
 45. Porterville Police
 46. Porterville Adventist Church
 47. Proteus
 48. PUSD Pathways
 49. PUSD Superintendent
 50. Salvation Army Service
 Extension Unit - Porterville
 51. San Joaquin Valley Veterans
 (WestCare)
 52. Self-help Enterprises
 53. Sierra View Medical Center
 54. Sikh Center Porterville
 55. SouthEast Asian
 Communities Rep

56. St. Anne's Food Pantry
 57. St. Anne's Parish
 58. Subway/Basra Enterprises
 Inc/Sikh Community
 59. TC Association of realtors
 60. TC Board of Supervisors
 61. Tulare County Association of
 Governments
 62. Tulare County District 5
 Supervisor
 63. Tulare County HHSA
 64. Tule River Tribe of CA
 65. Turning Point of Central
 California
 66. United Way of Tulare County

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Continuum of Care (Alliance)	Connecting the Dots is a Ten Year Plan to prevent and end homelessness in the Kings and Tulare County region. This effort is aligned with the Strategic Plans goal to support activities that prevent and end homelessness.
San Joaquin Valley Fair Housing and Equity Assess	California Coalition for Rural Housing	The FHEA provides an overview of racial and economic segregation patterns in the City and describes its impact on residential mobility. The report also includes a set of recommendations to promote integration in the City and lessen the negative consequences generated as a result of segregation identified within the report. Both plans focus on supporting and promoting the creation of affordable housing opportunities for LMI and special needs households
City of Porterville General Plan Housing Element	City of Porterville	The Housing Element identifies the housing needs of the community, goals and objectives to address those needs, and outlines the community's efforts to pursue specific policies and programs to achieve its goals and objectives. The Strategic Plan supports the Housing Elements plan to ensure that there is an adequate supply of affordable housing to meet the current and

		future needs of the population.
Regional Transportation Plan and Sustainable Communities Strategy	Tulare County Association of Governments (TCAG)	Transportation and access to services is critical for LMI households this plan considers both land use and transportation together in a single, integrated planning process that accommodates regional housing needs and projected growth. This aligns with promoting the creation of affordable housing opportunities for LMI and special needs households.
Regional Housing Needs Plan for Tulare County 2014-2023	Tulare County Association of Governments (TCAG)	This plan ensures that affordable housing is equitably distributed throughout the region. Both plans ensure that there is an adequate supply of affordable housing to meet the current and further needs of the population.
Pathway Home: Responding to Homelessness in Tulare County	Tulare County Taskforce on Homelessness	This plan is a regional effort intended to identify, develop, and implement innovative strategies to addressing homelessness in Tulare County. This effort builds upon the Continuum of Care plan that supports activities that prevent and end homelessness.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City of Porterville worked collectively with other public agencies in the formation of the Consolidated Plan. Both HATC and the Alliance were active in the creation of the Consolidated Plan and will continue to work with the City to ensure its successful implementation. As a member of the Alliance, the City has worked with other jurisdictions located in the Kings and Tulare counties to end homelessness in the region. The City will continue to play an active role in the Alliance and exchange information with other Alliance members.

Narrative (optional):

PR-15 Citizen Participation

- 1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting**

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Meeting	Non-targeted/ broad community	A total of 31 individuals attended one of the three community forums held in October 2019.	See Appendix B	All comments were accepted.	
2	Internet Outreach	Non-targeted/ broad community	The survey link was emailed to over 86 entities, organizations, agencies, or individuals with a request to share the survey with their network. The survey link was posted to the City's webpage: www.ci.portervill.ca.us . The survey link was distributed to the Homeless Alliance Newsletter-email list (potential reach of 334). The survey link was distributed to the Citywide Newsletter contact list (potential reach of 15,521).	See Appendix B	All Comments were Accepted.	
3	Newspaper Ad	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Notices on the community forums and community needs surveys were posted in The Porterville Recorder newspaper.	N/A	N/A	
4	Hardcopy Survey Distribution	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Approximately 500 hard copy surveys were distributed to residents of the City at various locations, including public housing sites, school districts, health care providers, libraries, and community centers.	See Appendix B		
5	Hardcopy Survey Distribution	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	A total of 157 Community Needs surveys were submitted to the City from August to November 2019.	See Appendix B		

6	Internet Outreach	Non-targeted/broad community	Facebook pages including Porterville Library Facebook, Choose Porterville Facebook, and PUSC Facebook Share were used to distribute information on community meeting dates as well as a link to survey.	See Appendix B	All Comments were accepted	Link can be found here
7	Focus Group	Local Community Stakeholders	Emailed organizations about the meeting as well as link to the survey.	See Appendix B	All Comments were accepted	
8	Newspaper Ad	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Notices on the Consolidated Plan and Action Plan 2020-21, 30-day Comment period and Public hearing in The Porterville Recorder newspaper and Spanish Noticiero Semanal weekly newspaper.	Will be updated once comment period ends and public hearing takes place.	Will be updated once comment period ends and public hearing takes place.	
9	Internet Outreach	Non-targeted/broad community	Social Media was used to inform the community of the Consolidated Plan and Action Plan 2020-21, 30- day Comment period and Public hearing.	Will be updated once comment period ends and public hearing takes place.	Will be updated once comment period ends and public hearing takes place.	
10	Public Meeting	Non-targeted/broad community	Public Meeting Scheduled at the end of the 30 day comment period to ensure they had time to review the document changes and ask questions during the meeting.	Will be updated once comment period ends and public hearing takes place.	Will be updated once comment period ends and public hearing takes place.	

Table 4 – Citizen Participation Outreach

Community Needs Survey

- Results : 157 Responses
- Outreach : It is estimated that there was a potential reach of 86 entities, organizations, or persons were informed of and/or engaged in the preparation of the Consolidated Plan
- Hardcopy Engagement : Approximately 500 hardcopy surveys and flyers were distributed to: public housing sites, school districts, health care providers, libraries, and community centers
- Email Engagement and Social Media: An estimated 15,800 emails sent; 13,500 of persons on Facebook were reached

Community and Stakeholder Forums

- There were a total of three community forums and one focus group were attended by 43 individuals. Community meetings were open to the public and held at the following locations:
 - September 10, 2019 – 6:00 pm - 1st **Community Meeting** / Heritage Center, 256 E. Orange Ave.
 - October 8, 2019 – 5:30 pm - 2nd **Community Meeting** / Porterville College, Student Center, 100 E. College Ave.
 - October 22, 2019 – 3:00 pm to 5:00 pm - **Focus Group** / City Hall – 291 N. Main St.
 - October 22, 2019 – 5:30 pm - 3rd **Community Meeting** / City Hall – 291 N. Main St.

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The needs assessment of housing in the City of Porterville will feature census and demographic data to assess the extent of housing challenges within this jurisdiction. The following summary of key findings gives an overview of the needs assessment results, with more detail included in each corresponding section of the Needs Assessment.

NA-10 Housing Needs

- Fifty-four percent of households (8,525 households) in the City are LMI, with incomes ranging from 0-80% AMI. A breakdown would be: 18 percent are extremely low income (2,840 households at 0-30% AMI) 16 percent are low income (2,575 households at 30-50% AMI) 20 percent are moderate income (3,110 households at 50-80% AMI).
- Thirty-three percent of households are cost-burdened, spending more than 30 percent of their incomes on housing costs.
- Twenty-two percent of households (3,425 households) are severely cost burdened, with 2,080 renter households and 1,345 owner households spending more than 50 percent of their incomes toward housing costs.
- There are currently 4,134 households listed on the City's public housing waiting list and 10,242 listed on the Housing Authority of the County of Tulare's (HATC) countywide Section 8 program waiting list.

NA-15 Disproportionately Greater Need: Housing Problems

- Eighty-seven percent of Hispanic households (1,515 households) in the 0-30 % AMI category experience housing problems, compared to 79 percent (2,255 households) of the jurisdiction as a whole.

NA-20 Disproportionately Greater Need: Severe Housing Problems

- Fifty-five percent of All Pacific Islander households (10 households) in the 50-80% AMI category experience severe housing problems, compared to 28 percent (870 households) of the jurisdiction as a whole.

NA-25 Disproportionately Greater Need: Housing Cost Burden

- Forty-three percent of City households (6,610 households) are cost burdened and spend more than 30 percent of their income on housing costs.
- Twenty- three percent (3,580 households) are severely cost burdened and paying more than 50 percent of their income on housing costs.
- Among severely cost burdened households paying more than 50 percent of their income toward housing costs, Pacific Islander households experience a disproportionate need, with 57.1 percent (10 households) experiencing severe cost burden, compared to 19 percent (3,580 households) of the jurisdiction as a whole.

NA-35 Public Housing

- Currently, there are a total of four accessible units in HATC's public housing stock in the City and 17 individuals on the waiting list for accessible units in the public housing program.
- Countywide, households receiving public housing and Section 8 assistance have an average annual income of \$21,961.

NA-40 Homeless Needs

- On the night of the 2019 Tulare/Kings County PIT count, 1,069 persons were identified as homeless in the region – 175 (16 percent) of which were located in the City.
- 556 (52 percent) of the total homeless persons counted in the City identified as Non-Hispanic/Latino and 456 (43 percent) identified as Hispanic/Latino.
- Children under the age of 18 made up 8 percent of people experiencing homelessness in families.

- Veterans represent 9 percent of homeless adults in Kings and Tulare Counties.

NA-45 Non-Homeless Special Needs

- From April 2006 through June 2014, a total of 413 cases of AIDS were reported within the County of Tulare; 187 are still living. During the same period, a total of 129 HIV cases were reported; 121 individuals are still living.
- Currently, there are a total of 23 households containing at least one disabled member living in public housing in the City and 436 households containing at least one disabled member utilizing Section 8 countywide.

NA-50 Non-Housing Community Development Needs

- Prioritization of Public Facilities and Services based on public responses.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

The housing needs in this section primarily compares the level of income of households to their housing needs compared to the Area median Income .These categories are as follows;

- 0-30% of AMI-Extremely low income
- 30%-50% of AMI -Very low Income
- 50%-80% of AMI -Low income
- 80%-100% OF AMI -Moderate Income

The most common housing problems and severe housing problems are also identified to show the households that have the most need of housing assistance by tenure. The population in Porterville has increased by about 4% from 2015 to 2018. This has led to a subsequent increase in the number of households by about 3%. The household income has also gone up by 4%, however, there are continued challenges to achieving affordability of housing.

Demographics	Base Year: 2009	Most Recent Year: 2015	% Change
Population	54,165	55,220	2%
Households	15,317	15,820	3%
Median Income	\$38,079.00	\$38,456.00	1%

Table 5 - Housing Needs Assessment Demographics

Data Source:	2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)
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Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	2,840	2,575	3,110	1,445	5,850
Small Family Households	1,235	990	1,410	585	2,705
Large Family Households	465	710	745	355	1,210

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Household contains at least one person 62-74 years of age	550	385	545	310	1,270
Household contains at least one person age 75 or older	140	365	240	195	510
Households with one or more children 6 years old or younger	1,024	875	1,050	490	905

Table 6 - Total Households Table

Data Source:	2011-2015 CHAS
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Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	25	4	10	15	54	0	0	30	4	34
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	45	15	55	4	119	0	20	60	15	95
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	245	230	125	75	675	0	100	195	70	365
Housing cost burden greater than 50% of income (and	1,265	350	135	35	1,785	500	495	260	60	1,315

none of the above problems)										
Housing cost burden greater than 30% of income (and none of the above problems)	125	590	445	60	1,220	45	270	480	180	975
Zero/negative Income (and none of the above problems)	90	0	0	0	90	100	0	0	0	100

Table 7 – Housing Problems Table

Data Source:	2011-2015 CHAS
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2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	1,585	600	325	120	2,630	500	620	545	150	1,815
Having none of four housing problems	390	810	1,095	365	2,660	180	545	1,150	810	2,685
Household has negative income, but none of the other housing problems	90	0	0	0	90	100	0	0	0	100

Table 8 – Housing Problems 2

Data Source:	2011-2015 CHAS
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3. Cost Burden > 30%

	Renter				Owner			
	0-30%	>30-50%	>50-	Total	0-30%	>30-	>50-	Total

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	AMI	AMI	80% AMI		AMI	50% AMI	80% AMI	
NUMBER OF HOUSEHOLDS								
Small Related	830	500	260	1,590	245	240	465	950
Large Related	365	255	165	785	79	335	270	684
Elderly	170	245	120	535	175	230	125	530
Other	295	140	85	520	50	29	40	119
Total need by income	1,660	1,140	630	3,430	549	834	900	2,283

Table 9 – Cost Burden > 30%

Data Source:	2011-2015 CHAS
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4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	790	155	80	1,025	245	110	185	540
Large Related	310	105	25	440	75	230	115	420
Elderly	130	145	40	315	135	150	25	310
Other	245	55	0	300	50	25	0	75
Total need by income	1,475	460	145	2,080	505	515	325	1,345

Table 10 – Cost Burden > 50%

Data Source:	2011-2015 CHAS
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5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total

NUMBER OF HOUSEHOLDS										
Single family households	310	215	175	75	775	0	100	180	35	315
Multiple, unrelated family households	0	30	4	4	38	0	25	75	50	150
Other, non-family households	0	0	0	0	0	0	0	0	0	0
Total need by income	310	245	179	79	813	0	125	255	85	465

Table 11 – Crowding Information – 1/2

Data Source:	2011-2015 CHAS
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	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

Subject	Porterville city, California											
	Occupied housing units		Percent occupied housing units		Owner-occupied housing units		Percent owner-occupied housing units		Renter-occupied housing units		Percent renter-occupied housing units	
	Estimate	Marg in of Error	Estimate	Marg in of Error	Estimate	Marg in of Error	Estimate	Marg in of Error	Estimate	Marg in of Error	Estimate	Marg in of Error
Occupied housing units	16,766	+/- 505	16,766	+/- 505	8,970	+/- 488	8,970	+/- 488	7,796	+/- 530	7,796	+/- 530
HOUSEHOLD SIZE												
1-person household	3,109	+/- 393	18.5%	+/- 2.0	1,517	+/- 328	16.9%	+/- 3.4	1,592	+/- 273	20.4%	+/- 3.3

The data above is from the 2017 ACS estimates. The difference between renter-occupied and owner-occupied single-person households is quite low at 75 households. Owner-occupied units would require mortgage assistance and rehabilitation assistance as well to maintain good quality housing stock within the county. There is also a need to support renter households through rental assistance programs such as housing vouchers.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault, and stalking.

Families that have a disabled person(s) would require access to housing assistance with more accessibility features such as wheelchair accessibility and also access to easier transit and proximity to medical facilities. According to the housing element of Porterville 2015-2023, disabled persons make up 11% of the total population of the City. While the Tulare County Housing Authority oversees the needs of disabled persons, there are four accessible units in its public housing stock in the City of Porterville, with 17 individuals currently on the waiting list. This needs to be increased to cater to the 74 people who have identified as persons with a disabling condition in the PIT count, 41 of whom are disabled persons and 30 who have serious mental illness in Porterville.

Victims of Domestic Violence, dating violence, sexual assault, and stalking are included in the recent PIT count for Kings and Tulare County. There were 62 homeless individuals as a result of domestic violence. They require transitional houses, shelters, and safe houses to protect them from their abusers. They are also in need of counseling and healthcare services, along with assistance for those who can seek legal redress.

What are the most common housing problems?

The most common housing problem in Porterville is overcrowding based on table 7 above affecting about 35% of households.

1. Housing cost burden greater than 50% of income -20% of households
2. Housing cost burden greater than 30% of income- 14% of Households

Are any populations/household types more affected than others by these problems?

Renter households are more affected by Owner households. In addition, those renter households that have an extremely low income at 0-30% of the AMI are most affected by all housing problems, including those that are not very common within the jurisdiction. This is except for households with a housing cost burden greater than 30% of income and none of the other problems, which had the highest number of affected households at the very low-income category 30%-50% of the AMI.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Low-income individuals require rental support to reduce their risk of homelessness. In addition, families with children may require further support, including food and clothing, to reduce their existing costs on basic commodities. This is particularly crucial for extremely low and very low income households.

There is also need for access to economic development programs for families with children at risk of homelessness and families transitioning from homelessness can be plugged in to facilitate financial independence which could allow them to support themselves after rapid re-housing to prevent a recurrence of homelessness

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Households (families and individuals) are considered to be "at-risk" when they have low and/or limited income and would need to spend 30% or more of their income on housing. In some cases, these households spend 50% or more of their income on housing. They are, therefore, likely to become homeless if they experience any strain on their income, including loss of employment or other emergencies requiring financial reserves.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Increased risk of homelessness is connected to a high cost burden of over 50% and above. This shows that households that spend almost half of their earnings make deductions on other essentials, including but not limited to food, clothing, and healthcare. The case is more severe for elderly persons with a fixed income, disabled persons, and people who require healthcare and emergency care, such as persons with HIV/AIDS. To this end, persons with an income 0-30% of the AMI are most likely to be most affected. This could be an indicator of unemployment or underemployment as a significant characteristic linked with homelessness.

Discussion

A combination of low income and high housing cost burden are big factors in housing affordability. The information above does not neglect to show the need for mortgage assistance as well as housing rehabilitation for owner-occupied housing as well to not only mitigate the risk of homelessness but to improve the existing housing stock.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

According to the Federal register as per the regulations at 91.205(b) (2), 91.305(b) (2), and 91.405, a grantee must provide an assessment for each disproportionately greater need identified. A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level as a whole. The final column in red texts shows the calculation to determine if a disproportionately greater need exists and to what extent.

Although these tables purpose to aid analysis of the relative level of need for each race and ethnic category, the data also provides information for the jurisdiction as a whole that can be useful in describing overall need. Disproportionate housing needs in a population are defined as having one or more of the following four housing problems in higher proportion than the jurisdiction as a whole:

- 1) living in housing that lacks complete kitchen facilities,
- 2) living in housing that lacks complete plumbing facilities,
- 3) more than one person per room (overcrowded), and
- 4) cost burden greater than 30% of the Area Median Income (AMI).

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	2,255	400	190	79.26%
White	600	165	160	64.84%
Black / African American	15	25	0	37.5%

Asian	90	15	0	85.71%
American Indian, Alaska Native	0	0	0	0
Pacific Islander	0	0	0	0
Hispanic	1,515	200	20	87.32%

Table 9 - Disproportionally Greater Need 0 - 30% AMI

Data Source:	2011-2015 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	2,080	490	0	80.93%
White	485	185	0	72.39%
Black / African American	35	0	0	100%
Asian	65	25	0	0.72%
American Indian, Alaska Native	0	0	0	0
Pacific Islander	0	0	0	0
Hispanic	1,495	265	0	84.94%

Table 10 - Disproportionally Greater Need 30 - 50% AMI

Data Source:	2011-2015 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	1,795	1,315	0	57.72%
White	540	470	0	53.46%
Black / African American	0	0	0	0
Asian	50	30	0	62.5%
American Indian, Alaska Native	0	30	0	0
Pacific Islander	10	0	0	100%
Hispanic	1,195	780	0	60.51%

Table 11 - Disproportionally Greater Need 50 - 80% AMI

Data Source:	2011-2015 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	515	935	0	35.52%
White	185	375	0	33.04%
Black / African American	0	10	0	0
Asian	0	24	0	0
American Indian, Alaska Native	4	0	0	100%
Pacific Islander	0	0	0	0
Hispanic	310	515	0	95.38%

Table 12 - Disproportionately Greater Need 80 - 100% AMI

Data Source:	2011-2015 CHAS
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*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

A disproportionately greater need exists at the highest rate in the 30%-50% of AMI (very low-income households) income category in the jurisdiction as a whole at 80.93%. Extremely low-Income Households (0-30% of the AMI) follow with a disproportionately greater need of 79.26%. 57.72% of low-income households (50%-80% of the AMI) have a disproportionately greater need. Only 35.52% of households earning 80%-100% of the AMI had a disproportionately greater need.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Similar to NA 15 above, A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level as a whole. The final column in red texts shows the estimated calculation to determine if a disproportionately greater need exists and to what extent.

Although these tables purpose to aid analysis of the relative level of need for each race and ethnic category, the data also provides information for the jurisdiction as a whole that can be useful in describing overall need. Disproportionate housing needs in a population are defined as having one or more of the following four severe housing problems in higher proportion than the jurisdiction as a whole:

- 1) living in housing that lacks complete kitchen facilities
- 2) living in housing that lacks complete plumbing facilities,
- 3) more than 1.5 persons per room (severely overcrowded), and
- 4) cost burden greater than 50% of the Area Median Income (AMI).

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	2,085	570	190	73.29%
White	525	235	160	57.07%
Black / African American	15	25	0	37.5%
Asian	90	15	0	85.71%

American Indian, Alaska Native	0	0	0	0
Pacific Islander	0	0	0	0
Hispanic	1,450	260	20	83.82%

Table 13 – Severe Housing Problems 0 - 30% AMI

Data Source:	2011-2015 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	1,220	1,355	0	47.38%
White	295	375	0	44.03%
Black / African American	0	35	0	0
Asian	45	40	0	52.94%
American Indian, Alaska Native	0	0	0	0
Pacific Islander	0	0	0	0
Hispanic	870	890	0	49.43%

Table 14 – Severe Housing Problems 30 - 50% AMI

Data Source:	2011-2015 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	870	2,245	0	27.93%
White	160	850	0	15.84%
Black / African American	0	0	0	0
Asian	25	55	0	31.25%
American Indian, Alaska Native	0	30	0	0
Pacific Islander	10	0	0	100%
Hispanic	680	1,305	0	34.26%

Table 15 – Severe Housing Problems 50 - 80% AMI

Data Source:	2011-2015 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems	Disproportionately greater need
Jurisdiction as a whole	270	1,175	0	18.69%
White	120	440	0	21.43%
Black / African American	0	10	0	0
Asian	0	24	0	0
American Indian, Alaska Native	0	4	0	0
Pacific Islander	0	0	0	0

Hispanic	150	675	0	18.18%
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Table 16 – Severe Housing Problems 80 - 100% AMI

Data Source:	2011-2015 CHAS
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*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

A disproportionately greater need exists at the highest rate in the 0%-30% of AMI (Extremely low-income households) income category in the jurisdiction as a whole at 73.29%. Low-Income Households (30%-50% of the AMI) follow with a disproportionately greater need of 47.38%. 27.93% of low-income households (50 -80% of the AMI) have a disproportionately greater need. Only 18.09 % of households earning 80%-100% of the AMI had a disproportionately greater need.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Similar to NA 15 and 20 above, A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the housing cost as a whole. The columns in red texts show the estimated calculation to determine if a disproportionately greater housing cost burden category and to what extent. This will serve to show which racial/ethnic groups have the highest cost burden for each category. A household is considered to have a high cost burden when it spends more than 30% of its income on housing.

Housing Cost Burden

Housing Cost Burden	<=30%	%	30-50%	%	>50%	%	No / negative income (not computed)
Jurisdiction as a whole	9,015	57.7	3,030	19.4	3,580	22.9	200
White	3,835	67	820	14.3	1,070	18.7	160
Black / African American	95	57.6	35	21.2	35	21.2	0
Asian	460	62.6	175	23.8	100	13.6	0
American Indian, Alaska Native	30	42.9	40	57.1	0	0	0
Pacific Islander	0	0	0	0	10	100	0
Hispanic	4,490	51.3	1,900	21.7	2,360	27	30

Table 17 – Greater Need: Housing Cost Burdens AMI

Data Source:	2011-2015 CHAS
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Discussion:

In this section, the first column sets a baseline for comparing households that are considered affordable at a cost burden of less than 30%. A disproportionately greater housing cost exists at a higher rate among households that have a cost burden greater than 50% at 22.9% for the entire

jurisdiction. Households with a housing cost burden between 30%-50% have a disproportionately greater housing cost burden at a 19.4% in the whole jurisdiction.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

NA 15: Disproportionately greater need - Housing Problems

- **Extremely low Income Households (0-30 % of the AMI)** - Hispanic households have the greatest need at 87.32% followed by Asian households at 85.71% compared to the jurisdiction as a whole at 79.26%
- **Very low income households (30%-50% of the AMI)** - All Black/African American households are the only ones in disproportionately greater need of housing assistance. This is compared to the entire jurisdiction at 80.93%
- **Low income households (50%-80% of the AMI)** - All Pacific Islander households are the only ones in disproportionately greater need in this income category compared to the entire jurisdiction at 57.72%
- **Moderate Income Households (80%-100% of the AMI)** - All American Indian, Alaska Native households in this category are in disproportionately greater need followed by Hispanic households at 95.38% compared to the whole jurisdiction at 35.52%

NA 20: Severe housing problems

- **Extremely low Income Households (0-30 % of the AMI)** - Asian households have the greatest need at 85.71% followed by Hispanic households at 83.82% compared to the jurisdiction as a whole at 73.29%
- **Very low income households (30%-50% of the AMI)** - A disproportionately greater need of housing assistance does not exist here. However, it is worth noting that Asian Households are about 4% households shy of having disproportionately greater need at 52.94% compared to the entire jurisdiction at 47.38%. There might be need for preventive actions here.

- **Low Income Households (50%-80% of the AMI)** - All Pacific Islander households are the only ones in disproportionately greater need in this income category compared to the entire jurisdiction at 27.93%
- **Moderate Income Households (80%-100% of the AMI)** - A disproportionately greater need for housing assistance does not exist here.

NA 25- Housing Cost Burden

- **30%-50% Cost burden** - American Indian, Alaska Native households have disproportionately greater housing cost burden at 57.1%.
- **Cost Burden greater than 50%** - Pacific Islander households have disproportionately greater housing cost burden at 100%.

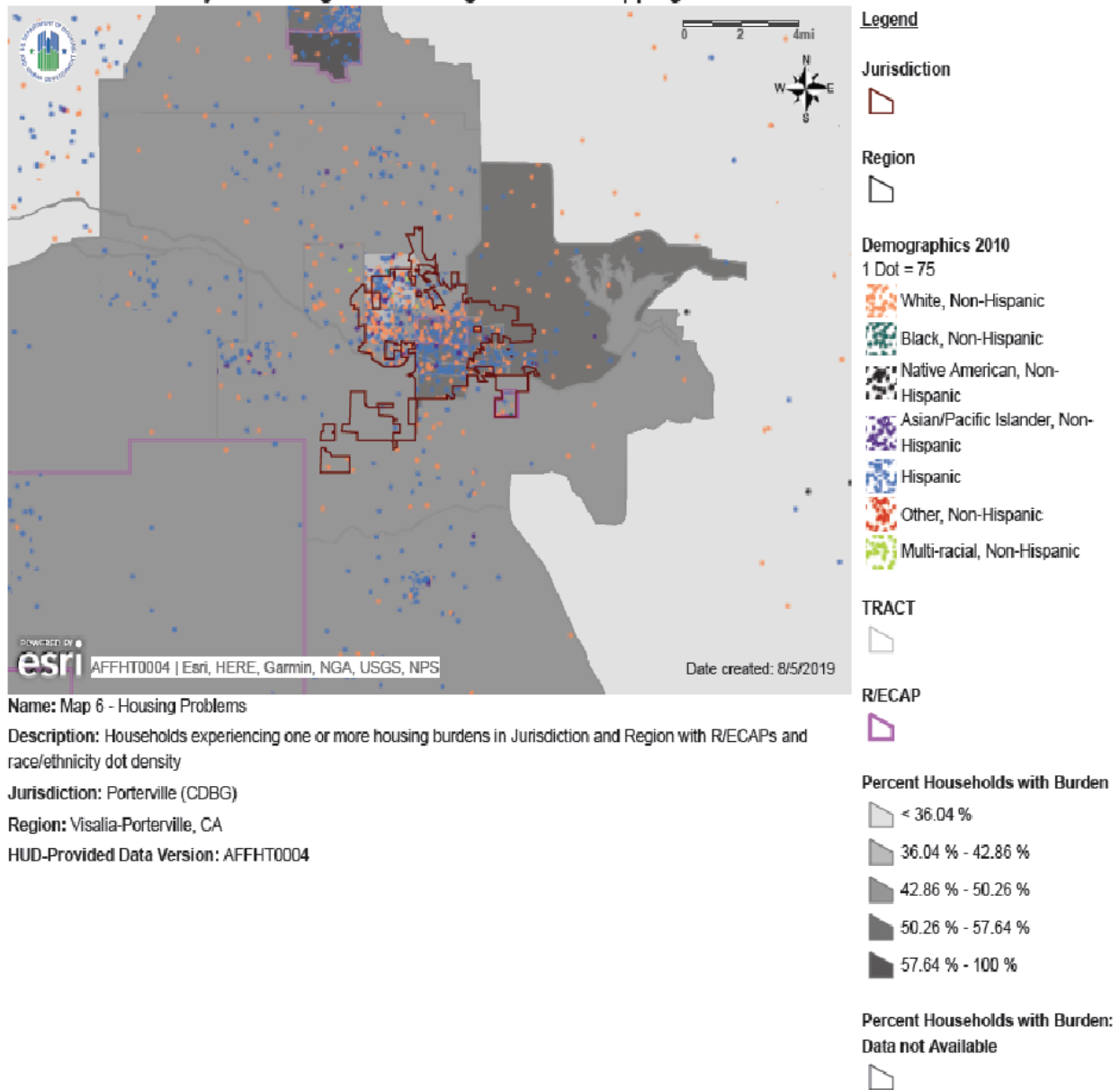
If they have needs not identified above, what are those needs?

It has already been established that renters and low income households are most affected by these housing problems.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

The Map below shows the jurisdiction based on housing burdens. The darkest areas have the highest housing problems which is an indicator of where low income homes are located. These areas span from the North Eastern part of Porterville, down to the Eastern and southern parts of the city. The North east mainly has 57.64%-100% of households with burdens. As you move down to the east and south of the city, there is a 50.26%-57.64% of households with burden

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 6 - Housing Problems

Description: Households experiencing one or more housing burdens in Jurisdiction and Region with R/ECAPs and race/ethnicity dot density

Jurisdiction: Porterville (CDBG)

Region: Visalia-Porterville, CA

HUD-Provided Data Version: AFFHT0004

NA-35 Public Housing – 91.205(b)

Introduction

The Housing Authority of Tulare County (HATC) is a unique hybrid: a public sector agency with private sector business practices established after the enactment of the United States Housing Act of 1937 and state enabling legislation, The Housing Authority provides safe, affordable housing for low income people. This section will look at the needs of public housing which are state owned as well as the dissemination of the Section 8 housing vouchers and home ownership programs for low income households and families that require accessibility features in particular the disabled and senior citizens. Additionally, HATC is a participant of HUD's Moving to Work (MTW) demonstration program, which grants participating public housing authorities (PHAs) the ability to test innovative approaches to delivery housing assistance to households in need. MTW is a HUD effort to build and support innovative programs that enhance the efficacy of PHAs. HATC has capitalized on the organizational and procedural flexibility it has gained through MTW to become a more efficient agency.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	2	703	2,261	11	2,250	0	0	0

Table 18 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source:	PIC (PIH Information Center)
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Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans	Family	

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							Affairs Supportive Housing	Unification Program
Average Annual Income	0	19,015	21,961	19,146	21,733	19,134	0	0
Average length of stay	0	4	4	2	0	2	0	0
Average Household size	0	5	3	3	4	3	0	0
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	0	96	278	0	278	0	0
# of Disabled Families	0	0	88	459	2	457	0	0
# of Families requesting accessibility features	0	2	703	2,261	11	2,250	0	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 20 – Characteristics of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Race of Residents

Program Type									
Race	Certificate	Mod- Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *

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White	0	2	673	2,108	11	2,097	0	0	0
Black/African American	0	0	18	111	0	111	0	0	0
Asian	0	0	9	35	0	35	0	0	0
American Indian/Alaska Native	0	0	1	1	0	1	0	0	0
Pacific Islander	0	0	2	6	0	6	0	0	0
Other	0	0	0	0	0	0	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 21 – Race of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	2	587	1,447	10	1,437	0	0	0
Not Hispanic	0	0	116	814	1	813	0	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 22 – Ethnicity of Public Housing Residents by Program Type

Data Source:	PIC (PIH Information Center)
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Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

According to federal housing data Porterville features 281 low income apartments with rental assistance where households typically pay no more than 30% of their income towards rent. There are 105 public housing units in the City, 4 of which are deemed as fully accessible for individuals who are physically handicapped and require such accommodations.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Information in table 20 suggests that families receiving housing assistance in both public housing and section 8 programs are in need of homes with more accessibility features to suggest that these beneficiaries are composed of seniors and persons with disabilities. We can make the assumption that the 2,964 families are currently not residing in housing units with these features. These residents also require proximity to public facilities and services.

How do these needs compare to the housing needs of the population at large

These needs are not different from the housing needs of the general population. This is evident where disproportionately greater need exists among extremely low, very low and Low income households which may not be receiving any kind of housing assistance. This is considering that 3,030 households have a housing cost burden greater 30% and a further 3,580 households are at risk of homelessness incurring a cost burden greater than 50%.

Discussion

HATC will continue to own and manage 110 units in the City of Porterville. According to HATC, there is no plan to purchase additional public housing units, nor is there a plan to remove any units from its inventory. There is, however, need to have more housing units with accessibility features in the jurisdiction. There could also be need for housing rehabilitation to reduce the housing problems and improve the quality of housing in the city. Part of the proposed budget for the 2020-2021 fiscal year include: First Time Low Income Homebuyer Program, Owner Occupied Housing Rehab and Homebuyer Education Program to assist owner occupied households.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The City of Porterville is part of the Kings/Tulare Homeless Alliance (Alliance). This is a broad-based coalition of homeless housing and service providers, advocates, government representatives and consumers working together to shape regional planning and decision-making. They set their areas of focus as:

- Identifying the needs of homeless households and prioritizing state and federal funding to meet these needs;
- Coordinating joint applications for homeless housing and service funding through the US Department of Housing and Urban Development's Continuum of Care Program Funding;
- Tracking trends and adjusting priorities to meet the changing needs of homeless households; and
- Advocating together for increased services and funding to meet the needs of people experiencing homelessness.

The Alliance is the designated continuum of care program which is recommended by the HUD as a long term strategic plan to combat homelessness. They also use a Homeless Information management system to keep track of sheltered and unsheltered persons within both counties and the number of newly homeless individuals.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

There are three main categories of homeless persons according to the Kings and Tulare 2019 PIT Count:

- Unsheltered Homeless People-People with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Sheltered Homeless People- People who are living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals.)
- Chronically Homeless (CH) - Individual or head of household with a disability who lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and who has either been continuously homeless for at least 12 months or has experienced at least four episodes of homelessness in the last 3 years where the combined occasions total at least 12 months. Occasions are separated by a break of at least seven nights. Stays in institutions of fewer than 90 days do not constitute a break.

Different groups including families with children, veterans, individuals and unaccompanied youth can fall under any of these categories.

Nature and Extent of Homelessness: (Optional)

Race: - American Indian/ Alaskan Native 48 4% - Asian 11 1% - Black/African American 105 10% - Native Hawaiian/ Other Pacific Islander 6 1% - White 794 74% - Multiple Races 30 3% - Unknown 75 7%	Sheltered: N/A	Unsheltered (optional) N/A
Ethnicity: - Hispanic/Latino 456 43% - Non-Hispanic/Latino 556 52% - Unknown 57 5%	Sheltered: N/A	Unsheltered (optional) N/A

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

Children under the age of 18 made up 64% of people experiencing homelessness in families. One in four people experiencing homelessness in families with children were unsheltered (34 people). One-third of adults experiencing homelessness in families with children have been homeless one year or longer meaning they are chronically homeless.

Veterans represent 9% of homeless adults in Kings and Tulare Counties. The national instance of veteran homelessness is just under 9%. (Annual Homeless Assessment Report, 2018) The number of veterans experiencing homelessness rose sharply in 2019 (90 in 2019 vs. 45 in 2018). Nearly nine out of every ten veterans cite having a disabling condition (86%). Nine out of every ten veterans (89%) experiencing homelessness are sleeping in unsheltered situations. Thirty-seven

percent (37%) of veterans are chronically homeless versus twenty-eight percent (28%) of non-veteran adults.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The majority of homeless persons identified their ethnicity as Non-Hispanic/ Non-Latino (52%), down from 2018. There was a significant increase in respondents not choosing an ethnicity or race in 2019. We believe this is due to the Counting Us app used to administer surveys. Native Hawaiian/Pacific Islanders (1%) and Asians (1%) continue to have a very low prevalence amongst the homeless population in Kings and Tulare Counties.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Tulare County continues to have the highest prevalence of unsheltered homelessness within the incorporated areas of the bi-county region (84%). Nine out of every ten (90%) people with a disabling condition are sleeping in a place not meant for human habitation. Nearly all chronic homeless persons are sleeping in unsheltered situations (96% or 288 persons). Nationally, the unsheltered rate amongst those experiencing chronic homelessness is 65%. (Annual Homeless Assessment Report, 2018) Nationally, 35% of the homeless population are sleeping in unsheltered situations. In Kings and Tulare Counties, the prevalence of unsheltered homelessness is 73%. (Annual Homeless Assessment Report, 2018)

289 people (27%) were sleeping in sheltered locations. Visalia has the highest rate of people who are experiencing homelessness sleeping in sheltered locations (38%). The decrease in sheltered homelessness in the balance of CoC is due to the closure of the emergency shelter operated by Open Gate Ministries in Dinuba. Average family size for households with children in sheltered situations is 3.29. Many shelters are restricted to certain sub-populations such as victims of domestic violence, transition-age youth, or single males/females.

Discussion:

The information above is extracted from the 2019 Kings and Tulare Point in Time count as part of the efforts by the Kings/Tulare Homeless Alliance. It is worth noting that Homelessness in Porterville reduced from 195 to 175 individuals and households. This is, however attributed to

new categorization between East Porterville and Porterville. This resulted in the balance of CoC number to increase by 36% (34 in 2019 vs. 25 in 2018).

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Special needs populations in Porterville based on the 2015-2023 housing element are:

- Seniors and Elderly-The HUD defines elderly as 62 years and above while the US Census defines this group as person s above the age of 65. Being a housing needs assessment, we will use the HUD definition of 62 years and above.
- Persons with disabilities- HUD defines disability as a physical or mental impairment that substantially limits one or more of the major life activities for an individual.
- Farmworkers-. This is the group specified as Farmworkers and Laborers, Crop, Nursery, and Greenhouse in the National bureau of Labor statistics.
- Persons living with HIV/AIDS
- Large Households- According to the 2000 CHAS and the Consolidated Plan regulations, Household size is broken into large (5+) and small (4 or less).

Describe the characteristics of special needs populations in your community:

The information below is extracted from the 2015-2023 Housing element for the City of Porterville

- Seniors and Elderly - Households comprised of individuals 62 and over represent 29 percent of the total number of households in the City and the population 65 and over represents approximately 9 percent of the City's total population. In the City, there are a total of 2,769 persons listed on the public housing and Section 8 waiting lists. Approximately 961 of these persons were elderly or near elderly (55 or over).
- Persons with Disabilities - Disabled persons make up 11 percent of the total population of the City. Currently, there are a total of 23 households containing at least one disabled member living in public housing in the City and 436 households containing at least one disabled member utilizing Section 8 countywide. Additionally, there are a total of 2,939 households with at least one disabled member in the Porterville Area public housing and countywide Section 8 waiting lists. HATC manages a total of four accessible units in its

public housing stock in the City of Porterville, with 17 individuals currently on the waiting list. 2,168 individuals were under Porterville Developmental Center (PDC) care as of March 2015.

- Farmworkers - The minimum hourly wage for this group is \$11.55 adding up to an average of \$27,670 annually based on the US Labor statistics for the Visalia-Porterville metropolitan area, making them an extremely low income group.
- Large Households - In Porterville, 25 percent of owner-occupied housing units are large households and 28 percent are renter-occupied. Large household trends in the City are reflective of greater patterns in the number of large households present in Tulare County, which consists of 23 percent of owner-occupied and 29 percent of renter-occupied large households.

What are the housing and supportive service needs of these populations and how are these needs determined?

- Seniors and Elderly - Increased healthcare needs as well as challenges in mobility over time makes this group in need of housing that has accessibility features as well as close proximity to healthcare facilities and transit points such as bus stops. Because of their fixed incomes, seniors are in need of housing support.
- Persons with Disabilities - This group requires housing with accessibility features that would be ideal for people with mobility issues and sensory limitations. Their housing needs will also need ease of access to transit, shopping and healthcare facilities.
- Farmworkers - This group is highly mobile since their work is largely seasonal. The income in this group is quite unstable as a result of their high mobility. They require housing assistance especially through public housing and section 8 housing along with economic development programs to improve their skills during low season to increase their skill level. This will improve their earnings and ability to afford housing by extension. In addition, since about 80% of this group are migrants, they may also be in need of legal services to secure their migrant status.

- Large Households - Housing that is suitable for families with 5+ persons is quite expensive and also in short supply. According to the housing element for Porterville, 25 percent of owner-occupied housing units are large households and 28 percent are renter-occupied. To prevent these families from becoming homeless, they are in great need of housing assistance in terms of rent and public housing but also housing subsidies through reduced mortgages.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

In the greater Tulare County, from April 2006 through June 2014, a total of 413 cases of AIDS were reported; 187 individuals are still living. During the same period, a total of 129 HIV cases were reported; 121 individuals are still living.¹¹ According to the 2013 County Health Status Profiles, an average of 11.7 AIDS cases were reported in the County from 2009-2011 among the population 13 years and over. They require housing with proximity to healthcare and emergency medical services to facilitate their need for consistent check-ups and medical upkeep. They would also need housing assistance to reduce the cost of housing in order to finance their healthcare needs. Reducing their risk of homelessness, in this case, would also reduce their mortality rate.

Discussion:

The special needs groups in this section require housing assistance in combination with public facilities and community services to improve their quality of life.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The general plan for the city identifies these as fundamental building blocks for new neighborhoods to be built over the next two decades.

- Health Care Facilities
- Park and recreation Facilities
- Youth Centers
- Libraries
- Fire Stations & Equipment
- Community Centers
- Child Care Centers
- Senior Centers

The needs of these facilities for the jurisdiction are ranked from the most needed as follows:

1. Youth Centers
2. Parks and recreation facilities
3. Senior Centers
4. Libraries
5. Fire Stations and Equipment
6. Health Care Facilities
7. Child Care Centers
8. Community Centers

How were these needs determined?

The community survey for the 2020-2025 Consolidated plan ranked the choices with the following scale: H = High Need; M = Medium Need; L = Low Need; N/C = No Concern

The needs are determined through the identified high priority needs which will determine the strategic plan and subsequent annual action plans to fulfil these needs.

Describe the jurisdiction's need for Public Improvements:

Public improvements are required to maintain the following infrastructural elements:

- Street/Alley Improvements
- Drainage Improvements
- Sidewalk Improvements
- Street Lighting
- Water/Sewer Treatment

The community survey ranked the improvements required as follows from the most important:

1. Street/Alley Improvements
2. Water/Sewer Treatment
3. Sidewalk Improvements
4. Drainage Improvements
5. Street Lighting

How were these needs determined?

The community survey for the 2020-2025 Consolidated plan ranked the choices with the following scale: H = High Need; M = Medium Need; L = Low Need; N/C = No Concern

The needs are determined through the identified high priority needs which will determine the strategic plan and subsequent annual action plans to fulfil these needs.

Describe the jurisdiction's need for Public Services:

Public services are not only what the city provides in the public facilities mentioned above, but also involves transit, legal and security services. These services are mentioned below as indicated in the community survey:

- Anti-Crime Programs
- Youth Activities
- Health Services

- Transportation Services
- Mental Health Services
- Senior Activities
- Child Care Services
- Legal Services

They were ranked as follows from most needed in the survey results:

1. Youth Activities
2. Anti-Crime Programs
3. Health Services
4. Senior Activities
5. Mental Health Services
6. Transportation Services
7. Legal Services
8. Child Care Services

How were these needs determined?

The community survey for the 2020-2025 Consolidated plan ranked the choices with the following scale: H = High Need; M = Medium Need; L = Low Need; N/C = No Concern

The needs are determined through the identified high priority needs which will determine the strategic plan and subsequent annual action plans to fulfil these needs.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The population of the city of Porterville is expected to have a population growth of about 17% in 2020 from the 2010 census estimates. The estimated population for 2030 is 74,455 which will be within the next Consolidated plan period based on the current housing element extracted from the TCAG population projections. This growing population requires a growing housing market that caters to all income categories. This section is broken down as follows:

- MA10-Number of housing units: Examines the current number of different types of housing and projects future housing needs that cater to the population within the city
- MA 15- Housing Costs: Looks at the cost of housing putting into consideration projections of home values and comparing HOME rents as well as Fair housing rents.
- MA 20 - Condition of housing: The age of housing is looked at here to determine the quality of the housing stock
- MA 25 - Public and Assisted Housing: The availability of affordable housing units and any growth potential for low income households is examined here
- MA 30 - Homeless facilities and services: This is a follow up from the needs assessment outlining the programs and initiatives that support homeless persons within the jurisdiction.
- MA 35 - Special Needs Facilities and Services: This is also an extension of the Needs assessment that further explores the facilities and service available to the special needs groups such as seniors and the disabled.
- MA 40 - Barriers to Affordable Housing: This area looks at how government regulations can also prevent growth of the housing market by preventing timely construction and/or rehabilitation of housing stock.
- MA 45 - Non-Housing Community Development Assets: The labor force as an asset towards economic development is examined. The relationship between academic attainments, income level and ability to afford housing is examined here.

- MA 50 - Needs and Market Analysis Discussion: This section attempts to visualize the location of households that experience housing conditions or low income areas within the jurisdiction

The Market analysis also gives insights into the housing needs in the City of Porterville and how regional and state agencies through their programs actualize local goals to improve housing in the jurisdiction.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Out of a total of 17,070 housing units, 72% are 1 unit detached structures. One unit attached structures are the lowest in number at 265 units representing 2% of the total. 5-19 units and 20 units are also quite low in number at 735 and 625 units respectively. 55.4% of the units in the jurisdiction are owner occupied.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	12,305	72%
1-unit, attached structure	265	2%
2-4 units	2,070	12%
5-19 units	735	4%
20 or more units	625	4%
Mobile Home, boat, RV, van, etc	1,070	6%
Total	17,070	100%

Table 31 – Residential Properties by Unit Number

Data Source:	2011-2015 ACS
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Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	65	1%	115	2%
1 bedroom	90	1%	1,195	17%
2 bedrooms	1,180	13%	2,700	38%
3 or more bedrooms	7,425	85%	3,050	43%
Total	8,760	100%	7,060	100%

Table 32 – Unit Size by Tenure

Data Source:	2011-2015 ACS
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Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Families and individuals assisted with housing programs are those that have extremely low to moderate incomes covering 0-80% of the area median income estimated from 0- \$31,927. The table below shows the section 8 listings within the City of Porterville.

First time home buyers program- This program is designed to help lower income first time homebuyers purchase a home and qualify for long-term financing from a participating lender of their choice from the list provided by City staff

The Section 8 Housing Choice Voucher Program- Provides rental assistance to low income households. This is administered by the Housing Authority of Tulare County.

Housing Rehabilitation & Public Utilities Loan Program-This program provides low cost financing for health and safety repairs in your home.

ADA Exterior Wheelchair Ramp Accessibility Grant Program- This program is designed to provide individuals with disabilities and the elderly (62 or older) that need barrier removal to make their homes easily accessible with the installation of a wheelchair ramp.

Bd	Type	Address	Rent
2	APARTMENT	88 N VILLA ST	\$900
2	APARTMENT	1729 W PUTNAM AVE #B	\$750
2	APARTMENT	870 N PLANO ST	\$594 - \$729
2	APARTMENT	450 W SPRINGVILLE DR	\$725
3	APARTMENT	450 W SPRINGVILLE DR #235	\$875
3	APARTMENT	870 N PLANO ST	\$680 - \$836
3	APARTMENT	450 W SPRINGVILLE DR	\$832
3	HOUSE	1070 STONEGATE COVE DR	\$1100
3	HOUSE	540 N GARY ST	\$1290
3	HOUSE	1952 W MORTON	\$1390
4	APARTMENT	450 W SPRINGVILLE DR	\$940
4	APARTMENT	424 S E ST	\$1006
4	APARTMENT	870 N PLANO ST	\$750 - \$924

Housing Authority of Tulare County- Unit referral Listing

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

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There are no units expected to be lost from the affordable housing inventory

Does the availability of housing units meet the needs of the population?

The average household size in Porterville is 3.39 persons. With a projected population growth of 63,505 by 2020, the number of households is likely to increase to an estimated 18,733. The current housing stock may not be able to meet the needs of the growing population. There is need to develop more multiple unit structures. Affordable housing units are also quite few (13) within the city as illustrated above with only 3 units available for large households.

Describe the need for specific types of housing:

There is need for multi-family units that can accommodate the growing population. There is also need for low income housing and more affordable units for large family households to reduce overcrowding which is one of the city's most prevalent housing problems. In addition, the structures should have accessibility features. The Regional Housing Needs Allocation (RHNA) is a mandated state quota for increasing housing stock within different jurisdictions. The City of Porterville has a RNHA quota of 3,196 for 2014-2023. This is further broken down as follows:

Housing Affordability		Allocation	
Household Income Level	Definition of Category	Housing Units	Percentage of Units
Extremely Low/Very-Low Income	Households earning up to 50% of AMI	623	19.5%
Low Income	Households earning 51-80% of AMI	576	18.0%
Moderate Income	Households earning 81-120% of AMI	566	17.7%
Above Moderate Income	Households earning more than 120% of AMI	1,431	44.8%
Total		3,196	100.0%

Housing element 2015-2023 figure 4.41

Discussion

Based on the city's current housing element, there is potential to build 4,481 high density (multi-family) low income units. This would greatly reduce the number of people in the public housing

and section 8 waitlists. This is also considering other land uses. The table below illustrates city zoning and potential land use.

Land Use Designation (Zoning)	Maximum Density (Units/Acre)	# of Parcels	Acreage	Maximum Unit Capacity	Realistic Unit Capacity
Rural Residential (RR)	0.2	9	89.12	18	14
Very Low Density Residential (RS-1)	3.1	--	--	--	--
Low Density Residential (RS-2)	7.5	--	--	--	--
Low-Medium Density Residential (RM-1)	11.3	14	17.93	203	162
Medium Density Residential (RM-2)	15.0	56	58.08	871	697
High Density Residential (RM-3)	30.0	68	186.56	5,597	4,477

Housing element 2015-2023 figure 4.4

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

Cost of housing has a great bearing on affordability. It is also an indicator of the quality of life in the jurisdiction based on the cost burden. High housing costs can also cause other housing problems including overcrowding and inability to maintain quality of housing stock by ensuring good plumbing and kitchen facilities are available.

Cost of Housing

	Base Year: 2009	Most Recent Year: 2015	% Change
Median Home Value	196,400	149,400	(24%)
Median Contract Rent	557	675	21%

Table 33 – Cost of Housing

Data Source:	2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)
---------------------	---

Rent Paid	Number	%
Less than \$500	1,945	27.6%
\$500-999	4,065	57.6%
\$1,000-1,499	760	10.8%
\$1,500-1,999	105	1.5%
\$2,000 or more	175	2.5%
Total	7,050	99.9%

Table 34 - Rent Paid

Data Source:	2011-2015 ACS
---------------------	---------------

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	315 4.9%	No Data

50% HAMFI	1,510 23.5%	800 11.2%
80% HAMFI	4,590 71.6%	2,379 33.4%
100% HAMFI	No Data	3,954 55.4%
Total	6,415	7,133

Table 35 – Housing Affordability

Data Source:	2011-2015 CHAS
--------------	----------------

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	695	699	925	1291	1525
High HOME Rent	695	699	925	1065	1169
Low HOME Rent	567	608	730	842	940

Table 36 – Monthly Rent

Data Source:	HUD FMR and HOME Rents
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Is there sufficient housing for households at all income levels?

There are 5 income levels:

- Extremely Low-income- 30% or less of the median income;
- Very Low-income- 31% to 50% of the median income;
- Low-income- 51% to 80% of the median income
- Moderate-income- 81% to 120% of the median income; and,
- Above Moderate-income- greater than 120% of the median income

Based on table 35 above, Extremely Low Income households have the lowest number of affordable units at 4.9% of the renter households with no record of owner units. Owner households with the lowest housing units is within the very low income category. There is need for more housing units in the low income categories

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing affordable is determined by various factors including housing supply, housing cost and vacancy rate. While housing supply has been tackled in MA 10 above, focus will be on housing costs in this section. 5,713 Households in the jurisdiction have a cost burden >30% and 3,425

households have a severe cost burden greater than 50%. This shows that approximately 59.8% of households are overpaying for housing. Existing HOME values between 2017 and 2018 were recorded at a median value of \$215,000 in Tulare County the while the new HOME values are set to be \$282,900 in the Visalia-Porterville Non-Metro State area. This shows that the rate of overpayment is not likely to reduce.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The Fair market rent is determined by the housing demand and supply in an area while the HOME Rent is what beneficiaries of the affordable housing programs pay. High Home rents for Efficiency (no bedroom), 1 Bedroom and 2 Bedroom units are the same as fair market rates. The area median rent in Porterville is \$1,211. This is higher than what Low HOME rents are for 3 or more bedroom homes which are occupied by 43% of renter households in the city. This is however quite high for households in the city paying less than \$1000 in rent which forms 85.2% of the renter households. This may be indicative of a small affordable housing inventory which may be improved when all the intended RHNA units are built.

Discussion

Refer to the discussion above.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Housing units need to be maintained to ensure reinvestment, safety and quality of housing. There are 4 conditions examined under the ACS data to determine the need for rehabilitation: lacking complete plumbing facilities, lacking complete kitchen facilities, with 1.01 or more occupants per room, selected monthly owner costs as a percentage of household income greater than 30 percent, and gross rent as a percentage of household income greater than 30 percent. Overcrowding is also a key indicator in the condition of housing.

Definitions

According to the California housing law and regulations, a housing unit is considered substandard when its condition endangers “the life, limb, health, property, safety, or welfare of the public or the occupants”. These conditions include inadequate or lack of sanitation facilities such as poor water supply, lavatory and shower; Structural Hazards such as poor or deteriorating flooring, foundations and walls and poor condition of wiring and plumbing to name a few. The U.S. Census defines overcrowding as at least 1.01 persons per room excluding kitchen, bathrooms, and hallways. Severe overcrowding is defined as more than 1.5 persons per room.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	3,190	36%	3,550	50%
With two selected Conditions	275	3%	550	8%
With three selected Conditions	0	0%	0	0%
With four selected Conditions	0	0%	20	0%
No selected Conditions	5,300	60%	2,940	42%
Total	8,765	99%	7,060	100%

Table 37 - Condition of Units

Data Source:	2011-2015 ACS
--------------	---------------

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	1,485	17%	790	11%
1980-1999	3,355	38%	2,395	34%
1950-1979	3,110	35%	2,935	42%
Before 1950	810	9%	935	13%
Total	8,760	99%	7,055	100%

Table 38 – Year Unit Built

Data Source:	2011-2015 CHAS
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Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	3,920	45%	3,870	55%

Housing Units build before 1980 with children present	2,445	28%	1,065	15%
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Table 39 – Risk of Lead-Based Paint

Data Source:	2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)
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Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 40 - Vacant Units

Need for Owner and Rental Rehabilitation

Any housing structure that is more than 30 years old requires maintenance to remain fit for habitation. 60% of owner households have no housing conditions. This is higher than the 42% of Renter households that also have no housing conditions. Housing that has at least one selected

condition are highest among renters at 50% representing 3550 households indicated in table 37. These households require support to rehabilitate these housing units in the next CDGB funding cycle.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

Housing that has been built before 1978 are at high risk of having lead paint hazards. Based on table 39 above, these 45% of Owner occupied units and 55% Renter occupied units will require more maintenance to remain in the affordable housing inventory. Any units built before 1969 require significant maintenance and rehabilitation to remain in the affordable housing stock.

Discussion

Refer to discussion above.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The public and assisted housing units are meant to serve persons and families from extremely low to moderate income categories. There are 2,873 Total units serviced by vouchers available in Porterville managed by the Housing authority of Tulare County (HATC). The public housing units are owned and managed by HATC while Section 8 housing program is funded but not owned by the HATC. The Moving To Work (MTW) is HUD funded housing program that has flat rents in its public housing and fixed subsidies in its voucher programs. This allows families to save towards home ownership and/or increase their incomes. Assistance is stopped after five years in the program or when a family's income reaches 120 percent of the area median or, whichever comes first.

Totals Number of Units

	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	2	710	2,873	0	2,873	146	0	0
# of accessible units									

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 41 – Total Number of Units by Program Type

Data Source:	PIC (PIH Information Center)
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Describe the supply of public housing developments:

There are about 462 affordable/ public housing units some of which are public housing units while others also have section 8 structures. Of these units, 65 are found in Porterville. Besides

the conventional Public housing units, that have 2 -4 bedrooms catering to families, there are units that cater to special needs groups

Farm Labor Housing- Caters to families with two to nine members who have current farm labor income from low income households; 400 units are available to non-migratory farm workers.

Senior Housing- The units are available to persons above the age of 55 across Tulare County. The 428 units are also open to non-elderly, handicapped individuals and couples since they all have accessibility features; 105 of these units are located in Porterville.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

The following are some of the developments in Porterville. There are about 623 housing units intended for construction before 2023 to boost the affordable housing inventory.

Alder Apartments -- Porterville							
ADDRESS:	45 N Salisbury, Porterville, CA 93257						
CONTACT INFO:	559-781-6577		Mayra Garcia				
UNITS:	64 Total	Studio: 0	1-BR: 28	2-BR: 32	3-BR: 4	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Family; handicap						
WAIT LIST:	3 years						
Evergreen Apartments -- Porterville							
ADDRESS:	65 N Salisbury, Porterville, CA 93257						
CONTACT INFO:	559-781-2621		Deidra				
UNITS:	40 Total	Studio: 0	1-BR: 40	2-BR: 0	3-BR: 0	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Four handicap units						
WAIT LIST:	2 years						
Glenwood Hotel -- Porterville							
ADDRESS:	147 N Main, Porterville, CA 93257						
CONTACT INFO:	559-781-7089		Paige Cox				
UNITS:	36 Total	Studio: 36	1-BR: 0	2-BR: 0	3-BR: 0	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Residential, all studio						
WAIT LIST:	3 - 6 months						
Mountain View Apartments -- Porterville							
ADDRESS:	870 N Plano St, Porterville, CA 93257						
CONTACT INFO:	559-781-9012		Paula				

UNITS:	60 Total	Studio: 0	1-BR: 0	2-BR: 20	3-BR: 32	4-BR: 8	5-BR: 0
OTHER INFORMATION:	Family; 2 Two-BR handicap units						
WAIT LIST:	None						
Porterville Family Apartments -- Porterville							
ADDRESS:	93 E Date, Porterville, CA 93257						
CONTACT INFO:	559-781-1486		Lisa				
UNITS:	78 Total	Studio: 0	1-BR: 21	2-BR: 17	3-BR: 40	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Some handicap accessible						
WAIT LIST:	None						
Porterville Gardens Apartments -- Porterville							
ADDRESS:	1585 W Putnam, Porterville, CA 93257						
CONTACT INFO:	559-784-4221		Site Manager				
UNITS:	62 Total	Studio: 0	1-BR: 56	2-BR: 6	3-BR: 0	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Senior and Disabled Complex; 2 Two-BR and 4 One-BR handicap units						
WAIT LIST:	1 - 2 years						
Villa Siena Apartments -- Porterville							
ADDRESS:	200 North E Street, Porterville, CA 93257						
CONTACT INFO:	559-781-1500		Jessica Marino				
UNITS:	69 Total	Studio: 0	1-BR: 24	2-BR: 15	3-BR: 30	4-BR: 0	5-BR: 0
OTHER INFORMATION:	Four handicap units						
WAIT LIST:	6 months						
Villas Robles Apartments -- Porterville							
ADDRESS:	450 W Springville Dr, Porterville, CA 93257						
CONTACT INFO:	559-782-0553		Melba				
UNITS:	100 Total	Studio: 0	1-BR: 0	2-BR: 8	3-BR: 68	4-BR: 24	5-BR: 0
OTHER INFORMATION:	4 handicap-accessible - adaptable units						
WAIT LIST:	6 - 12 months						

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 42 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

This is explained in MA 20 above. There also plans in the housing element with the support of CDGB grants to develop vacant sites that have housing potential.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

The Housing element for the City of Porterville 2015-2023 outlines the following goals for the jurisdiction. These goals also guide the annual development plans until the last year of its mandate.

Goal 1: Preserve the existing housing stock and conserve existing affordable housing opportunities in Porterville.	
Policy 1.1	The City will encourage private reinvestment and rehabilitation of housing in older residential neighborhoods.
Policy 1.2	The City will pursue local, state, and federal funding assistance that is appropriate to the City's rehabilitation needs.
Policy 1.3	The City will assist interested individuals and non-profit housing corporations to acquire and/or rehabilitate housing in need of rehabilitation with the objective of preserving such units as affordable housing.
Policy 1.4	The City will work with the Tulare County Housing Authority and other non- profit housing corporations to preserve Section 8 and other rent-subsidized units in the City.
Goal 2: Expand the City's low- and moderate-income housing opportunities.	
Policy 2.1	While promoting the provision of housing for all economic segments of the community, the City will seek to ensure design quality in all new residential development.
Policy 2.2	The City will pursue local, state, and federal funding assistance that is appropriate to Porterville's needs to expand affordable housing opportunities for low- and moderate-income households.
Policy 2.3	The City will encourage government-assisted, below-market-rate housing units to be interspersed within the development and be outwardly indistinguishable from market-rate units.
Policy 2.4	The City will provide for the development of secondary residential units, as required by State law, while protecting the single-family character of neighborhoods.

Policy 2.5	The City will continue to provide assistance that enables low-and moderate income households to become first-time homebuyers.
Goal 3: Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families.	
Policy 3.1	The City will maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, farmworkers, the homeless, and transitional persons.
Policy 3.2	The City will encourage the development and rehabilitation of housing that is accessible to persons with disabilities.
Policy 3.3	The City will pursue land use policies that allow small residential developments and individual housing units meeting special needs to be integrated into existing neighborhoods and new residential developments.

Discussion:

Refer to discussion above.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

As mentioned in the Needs Assessment Section above, The Kings/Tulare Homeless Alliance facilitates the needs of homeless persons within the jurisdiction with the help of the non-profit and government partners. Through the Continuum of Care, the jurisdiction homeless count and facilities re-updated to reflect and cater to the current homeless persons in the greater Tulare County which includes the City of Porterville.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	127	74	48	95	0
Households with Only Adults	50	103	133	143	0
Chronically Homeless Households					
Veterans					
Unaccompanied Youth					

Table 43 - Facilities and Housing Targeted to Homeless Households

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

- The Tulare County Network of Care - This is a website that offers links to various services including homeless services, substance abuse rehabilitation, financial assistance, senior services and healthcare that is available regardless of the ability to pay.
- The Joint Family Support Assistance program (JFSAP) - provides extensive support to servicemen and women and their families throughout their of military life, including deployment, mobilization, reintegration and the resulting issues that affect members and their families

- Family Services of Tulare County - This is an initiatives that provides support to families that experience domestic families in the form of legal services, supportive housing and counselling services for families and children
- Community Services Employment Training (CSET) - Offers youth development programs, financial development and employment placement, housing support and family and community support such as public works and senior services.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

The Facilities serving homeless persons within the Alliance Area available within the City of Porterville:

Type	Agency	Program(s)	Description
Emergency Shelter	Central California Family Crisis Center	Porterville Women's Shelter	Serves single women, women with children, and victims of domestic violence.
Transitional Housing	Central California Family Crisis Center	Transitional Housing Program	Serves women with children who are victims of domestic violence.
Transitional Housing	Aspiranet	THP Plus Kings Co.	Serves transitioning age youth ages 18-24.
Transitional Housing	EMQ Families First Inc.	Crossroads TAY Housing	Serves transitioning age youth ages 18-24.
Emergency Shelter	Turning Point of California	Emergency	
Bridge Housing	Turning Point of California	15 beds at Navigation Center	

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Special needs groups were mentioned and broken down in the Needs Assessment section above. This section outlines the facilities available to these groups in the city of Porterville and within the greater Tulare County.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The supportive housing needs for all the groups mentioned above include ease of access to medical facilities and transit points. There is also need for easy access to shopping centers and grocery stores for food and other basic necessities. The housing requires accessibility features due to mobility and sensory challenges such as ramps, wider elevators, lower countertops and thermostats as well as supportive railing.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The Housing Authority of Tulare County provides transitional housing for persons leaving health institutions. The transitional mental health facility includes a large 11-bedroom house, nine one-bedroom apartments with a laundry room, a large community building and a garage all on a 1.7-acre site. The facility also caters to the temporarily homeless, persons requiring a period of extensive evaluation and individuals requiring a Board and Care Facility. Intensive case management services and structured but individualized programming are provided by the Tulare County Department of Health and Human Services.

The Clark Court development was built through the California Rental Housing Construction Program. The project is a half-way house for low income persons with mental illness with staff that provides support services to the tenants. It has twelve, two bedrooms units that are fully furnished.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

This is a summary of projects that will be undertaken by the City of Porterville during the 2020-2021 planning period

#	Project Name
1	2020-2021 Planning and Administration
2	City Operated Youth Center
3	Tulare Housing First Permanent Supportive Housing Program (formerly known as Shelter plus Care)Program for the Homeless
4	First Time Low Income Homebuyer Program
5	Homebuyer Education
6	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program
7	Business Assistance Programs
8	Section 108 Loan Repayment
9	Parks Improvement Program
10	Continuum of Care
11	Curb & Gutter

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Special needs persons within Porterville include the disabled, seniors and large families to mention a few. The full list and characteristics of this group is broken down in the needs assessment section of this document. Special needs groups are at risk of homelessness due to high cost of housing. As part of preventive measures, the city has added a Diversion Specialist

position to the Coordinated Entry System. This position will be responsible for developing and strengthening referral sources for people at-risk of becoming homeless. There is also a plan to continue assisting households with income supports and connections to mainstream benefits especially for persons who have been recently discharged from mental health facilities and those being treated for substance abuse. Other projects being funded include: a CDBG program to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. Courses to educate new homeowners will also be made available. There is also funding that will be made available to improve parks, youth centers, and neighborhoods through curb & gutter program. These projects aim to fulfil the following goals:

- Assist in the creation and preservation of affordable housing opportunities
- Support activities to prevent and end homelessness
- Support activities that strengthen neighborhoods.
- Expand economic development and employment opportunity programs.

These have been clearly indicated in the City of Porterville 2020-2021 Action plan.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Government policies can cause constraints on Affordable Housing and residential investment.

These are identified in the housing element as follows:

Land Use Designations Zoning District	Code	Allowed Residential Structures	Maximum Density
Rural Residential	RR	Detached single-family dwellings, group residential facilities, limited residential care facilities	0.2 units per acre
Very Low Density Residential	RS-1	Detached single-family dwellings, group residential facilities, limited residential care facilities	3.1 units per acre
Low Density Residential	RS-2	Attached or detached single-family dwellings, group residential facilities, limited residential care facilities	7.5 units per acre
Low-Medium Density Residential	RM-1	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobile home parks*	11.3 units per acre

1. Land use controls (e.g., zoning) - The development ordinance describes residential zoning areas as the following:

What the zoning does, while maintaining order in the manner in which the city is planned, it greatly creates limitations in terms of size and height and locations where affordable units are built. It also limits where large family households can be built keeping the number of affordable units for this group particularly low.

2. Site improvement requirements - Building codes may require certain improvements to be made to residential units so that they are up to code. Some of these projects may be very costly, making the cost of housing higher. This has, however been mitigated successfully so far since the city adopted the 2010 California Building Code.

3. Fees and exactions - Every development and infrastructure projects including housing, require necessary fees and permits from the city. This includes, but are not limited to permit issuance fees, development impact fees, engineering and public works fees, and subdivision processing fees. These may significantly increase the construction and/or rehabilitation costs of housing. Making it increasingly difficult to have a substantial inventory of affordable housing units. It is more expensive to develop multi-family units at an approximated cost of \$60,000 in fees compared to single family units at \$16,500 in development fees. In comparison, planning application fees are actually lower in Porterville than the rest of the County as illustrated below, which does not entirely affect the development of affordable units. The City is planning to undergo a fee study to ensure fees are equitable.

Jurisdiction	General Plan Amendment	Zone Change	Tentative Tract Map	Variance
Porterville	\$1,599	\$1,105	\$1,500	\$1,026
Dinuba	\$2,459	\$1,601	\$2,013	\$665
Lindsay	\$500	\$475	\$950	\$230
Visalia	\$2,173	\$3,532	\$2,786	\$1,318
Tulare County	\$10,321	\$6,451	\$2,007	\$3,490

4. Permit processing procedures - The processing procedures can take long time frames which in turn increases development costs.

Process	Timeframe
Conditional Use Permit	30-45 Days
Variance	30 Days
Planned Unit Development	3-6 Months
Single-Family Subdivision	3-6 Months
General Plan Amendment	30-45 Days
Zone Change	3-6 Months

The city continues to improve its turnaround time to check development plans to at least 2 to 4 weeks, allowing for a multi-agency approach to check compliance within the process with fire brigade, police, planning and city engineers.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

There is a direct correlation between the housing market and economic development in any jurisdiction. Economic growth and development drives various factors including incomes and housing costs. The Level of income is also determined by educational attainments.

Economic Development Market Analysis

The City of Porterville is economically driven by Agri-business, Light industry and commercial enterprise. The city is quite accessible through its road network which may be indicative of it low transit time for workers.

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	3,775	2,499	26	20	-6
Arts, Entertainment, Accommodations	1,500	1,446	10	11	1
Construction	542	304	4	2	-1
Education and Health Care Services	2,056	2,064	14	16	2
Finance, Insurance, and Real Estate	396	411	3	3	1
Information	137	109	1	1	0
Manufacturing	1,266	1,059	9	8	0
Other Services	336	267	2	2	0
Professional, Scientific, Management Services	508	413	3	3	0
Public Administration	0	0	0	0	0
Retail Trade	1,895	2,109	13	17	4
Transportation and Warehousing	749	1,601	5	13	8
Wholesale Trade	483	162	3	1	-2
Total	13,643	12,444	--	--	--

Table 45 - Business Activity

Data Source:	2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)
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Labor Force

Total Population in the Civilian Labor Force	22,310
Civilian Employed Population 16 years and over	19,520
Unemployment Rate	12.58
Unemployment Rate for Ages 16-24	16.33
Unemployment Rate for Ages 25-65	8.45

Table 46 - Labor Force

Data Source:	2011-2015 ACS
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Occupations by Sector	Number of People
Management, business and financial	2,475
Farming, fisheries and forestry occupations	1,660
Service	2,485
Sales and office	4,030
Construction, extraction, maintenance and repair	4,560
Production, transportation and material moving	1,270

Table 47 – Occupations by Sector

Data Source:	2011-2015 ACS
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Travel Time

Travel Time	Number	Percentage
< 30 Minutes	13,005	70%
30-59 Minutes	3,735	20%
60 or More Minutes	1,750	9%

Total	18,490	100%
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Table 48 - Travel Time

Data Source:	2011-2015 ACS
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Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	4,445	840	2,765
High school graduate (includes equivalency)	4,315	760	1,945
Some college or Associate's degree	5,125	415	1,775
Bachelor's degree or higher	1,965	95	550

Table 49 - Educational Attainment by Employment Status

Data Source:	2011-2015 ACS
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Educational Attainment by Age

	Age					Qualifications Totals
	18-24 yrs	25-34 yrs	35-44 yrs	45-65 yrs	65+ yrs	
Less than 9th grade	170	1,275	1,375	2,505	1,430	6755
9th to 12th grade, no diploma	1,180	990	855	1,050	715	4790
High school graduate, GED, or alternative	2,220	2,430	1,950	2,635	1,220	10455
Some college, no degree	1,985	2,075	1,500	2,195	1,185	8940
Associate's degree	205	435	370	745	450	2205
Bachelor's degree	110	735	485	630	490	2450
Graduate or professional degree	20	115	200	450	300	1085
Age Totals	5890	8055	6735	10210	6280	-----

Table 50 - Educational Attainment by Age

Data Source:	2011-2015 ACS
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Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	11,169
High school graduate (includes equivalency)	26,012
Some college or Associate's degree	30,620
Bachelor's degree	49,907
Graduate or professional degree	67,454

Table 51 – Median Earnings in the Past 12 Months

Data Source:	2011-2015 ACS
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Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The five major employment sectors in the city of Porterville based on the number of Workers are Agriculture, Mining, Oil & Gas Extraction with a 26% share of workers representing 3775 people. This is followed by Education and Health Care Services with 2056 workers. Retail Trade is third with 1845 workers at 13% of the workers while Arts, Entertainment, Accommodations and Manufacturing follow as fourth and fifth at 1500 and 1266 workers respectively.

The 5 Business activities with the highest number of Jobs are Agriculture, Mining, Oil & Gas Extraction with 2499 jobs, Retail Trade with 17% of the jobs at 2109 and Education and Health Care Services come in third at 2064 jobs. Transportation and Warehousing comes fourth at 1601 jobs and Arts, Entertainment, Accommodations is fifth at 1446 which is an 11% share of jobs in the jurisdiction.

The Sector with the highest occupations is Construction, extraction, maintenance and repair with 4560 people. Sales and office are second with 4030 people and the service sector comes in third with 2458 workers. This is consistent with the occupations with the highest workers and jobs.

Describe the workforce and infrastructure needs of the business community:

70% of the workers do not travel more than 30 minutes to go to their places of work. This is an indicator that most workers in the jurisdiction live in close proximity to their places of work. We can therefore assume that there is no great need to update transit in the City. The Labor force with the highest number of employed workers are those with an associate degree or equivalent. Those who have not graduated high school follow at 4445. They also have the highest number of unemployed persons and those outside the labor force are the least among those with a bachelor's degree or higher.

Since the occupations with the highest number of workers are quite technical, there could be a need for skills upgrading and education programs particularly for workers with an associate degree or higher to increase the number of expert workers

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The Measure R Strategic Work Plan is an initiative of the Tulare County Association of governments that was citizen approved aimed to continue improving the transport infrastructure within the region. The program will run until the 2022/23 financial year. This will see the realization of some of the economic plans within the region including transportation of agricultural produce, improving tourism in the region and increasing business development within the region.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

The 45-65 year bracket seems to have the highest number of persons for every academic category from those with qualifications less than 9th grade to those with a graduate or professional degree with the exception of those who reached 9th to 12th grade with no diploma and those with a Bachelor's degree where they have the second highest workers. This shows that the aging and part of the senior population still make a significant part of the workforce at 10,210 workers. Those between 18-24 years are the highest number with 9th to 12th Grade with no

diploma. This age group also has the lowest number of people with Associate's, Bachelor's and Graduate or professional degrees. Persons between 25-34 years have the highest number of those with a bachelor's degree at 735.

High school graduate, GED, or alternative is the qualification with the highest number of persons at 10,455. This is followed by some college, no degree at 8940 persons and those with less than 9th grade education at 6755 people. Graduate or professional degree qualifications have the least number of people at 1085. This may be indicative of the high cost of higher learning.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

The CSET is a non-profit agency that has been the Community Action Agency for Tulare County since 1976. CSET offers the following training and workforce investment initiatives

- Youth at Work (Youth@work) program - Offers youth tools and resources, motivation and support needed to navigate the work environment through Career Information, Education Information, Tutoring, Leadership & Mentoring, work readiness workshops, Career Counseling, Jobs & Work-Based Learning Experiences, Internships, Summer Jobs and Paid work experience.
- BiZ Hub - This is a community-based program that works to train successful entrepreneurs, new and aspiring small business owners. Through their workshops, participants learn tax regulations, labor laws and labor relations, business regulations, budgeting and market research to name a few

These programs not only improve skills for the workforce that may increase their incomes, the youth programs also upgrade their knowledge for entry level jobs and better work opportunities for those with experience. They will significantly improve income levels and elevate the standard of living for households with participating persons.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The Tulare County General plan identifies the following Economic Development goals for the jurisdiction

1. To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Tulare County residents.
2. To promote business growth and industry diversification and maintain a favorable business climate and a supportive economic foundation.
3. To diversify the economic base of Tulare County through the expansion of nonagricultural industry clusters and through the development and expansion of recreation and visitor-serving attractions and accommodations.
4. To improve labor force preparedness by providing the local workforce with the skills needed to meet the requirements of an increasingly diverse business sector in the Twenty First Century global economy.
5. To take full advantage of the natural, cultural, and social opportunities available in the County for the enhancement of tourism. Address regional and local commercial needs by continuing to support downtowns, town centers, and neighborhood services.

Economic diversity will increase household revenues in the city allowing more people to have access to housing. This will also facilitate the construction of the RNHA quotas of housing as well as other non- housing community development assets.

Discussion

Refer to discussion above.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (Include a definition of "concentration")

Housing problems would be likely concentrated or highest in neighborhoods with extremely low, very low and low income neighborhoods. This is because due to the housing costs, they are likely to lack surplus income that can be used to rehabilitate their housing stock. Looking at the map in NA 30 above, just as previously indicated, the darkest areas have the highest housing problems which is an indicator of where low income homes are located. These areas span from the North Eastern part of Porterville, down to the Eastern and southern parts of the city. The North east mainly has 57.64%-100% of households with burdens. As you move down to the east and south of the city, there is a 50.26%-57.64% of households with burden

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (Include a definition of "concentration")

Concentration in this case refers to where the racial groups appear more based on the map below. Households from the North East, East and South of the city are predominantly Hispanic based on the map below with a few Asian and Pacific Islander households. White households seem to be quite few in this areas as well.

What are the characteristics of the market in these areas/neighborhoods?

These Characteristics have been broken down from MA10 –MA 25 above. In summary, these areas have low income housing.

Are there any community assets in these areas/neighborhoods?

According to the zoning ordinance, every residential area has access to community centers, parks, and senior and youth centers .There are senior centers, youth centers as well as parks and recreational areas.

Are there other strategic opportunities in any of these areas?

Development opportunities are covered in the RHNA plans to develop more affordable housing units as well as other community assets. Development of non-residential business facilities also exist based on the county of Tulare General Plan.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

The California Emerging Technology Fund (CETF), in collaboration with the state of California, conducted a survey in 2019 titled, "Internet Connectivity and the "Digital Divide" in California" to assess the rate of internet use in the state. The study found that 88% of the respondents had been connected to the internet since 2017, showing a 33% increase since 2008. The study also showed that 78% of respondents could connect to the internet at home through a computing device, and 84% also connected through their smartphones. The study also showed that 55% of respondents used the internet for shopping online, while those who worked from home were 21%. 18% communicated with their doctors online, and 13% took education or job training courses from home. There is a great need for internet connectivity at home evidenced by 58% of respondents who did not connect to the internet outside their homes.

These services are also crucial for students to aid their learning, with 43% of respondents having no access to a computing device at school. Of the 52% of respondents who are assigned these devices in school, 22% cannot take them home. In addition, 82% of guardians have access to their children's school websites, with 85% being able to contact their teachers through email. This also shows the need for internet connectivity at home to enhance the learning experience and guardians' involvement in education.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Increased competition among internet providers will not only improve the quality of services through increased internet speeds and access. This will also ensure more affordable options for broadband, particularly for lower-income households. The 2019 internet connectivity survey showed that 73% of respondents were unaware of affordable internet connectivity service providers and options. This is crucial for persons who are not connected to the internet or are under-connected at home. Based on the survey, over 45% of respondents felt disadvantaged while trying to use the internet to help children with schoolwork. The same applied to 24% of

respondents who were trying to gain new career skills or classes online while another 22% when they wanted to learn about/access government services, among other uses. In the City of Porterville, 73.1% of households have a broadband internet subscription and 82.1% of households have a computer based on the 2014-2019 ACS estimates. There are about 15 internet service providers in Porterville, Spectrum Charter being the largest with a 90% coverage of the area. The company has a program for low income households dubbed ‘Spectrum Internet assist’ which allows qualified families to pay for unlimited high speed internet for \$ 17.99 a month. This is much lower than the Market rates that can start from \$29.99 to upwards of \$299 a month. The service targets families with students who participate in the National School Lunch Program, and seniors 65 and older who receive Supplemental Security Income. This shows that diversified internet service provider options can be made available for lower-income households as well in a more competitive market.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

Five-Year Goals Based on the Needs Assessment, Market Analysis, and community outreach conducted for the current Consolidated Plan cycle, goals were established to meet the identified priority needs. The goals for Community Development Block Grant (CDBG) allocation, listed in no particular order, are:

1. Assist in the creation and preservation of affordable housing opportunities.
2. Support activities to prevent and end homelessness.
3. Support activities that strengthen neighborhoods.
4. Expand economic development and employment opportunity programs.

Overview 1

Section 108 Loan Repayment

To meet the need for permanent facilities within the community to provide broad-based youth activities, the City received a \$3.885 million Section 108 loan guarantee to fund the construction of the Heritage Community Center is one of the lowest income areas of the City. The original Section 108 loan was executed in late 2003-2004 with repayments starting in the 2004-2005 program year; they are anticipated to end in 2023-2024. Per the U.S. Department of Housing and Urban Development (HUD): "Section 108 is the loan guarantee component of the Community Development Block Grant (CDBG) Program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. This flexibility makes it one of the most potent and important public investment tools that HUD offers to local governments. The Section 108 loan guarantee program allows local governments to transform a small portion of their CDBG funds into federally

guaranteed loans large enough to pursue physical and economic revitalization projects capable of renewing entire neighborhoods. Such public investment is often needed to inspire private economic activity, providing the initial resources or simply the confidence that private firms and individuals may need to invest in distressed areas. Local governments borrowing funds guaranteed by HUD through the Section 108 program must pledge their current and future CDBG allocations as security for the loan.”[1]

Overview 2

The construction of the Heritage Community Center building was completed in 2005-2006, and the ancillary project of developing a parking lot adjacent to the future ball fields was completed in 2008- 2009. The Heritage Center was developed in partnership with the Porterville School District as it was constructed adjacent to the newest elementary school, Santa Fe. This allows for joint use of both City and School facilities for library and recreation activities, thereby leveraging available resources. The Porterville Youth Center is located at the Heritage. Several years ago, the City completed the construction of the Rails to Trails improvements adjacent to the Heritage Center that was partially funded with CDBG-R stimulus funding of \$191,221. This trail was planned as part of the Heritage Center complex. While the infrastructure and community and economic development needs within the City remain great, debt payments on the Section 108 loan are estimated to use 37 percent of the City’s annual CDBG allocation; this significantly limits the programs and activities the City can fund on a year-by-year basis. During this ConPlan Cycle, the repayment will be completed either by the sale of the Heritage Center to the Porterville School district or as it is paid in full in the year 2023-24. Both of those scenarios will allow the City Of Porterville to have more available funds in entitlement and also when sold, in program income.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 52 - Geographic Priority Areas

Funding will be allocated Citywide.

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Federal entitlement dollars are allocated according to low and moderate income census tracts without target areas, this is done through the consolidated plan. MA 50 above locates and discusses where low and moderate income census tracts are for the City of Porterville.

Need more information to confirm Porterville's priorities.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

1	Priority Need Name	Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Area Affected	Citywide
	Associated Goals	Homeless Shelters and/ or Services
	Description	More than one-half of households (54 percent or 8,525) in the City are LMI with incomes ranging from 0-80% area median income (AMI). As stated in the Needs Assessment, cost burden is the most common housing problem, 33 percent of households in the City experience a cost burden or severe cost burden.
2	Priority Need Name	Infrastructure Improvements
	Priority Level	High
	Population	Extremely Low Income Low Income Moderate

		Large Families Families with Children Elderly Frail Elderly Non-Housing Community Development Persons with Mental Disabilities Persons with Physical Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Area Affected	Citywide
	Associated Goals	Neighborhood Services, Community Services
	Description	The City of Porterville's 2020-2025 Consolidated Plan Survey indicates that residents want to see more street/ alley Improvements as well as street lighting. Table 4-4 in The City of Porterville's General Plan lists all "Major Planned Street Improvements", including renderings with street lights added as part of the "Major Planned Street Improvements" projects. The City will continue to address these needs moving forward.
3	Priority Need Name	Neighborhood Services, Community Services
	Priority Level	High
	Population	Extremely Low Income Low Income Moderate Large Families Families with Children Elderly Frail Elderly Individuals Persons with Mental Disabilities

		Persons with Physical Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Area Affected	Citywide
	Associated Goals	Infrastructure Improvements
	Description	The City of Porterville's 2020-2025 Consolidated Plan Survey participants emphasized the need to support a broad range of neighborhood services with a strong need for more cleanup of abandoned lots and buildings, trash & debris removal as well as additional tree planting in the neighborhoods. Additionally, survey participants expressed the need for an increase of community service activities including youth activities, mental health services and anti-crime programs.
4	Priority Need Name	Job Creation/ Retention Programs
	Priority Level	High
	Population	Extremely Low Income Low Income Large Families Families with Children Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth

		Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Area Affected	Citywide
	Associated Goals	Affordable Housing
	Description	The City of Porterville’s 2020-2025 Consolidated Plan Survey participants emphasized a demand for more job creation/retention programs as well as employment training and career counseling services. Such programming is vital to bring residents out of poverty and keep them from becoming homeless. The City will work closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City.
5	Priority Need Name	Community Facilities
	Priority Level	High
	Population	Extremely Low Income Low Income Moderate Income Large Families Families with Children Chronic Homelessness Individuals Veterans Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions

		Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Area Affected	Citywide
	Associated Goals	Community Service
	Description	Participants from the City of Porterville's 2020-2025 Consolidated Plan Survey emphasized a demand for ongoing maintenance as well as additional youth centers, park & recreation facilities as well as community centers. The desire for more youth services is prevalent as survey participants listed more youth activities as the highest priority under "Community Service Needs" in the Survey.
6	Priority Need Name	Homeless Shelters and/or Services
	Priority Level	High
	Population	Extremely Low Income Low Income Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities

		Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Area Affected	Citywide
	Associated Goals	Job Creation/ Retention Programs, Affordable Housing.
	Description	Survey participants emphasize a continued need to provide homeless shelters and or services as well as services for neglected/abused children and individuals facing substance abuse. The City will continue to address the needs of homeless individuals and those at risk of homelessness through joint effort with local non-profit centers as well as neighboring cities. Continue outreach effort through BMHET. The City will also continue to participate in the Los Angeles County Continuum of Care System for the Homeless.

Table 53 – Priority Needs Summary

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Consolidated Plan	PORTERVILLE	112
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Influence of Market Conditions Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	As already discussed in the Needs Assessment portion of this document, 36% of households (5,714) are cost-burdened, and 18% (3,425 households)are severely cost burden, with 2,080 renters and 1,345 owners spending more than 50% of their household income on housing costs. Furthermore, the HOME value for 2019 - 2020 is set to rise to \$282,900 in the Visalia-Porterville Non-Metro State area, demonstrating that the cost to be a homeowner will continue to increase. Median Contract rent has also increased by 21% from the year 2009 to 2015, while Porterville’s area median income has only increased by 1 % from the year 2009 to 2015 by 377 dollars. This demonstrates that the cost of housing and household income are not at the same pace, projecting a more significant gap in housing affordability in years to come. Tenant-Based Rental Assistance programs are designed to help connect the difference between market rents and the need for affordable housing for lower-income households.
TBRA for Non-Homeless Special Needs	As discussed in both the Needs Assessment and Market Analysis portions of this document, special needs populations include seniors, a person with disabilities, farmworkers, and large families. These populations face specific housing challenges, including physical limitations, low household incomes, high cost of healthcare,/ and childcare. Fixed income can also result in issues with housing affordability, a topic mostly prevalent with the elderly and special needs populations. The rising cost of housing will prove challenging in helping special needs populations transition from community care facilities to the market rate rental market without assistance from rental subsidies. As a result, special needs populations will be at higher risk of being homeless. Tenant-Based Rental Assistance Programs can help bridge the cost of living affordability gap for special needs populations.

New Unit Production	The Market Analysis section of this report demonstrates a gap between the low number of affordable housing units and a high demand for more affordable housing. There are only 315 renter units available at 30% AMI, but there are approximately 1,475 total renter households at 0 -30% AMI. The City has met the needs of those with an AMI between 30 - 50%. Porterville needs to continue producing more affordable housing units to meet demand and increase its affordable housing stock.
Rehabilitation	As discussed in the Market Analysis section of this report, approximately 55% of Porterville's rental stock (3,870 units) and 44% of its owner-occupied housing (3,920 units) are at least 41 years old. These units are also potentially exposed to lead-based paint, due to being built before 1980. These units are in most need of rehabilitation.
Acquisition, preservation including	As already discussed under "New Unit Production," the city needs to build at least 1,475 affordable housing units to match the needs of the population earning 0 - 30% AMI. If unable to build new affordable housing, the city should pursue alternative options, including the acquisition and preservation of units to add to its affordable housing portfolio.

Table 54 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

The City conservatively anticipates an annual entitlement of \$831,420 per year over the five-year period.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources : \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services						CDBG funds will be used for public improvements, economic development, and public services that benefit low income and special needs households.
			\$831,420	\$56,000	\$886,982	\$1,774,402	\$5,324,082	

Table 55 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Porterville is proactive in prioritizing the needs of the community. Staff continue to dedicate time, collaborating with non-profit agencies through the Kings/Tulare Homeless Alliance, whose main target is to house homeless individuals. The City uses \$15,000 in CDBG funds to contribute to the hiring of a case manager for the Permanent Supportive Housing Program (formerly Shelter-Plus-Care Program) administered by the Family Services of Tulare County. When available, funds will also be allocated to the Alliance to continue the efforts to end homelessness. The staff works closely with local non-profit agencies using an active referral system where a pool of resources is made available to those in need. City staff continuously promote the housing programs through various methods as well as within several faith-based organizations. When possible, the City uses state funding, such as HOME or CalHome, in conjunction with CDBG funds to create safe and suitable living environments for the low- and

moderate-income members of the Porterville community.

Leverage, in the context of entitlement funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's HUD Programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to leverage additional funds in order to achieve higher results strategically. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

As previously discussed, in addition to its annual CDBG entitlement, the City anticipates HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. HOME funding is intended to be used for various housing-related programs and activities. HOME funds are generally used to address the housing needs of jurisdictions through the preservation or creation of affordable housing. New construction, housing rehabilitation, assistance to homebuyers, and tenant-based rental assistance are all eligible uses of HOME funds.[1] The City's HOME dollars come from program income and will be used to meet affordable housing needs.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

During Fiscal Year 2014-2015, the City acquired a property located at the corner of Olive Avenue and Main Street in downtown Porterville. The property was the former site of the Porterville Hotel; a fire destroyed the abandoned building, and the land was vacant. In 2018, the City sold the property to a developer willing to create new retail and office space in the downtown business corridor, which is now under construction. The desired outcome of the project is retail opportunities, job creation, and elimination of slum and blight.

The City also owns approximately ten (10) acres of undeveloped property located at the Jaye Street Industrial Complex. These properties are marketed in cooperation with the Tulare County

EDC for the recruitment of manufacturing and industrial uses to Porterville. The desired outcome of these projects is job creation.

Discussion

Below is a list of potential financial resources considered a part of the City's overall financial plan to address priority needs and specific objectives identified in the Consolidated Plan. The number and availability of these programs to assist cities are limited, and funding for new projects is unpredictable. The following programs are local, state, and federal programs. None of these are managed locally by the City through funds accessed directly from HUD:

- **Housing Authority of Tulare County (HATC):** HATC is a public housing authority with jurisdiction within the City and the County. It administers federal and state funds for its public housing projects and government-assisted housing units, such as the Section 8 Housing Choice Voucher Program and Veterans Affairs Supportive Housing (VASH) vouchers.
- **Low-Income Housing Tax Credit Program (LIHTC):** The LIHTC program provides federal and state tax credits for private developers and investors who agree to set aside all or an established percentage of their rental units for low-income households for no less than 30 years. Tax credits may also be utilized on rehabilitation projects, contributing to the preservation program. The program begins when developers and investors apply for an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis at varying times. Compliance is monitored according to the Internal Revenue Service (IRS) rules and regulations.
- **Multi-Family Housing Program:** If California's Housing and Community Development Department awards Multi-Family Housing Program loans to assist rental housing developments affordable to low-income households in the City, the City will assist the developers with identifying local funding.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Porterville	Government	Economic Development Homelessness non-homeless special needs Ownership Planning Rental Neighborhood improvements Public Facilities Public Services	Jurisdiction
Tulare County Housing Authority	PHA	Ownership Public Housing Rental	Region
Kings/Tulare Homeless Alliance	Continuum of Care	Ownership Public Housing Rental	Region

Table 56 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Strengths

The City of Porterville is responsible for the institutional delivery structure encompassing the acceptance and allocations of federal grant funds for the Consolidated Plan Program. To ensure information is widespread, and programs are accessible, especially for low and median income

households, the funding process includes the participation of representatives from each of the neighborhoods in the City.

Porterville continues to work with non-profit and for-profit organizations, as well as the HATC and the County of Tulare, to share information as well as expand efforts to help low and moderate-income families in the City. Furthermore, Porterville will keep evaluating its delivery system as well as its partnering agencies, assessing if improvements are needed.

In addition to the institutional delivery structure, the City holds a review process, encompassing a series of hearings and meetings at the local level. The purpose of these meetings is to share information with residents, primarily targeted neighborhoods, discussing the process for preparation, submission, and selection of project proposals. During this phase, City staff may work with residents to analyze their needs, developing project proposals. Typically, the City hosts at least one public meeting to examine potential project proposals.

Gaps

Non-profit affordable housing developers and service providers are integral to community development in the City of Porterville. Consequently, they face challenges in being able to acquire land for developments as they compete with private developers. There is limited land available for purchase in the City, and private developers are at an advantage as they have no stringent requirements to fulfill before purchasing the land while affordable housing developers do. Furthermore, market-rate developers can buy properties fast, having available funds putting them to an advantage over affordable housing developers. This poses a challenge for affordable housing developers, especially when the demand to buy is high, and land for sale is scarce.

As already discussed in SP 30, Porterville's need for more resources, including affordable housing exceeds the supply and amount available. As a result, the City's highest program priorities will be evaluated on an annual basis, assuring the most significant impact is put towards the community and economic impact with constraints on funds.

In addition to needing more affordable housing, the City is aware that more social services are needed for populations, including veterans and seniors. The gap in service delivery exists because of limited resources made available in Tulare County and the City.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance	X		
Rental Assistance	X	X	
Utilities Assistance	X		

Street Outreach Services			
Law Enforcement	X		
Mobile Clinics			
Other Street Outreach Services	X	X	

Supportive Services			
Alcohol & Drug Abuse	X	X	X

Child Care	X		
Education	X	X	X
Employment and Employment Training	X	X	X
Healthcare	X	X	X
HIV/AIDS	X	X	X
Life Skills	X	X	X
Mental Health Counseling	X	X	
Transportation	X	X	X

Other			
Other			

Table 57 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The Kings/Tulare Homeless Alliance (Alliance) is made up of a group of advocates, public agencies, homeless individuals and service providers with the purpose of confronting the needs of the homeless population within the Kings and Tulare County regions. The City of Porterville continues to be an active participant in the monthly Alliance meetings, with the purpose of enhancing coordination between organizations, disseminating knowledge on best practices and developing a stronger understanding of the needs of the homeless population within both counties. The Alliance also works to reduce duplication of such services, and to improve service delivery to homeless people. Community Development Department staff regularly attends Alliance meetings. Furthermore, in adherence with the institutional delivery system, the City financially supports the Alliance which is recognized as a 501(c)(3) organization of partners.

The Alliance also implemented a coordinated entry and assessment system called Every Door Open, to serve both counties. The system’s purpose is to help at risk or current homeless people by prioritizing the most vulnerable homeless people, including the chronically homeless, veterans, families with children and unaccompanied minors obtain necessary services.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

All programs within the Alliance provide supportive services for clients; including emergency, transitional and permanent housing programs. Each program creates and implements supportive services based on their target population as well as from alliances formed in the community. The purpose of supportive services offered is to connect individuals and / or families with common benefits, as well as income support, employment, education, health and life skills services. Connections between people and benefits are vital to ensure clients reach a state of independence, and decreasing episodes of homelessness. Programs that serve these populations include:

- CSET, Central California Family Crisis Center, Turning Point, Tulare Health and Human Services Agency and Family Services: providing permanent supportive housing programs for chronically homeless people/ families/families with children.
- The Veterans Administration in partnership with HATC administers the VASH program, providing permanent supportive housing vouchers for homeless veterans and their families.
- Turning Point of Central California administers a permanent supportive housing initiative for transitioning age youth.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

Not applicable.

SP-45 Goals Summary – 91.215(a)(4)

5 Year Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2020	2024	Affordable Housing	Citywide	Affordable Housing	CDBG: \$1,534,640	Public service activities for Low/Moderate Income Housing Benefit: 500 Households Assisted Homeowner Housing Added: 2 Household Housing Unit Homeowner Housing Rehabilitated: 5 Household Housing Unit Direct Financial Assistance to Homebuyers: 5 Households Assisted
2	Homelessness	2020	2024	Homeless	Citywide	Homelessness	CDBG: \$100,000	Public service activities other than Low/Moderate Income Housing Benefit:

								1500 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 3 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted
3	Strengthening Neighborhoods	2020	2024	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services, Public Facilities, Public	CDBG: \$2,912,918	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 15415 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit:

								500 Persons Assisted
4	Economic Development	2020	2024	Non-Housing Community Development	Citywide	Economic Development	CDBG: \$614,032	Large Business Assistance: 1 Business Businesses assisted: 3 Businesses Assisted
5.	Housing Rehabilitation, demolition and disposition	2020	2024	Affordable Housing	Citywide	Affordable housing		Vacant housing rehabilitation and/or disposition as need arises.

Table 58 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	The City will ensure that there are decent housing options for low income households
2	Goal Name	Homelessness
	Goal Description	The City will continue to provide shelter and supportive programs for the homeless population.
3	Goal Name	Strengthening neighborhoods
	Goal Description	The City will improve public infrastructure and community services that will benefit residents.
4	Goal Name	Economic development
	Goal Description	The City will fund activities that contribute to the success of local businesses.
5	Goal Name	Housing Rehabilitation, demolition and disposition
	Goal Description	The City will fund efforts to rehabilitate dilapidated housing units to improve housing stock and increase collaboration with service providers

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City will provide affordable housing for 27 of households during the 2020-2024 plan period. In addition, the city will have provisions for rehabilitation and/or demolition of dilapidated vacant housing units to increase and improve the housing stock by undertaking projects that can then be donated to non-profit partners and service providers to increase the number of homeless shelters and/or affordable housing units.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

Not applicable. The Housing Authority of Tulare County (HATC) is not under the terms outlined in Section 504 Voluntary Compliance Agreement. Such conditions are not a regulatory requirement for HATC.

Regardless, HATC and its staff members shall adhere to its fair housing policy, which is to: obey all applicable federal, state and local fair housing laws; refrain from discrimination regarding any application for housing based on race, color, religion, sex, age, source of income, marital or familial status, national origin, or physical or mental disability (applicants must have the capacity to execute a legal contract); and affirmatively promote fair housing. Governing laws shall include the provisions of Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241), Title VIII of the Civil Rights Act of 1968, and the Fair Housing Amendments of 1988, E. O. 11246, and the Equal Credit Opportunity Act of 1974, as they relate to the United States Department of Agriculture, Rural Development.

Activities to Increase Resident Involvement

As discussed in SP 40, HATC ensures public housing residents remain involved in the policymaking process. This is done by including the opinions of residents of public housing, appointing two residents to serve as tenant commissioners on the HATC Board. Additionally, HATC created a Residential Counsel, consisting of five residents from HUD-funded programs (Multifamily Housing, LIHTC, HOME, Section 8 Housing Choice Vouchers, and public housing). The Counsel works with HATC staff on assessing the effectiveness and capability of the HATC rental assistance programs. The Counsel allows members the chance to generate input on necessary changes to the program.

Additionally, HATC noted that it organizes and promotes at least two public hearings on an annual basis. The first hearing is to notify and discuss the agency's submission for the MTW Annual Plan to HUD. MTW highlights all proposed policy and budget-related modifications to the rental

assistance programs and affordable housing programs that are run by HATC. The second hearing is held with the purpose of discussing the agency's submission of the MTW Annual Report to HUD. The report assesses both the outcomes and outputs of the objectives addressed in the MTW Annual Plan. Notice of public hearings is published by HATC in the local newspaper to notify residents of Tulare County.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

Not applicable.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Government policies can cause constraints on Affordable Housing and residential investment. Zoning, site improvement requirements, fees, and exactions, as well as permit fees and procedures, are discussed as barriers to affordable housing. These are identified in the Porterville's 2015 - 2023 housing element as follows:

Land Use Designations Zoning District	Code	Allowed Residential Structures	Maximum Density
Rural Residential	RR	Detached single-family dwellings, group residential facilities, limited residential care facilities	0.2 units per acre
Very Low Density Residential	RS-1	Detached single-family dwellings, group residential facilities, limited residential care facilities	3.1 units per acre
Low Density Residential	RS-2	Attached or detached single-family dwellings, group residential facilities, limited residential care facilities	7.5 units per acre
Low-Medium Density Residential	RM-1	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobile home parks*	11.3 units per acre

1. **Land use controls (e.g., zoning)** - The development ordinance describes residential zoning areas as the following:

Zoning, while maintaining order in the manner in which the city is planned, significantly creates limitations in terms of size, height, and locations where affordable units are built. It also limits

where large family households can be made, keeping the number of affordable units for this group, particularly to a low number.

2. Site improvement requirements- Building codes may require specific improvements to be made to residential units so that they are up to code. Some of these projects may be very costly, making the cost of housing higher. This has, however, been mitigated successfully so far since the city adopted the 2010 California Building Code.

3. Fees and exactions- Every development and infrastructure projects including housing, attract fees and permits from the city. This includes but is not limited to permit issuance fees, development impact fees, engineering and public works fees, and subdivision processing fees. These may significantly increase the construction and/or rehabilitation costs of housing. Making it increasingly difficult to have a substantial inventory of affordable housing units. It is more expensive to develop multi-family units at an approximated cost of \$60,000 in fees compared to single family units at \$16,500 in development fees. In comparison, planning application fees are actually lower in Porterville than the rest of the County as illustrated below, which does not entirely affect the development of affordable units.

Jurisdiction	General Plan Amendment	Zone Change	Tentative Tract Map	Variance
Porterville	\$1,599	\$1,105	\$1,500	\$1,026
Dinuba	\$2,459	\$1,601	\$2,013	\$665
Lindsay	\$500	\$475	\$950	\$230
Visalia	\$2,173	\$3,532	\$2,786	\$1,318
Tulare County	\$10,321	\$6,451	\$2,007	\$3,490

4. Permit processing procedures- The processing procedures can take a long time frames which in turn increases development costs.

Process	Timeframe
Conditional Use Permit	30-45 Days

Variance	30 Days
Planned Unit Development	3-6 Months
Single-Family Subdivision	3-6 Months
General Plan Amendment	30-45 Days
Zone Change	3-6 Months

The City continues to improve its turnaround time to check development plans to at least 2 to 4 weeks, allowing for a multi-agency approach to check compliance within the process with fire brigade, police, planning and city engineers.

5. Off Street Parking Standards - Parking is highlighted as a barrier to affordable housing in the City's 2018- 2019 Annual Action Plan. The cost to build parking for affordable units can exponentially increase development costs, as well as potentially decrease the number of units built if parking is surface level. Development Ordinance Section 304.04 states that Porterville City Council has power to reduce parking requirements for multi-family developments if a developer can show that the project will not generate a need for as much parking when compared to a project designed for the general market.

6. AB 1482 - Expands rent control to cover units built over 15 years ago and places an annual cap on rent to 5% plus inflation. AB 1482 was signed by Governor Newsom on October 8, 2019 but does not go into effect until January 1st. The unintended consequence of the passing of this bill has been the surge of eviction notices and large increase in rent towards tenants, specifically for low- income households.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

As discussed in Porterville's 2018- 2019 Annual Action Plan (AAP), the City will continue to assess both its general plan policies and zoning ordinance to make sure the process of developing housing for low and moderate-income households are made more accessible. The Housing Element highlights as one of its action plan goals to "reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to

low and moderate-income households." To reach this goal, Porterville has made sure that it is obliging with second unit law and global warming solutions, including the use of green building material incentives or alternatives to construction materials.

Also, as highlighted in the City's 2018- 2019 Annual Action Plan, the Development Ordinance addresses the following:

- Minimum lot sizes and densities consistent with the Plan's land use classifications;
- Development standards that permit townhouses and zero-lot-line attached or detached single-family dwellings on sites designated for low-medium, medium, or medium-high densities;
- Development standards that allow second units, small family daycares, and residential care homes in neighborhoods in accordance with State law;
- Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets;
- Provisions for emergency shelters, transitional housing, supportive housing, and residential care facilities for six or fewer persons;
- Provisions for Single-Room Occupancy units; and
- Provisions for farmworker housing

Porterville's 2015- 2023 Housing Element also recognizes other actions to be taken to preserve and develop more affordable housing in the region. This includes the use of land use designation and zoning to assure the City meets its RHNA need, and push for an increase in mixed-use and infill development.

First Time Low Income Home Buyers Assistance Program- Additionally, Porterville's First Time Low Income Home Buyers Assistance Program is used to help low-income households buy their first homes, receiving government assistance for the down payment on their home. This tactic is used to alleviate some residents in need of affordable housing rental units, allowing them to have their place to call home.

Governmental barriers to producing housing are minimal. Land use regulations, expedited permit processing, and low development fees push for the construction of lower-cost housing units when compared to other Central Valley Communities. A further discussion can be read below:

- **Residential Density** - Porterville allows for residential densities up to 30 dwelling units per acre. Porterville also does not make the ability to build higher density units more difficult, creating simplified permit processes or exaction.
- **Expedited Permit Processing Time** - In 2008, Porterville changed the project review and plan check process, making it more efficient and with a faster turnaround period. After consulting with developers, consultants and contractors, the City put forward a regulation that would return comments or grant permits within two weeks of submission to the department. This allows for developments to be built at a faster pace, as compared to before when it would take at least three weeks to hear back on a project plan.
- **Zoning and Parking Standards** - As already discussed above, these standards are not highly stringent, so the minimum single family lot size is enough to persuade developers to build single family units for LMI first time home buyers. Additionally, the majority of residential zones allow for alternative housing types such as mobile homes, group homes and secondary dwelling units.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

As mentioned earlier in this report, The Kings/Tulare Homeless Alliance facilitates the needs of homeless persons within the jurisdiction with the help of the non-profit and government partners. Every year the Alliance participates in the Point in Time (PIT) count in combination with the Project Homeless Connect (PHC) event. Results from these events allow the Alliance to understand how many families, adults, and unaccompanied youth are living in the city who meet HUD's definition of homelessness. Data is used to assess trends and causes of homelessness, analyzing what shelter and service needs are lacking and necessary. City's CDBG funds are used to support the Alliance's efforts, and City staff also attend the annual PIT count.

As already highlighted in SP 40, the Alliance has a three-prong approach to reach out to homeless persons. This includes the PIT and PHC events, coordination with law enforcement for referrals of homeless on the streets providing a gateway to find homeless clients who may need emergency services.

Addressing the emergency and transitional housing needs of homeless persons

In Kings and Tulare Counties, the prevalence of unsheltered homelessness is 73%. (Annual Homeless Assessment Report, 2018). With 289 people (27%) sleeping in sheltered locations. Visalia has the highest rate of people who are experiencing homelessness sleeping in sheltered locations (38%). The decrease in sheltered homelessness in the balance of CoC is due to the closure of the emergency shelter operated by Open Gate Ministries in Dinuba. Many shelters are restricted to specific subpopulations such as victims of domestic violence, transition-age youth, or single males/females.

The City's CDBG funding is restrictive in being able to contribute to applicable programs. Yet, a high priority is given to such programs, including permanent supportive housing, emergency shelters, and transitional housing, as well as substance abuse treatment, case management, mental health care, life skills training, etc. through collaboration with the Alliance and its

members. As part of the Alliance, the City plans to continue working with organizations such as the Salvation Army, Red Cross, the PAAR Center, Central Valley Family Crisis Center, Porterville Area Coordinating Council, and Turning Point of California, to provide enough services and need to meet emergency and transitional housing needs of homeless and those vulnerable to homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The City continues to fund a case manager for the Tulare First Permanent Supportive Housing Project (formerly known as Shelter plus Care). The program houses 15 homeless annually, the City of Tulare and Visalia are also participating in the Tulare First Permanent Supportive Housing Project (formerly known as Shelter plus Care). The program has to lead to a commitment from each City to contribute \$15,000 annually for five years towards funding a case manager to work for all three cities. The program has proven very successful in housing chronically homeless. This program continues to be run by Family Services of Tulare County, and the 2020/2021 AAP allocates an additional \$15,000 to continue supporting this program.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The City will fund the Alliance to implement the annual PIT count as well as Project Homeless Connect. In addition, Porterville will continue giving technical aid and training to local agencies that work with the homeless as well as HUD application submissions.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

At this time, the City does not independently oversee a lead based paint (LBP) eradication program. The City only conducts such programs in partnership with CDBG, HOME or CalHome funded owner occupied housing rehabilitation projects. The City is currently exploring opportunities to potentially apply directly for HUD LBP abatement grant funding.

How are the actions listed above related to the extent of lead poisoning and hazards?

As discussed in the MA section of this document, more than 50% (3,870 units) of renter occupied households, and more than 40% (3,920 units) of owner-occupied households are vulnerable to lead-based paint hazard, having been built prior to 1980 (approximately 50% of the city's housing stock). Units built before 1980 are used as a baseline to identify units that have LBP. NA 10 indicates that approximately 54% of Porterville's households are LMI, living with incomes between 0 - 80% AMI. Using 54% as our baseline for LMI households, we can estimate that approximately half (4,206) of Porterville's housing stock is occupied by LMI households.

How are the actions listed above integrated into housing policies and procedures?

As part of Porterville's 2015 - 2023 Housing Element, one of the City's goals is to "preserve the existing housing stock and conserve existing affordable housing opportunities in Porterville." One program implemented towards that goal is the "Housing Rehabilitation program." The program already has a long waiting list of applicants and was created in part to assist low-income, single-family homeowners with repairs including eradicating lead-based paint, providing a direct, 30 deferred loan of up to \$40,000 towards their rehabilitation.

Additionally, the City has assured that all properties being acquired or rehabilitated for affordable housing are inspected for LBP prior to acquisition. Furthermore, no federally funded rehabilitation is allowed to occur without inspecting for LBP.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City continues to confront and alleviate the number of poverty-level families in the coming years. One goal to address that need will be implemented through economic development:

- Expand economic development and employment opportunity programs.

Furthermore, the City has recognized areas that must be addressed to achieve long-term economic prosperity, including the following:

- Responding to and preventing any issues that could be raised as a result of the drought, which has affected many households in the City and surrounding areas
- Ensuring that land within the City is “shovel ready” and available for development.
- Educating and training the City’s workforce to continue to fill any new jobs that may be coming into the City.

The City of Porterville will keep working with HATC to ensure adequate amounts of Section 8 Vouchers and other public housing opportunities are available to meet the demand of the City’s LMI population. Also, the City will work closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City. Additionally, the Community Development Department staff will continue to work closely with the Economic Development Division to administer the CDBG funded Business Assistance Program and the Small Business Revolving Loan Fund.

The City will continue to work closely with and in support of the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made. The City anticipates that at least one household will qualify for the purchase of a home under the City’s First Time Low-Income Homebuyer Program funded with CDBG, HOME, or CalHome funds.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan?

As already discussed in this section, the City will keep working with HATC to ensure adequate amounts of Section 8 Vouchers and other public housing opportunities are available to meet the demand of the City's LMI population. Also, the City will work closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City. Additionally, the Community Development Department staff will continue to work closely with the Economic Development Division to administer the CDBG funded Business Assistance Program and the Small Business Revolving Loan Fund.

The City will continue to work closely with and in support of the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made. The City anticipates that at least one household will qualify for the purchase of a home under the City's First Time Low-Income Homebuyer Program funded with CDBG, HOME, or CalHome funds.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring

The City is responsible for safeguarding compliance with all rules and regulations related with the CDBG entitlement grant programs. The City also understands that evaluation of past performance is pertinent to guarantee the City and its sub recipients are put into action activities adequately and that those activities align with the City's overall goals and strategies.

The City's Community Development Department will review its CDBG programs on an ongoing basis for performance evaluation and to ensure long-term compliance with program requirements. The City will enter accomplishment data into the IDIS system and will annually complete the Consolidated Annual Performance Evaluation Report (CAPER) that will detail and quantify the number of households and families assisted, jobs created, improvements provided, and any other measurement of performance applicable to the program activities. The reports will include an evaluation of each program in terms of the outcomes/objectives assigned to the program under HUD's performance measurement system. The report will be reviewed by HUD and presented at a public hearing as per the policies established in the adopted Citizen Participation Plan.

Minority Outreach (MBE/WBE)

The City strives to give priority to minority contractors whenever possible, as identified under the Section 3 Guidelines adopted by the City. If a minority contractor is not qualified or does not meet the criteria of the project, the hired contractor will be encouraged to hire Section 3 area residents.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The main sources of potential funding to carry out housing and community development activities and the City's estimated funding levels for formula grant programs (CDBG and HOME) are summarized in this section. At the federal level, public funding comes from CDBG, HOME, and Public Housing Assistance (Section 8) and Permanent Supportive Housing as the foundation CDBG funding primarily addresses the high priority needs identified in the Consolidated Plan, which includes: public/community services; public facility improvements; infrastructure improvements; economic development; and program administration. Table 59 below shows our anticipated resources for public funding. The City of Porterville will continue to use both public and private partnerships and funding to develop affordable housing for its residents.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public – federal	Acquisition						CDBG funds will be used for public improvements, economic development, and public services that benefit low income and special needs households.
		Admin and Planning						
		Economic Development						
		Housing						
		Public Improvements						
		Public Services	831,420	56,000	886,982	1,774,402.38	5,324,082	

Table 59 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The amounts in Priority Table for Expected Amount Available are estimates based on expenditure

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projections through 6/30/2025 and of anticipated grant from HUD.

The City of Porterville is proactive in prioritizing the needs of the community. Staff continues to dedicate time, collaborating with non-profit agencies through the Alliance whose main target is to house homeless individuals. The City uses \$15,000 in CDBG funds to contribute to the hiring of a case manager for the Shelter-Plus-Care Program administered by Family Services of Tulare County. Funds will also be allocated to the Alliance to continue the efforts to end homelessness when available. Staff works closely with local non-profit agencies using an active referral system where a pool of resources is made available to those in need. City staff continuously promotes the housing programs through various methods as well as within several faith-based organizations. When available, the City uses state funding, such as HOME and CalHome in conjunction with CDBG funds to create safe and suitable living environments for the low- and moderate- income members of the Porterville community.

Leverage, in the context of entitlement funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's HUD Programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

As previously discussed, in addition to its annual CDBG entitlement, the City anticipates HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. HOME funding is intended to be used for various housing-related programs and activities. HOME funds are generally used to address the housing needs of jurisdictions through the preservation or creation of affordable housing. Housing rehabilitation, including installation or ADA ramps and connection to City utilities, and assistance to homebuyers are all eligible uses of HOME funds. The City's HOME dollars come from program income. These funds

will be used to meet affordable housing needs. HOME PI is a result of payments received by the City for First Time Homebuyer Loans made in the past with State HOME grants. The First Time Homebuyer Loan Program will not be allocated New CDBG Entitlement funds. There is an anticipated \$6000 New PI from debt repayment of home loans that will be returned to the RL fund to continue to operate the CDBG FTHB loan program. There is also expected carryover of \$246,923 from PY 2019/20 PI and \$246,923 from EN. Remaining carryover on 6/30/2020 or PI for PY 2019/20 shall remain and be added to the RL fund to continue the First Time Homebuyer Loan Program.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

During Fiscal Year 2014-2015 the Successor Agency to the Porterville Redevelopment Agency acquired a property located at the corner of Olive Avenue and Main Street in downtown Porterville. The property was the former site of the Porterville Hotel; a fire destroyed the abandoned building, and the land was vacant. The City acquired the site for the Successor Agency and sold the property to a developer in December 2018, to construct new retail and office space in the downtown business corridor, which is under construction. The desired outcome of the project is retail opportunities leading to job creation. The desired outcome continues unchanged.

The City also owns approximately ten acres of property located at the Jaye Street Industrial Complex. These properties are marketed in cooperation with the Tulare County EDC for recruitment of manufacturing and industrial uses to Porterville. The desired outcome of these projects is job creation.

Discussion

Low-Income Housing Tax Credit Program (LIHTC): The LIHTC program provides federal and state tax credits for private developers and investors who agree to set aside all or an established percentage of their rental units for low-income households for no less than 30 years. Tax credits may also be utilized on rehabilitation projects, contributing to the preservation program. The program begins when developers and investors apply for an allocation of tax credits from the

California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis at varying times. Compliance is monitored according to Internal Revenue Service (IRS) rules and regulations. Multi-Family Housing Program: If California's Housing and Community Development Department awards Multi-Family Housing Program loans to assist rental housing developments affordable to low-income households in the City, the City will assist the developers with identifying local funding. National Housing Trust Fund (HTF): States and state-designated entities are eligible grantees for the HTF. HUD will allocate HTF funds by formula annually. A State must use at least 80 percent of each annual grant for rental housing; up to 10 percent for homeownership; and up to 10 percent for the grantee's reasonable administrative and planning costs.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2020	2024	Affordable Housing	Citywide	Affordable Housing	CDBG: \$1,534,640	Public service activities for Low/Moderate Income Housing Benefit: 500 Households Assisted Homeowner Housing Added: 2 Household Housing Unit Homeowner Housing Rehabilitated: 5 Household Housing Unit Direct Financial Assistance to Homebuyers: 5 Households Assisted
2	Homelessness	2020	2024	Homeless	Citywide	Homelessness	CDBG: \$100,000	Public service activities other than Low/Moderate Income Housing Benefit: 1500 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 3 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted
3	Strengthening Neighborhoods	2020	2024	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Community Services, Public Facilities, Public	CDBG: \$2,912,918	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 15415 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
4	Economic Development	2020	2024	Non-Housing Community Development	Citywide	Economic Development	CDBG: \$614,032	Large Business Assistance: 1 Business Businesses assisted: 3 Businesses Assisted

Table 60 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	Includes housing benefits, homeowner rehabilitation and financial assistance to new low income homebuyers
2	Goal Name	Homelessness
	Goal Description	Includes funding for service providers catering to homeless persons, transitional housing and emergency shelters
3	Goal Name	Strengthening Neighborhoods
	Goal Description	Includes service provision and infrastructural development such as youth and senior centers, parks and recreational facilities, and sidewalk improvements.
4	Goal Name	Economic Development
	Goal Description	Includes financing for job placements and training programs as well as funding for facade improvements and small business loans.
5	Goal Name	Housing Rehabilitation, demolition and Disposition
		Includes the rehabilitation and/or demolition and disposition of vacant, dilapidated housing units to improve housing stock .

Projects

AP-35 Projects – 91.220(d)

Introduction

The Consolidated Plan goals below represent high priority needs for the City and serve as the basis for the strategic actions the City will use to meet these needs. The goals, listed in no particular order are:

- Assist in the creation and preservation of affordable housing opportunities
- Support activities to prevent and end homelessness
- Support activities that strengthen neighborhoods.
- Expand economic development and employment opportunity programs.

Projects

#	Project Name
1	Administration
2	City-Operated Youth Center
3	Tulare Housing First Permanent Supportive Housing Project (formerly known as Shelter plus Care) for the Homeless
4	Kings/Tulare Homeless Alliance
5	First Time Low Income Homebuyer
6	Homebuyer Education Program (part of 15% public service)
7	Owner-Occupied Housing Rehabilitation
8	Parks Improvement program
9	Curb, gutter and sidewalk improvements
10	Business Assistance Program
11	Section 108 debt Service

Table 61 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The priorities were allocated based on the high priority needs identified in NA 50 above based on the community Survey and housing needs within the City of Porterville. This is with the exception of administration of the allocations which is a default first priority area for realization of the goals and projects set in the action plan.

AP-38 Project Summary

Project Summary Information

1	Project Name	2020-2021 Planning and Administration
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: up to 20% of allocation
	Description	A portion of the CDBG entitlement allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the housing department, legal services from the City Attorney's Office, and environmental reviews. The actual amount is based on an estimated amount dependent on anticipated Program Income for FY 2020/21. Contingency Allocation Language Used in Public Comment and Public hearing: up to 20% of Grant allocation plus up to 20% of current years' expected PI. Carry Over: \$0 is anticipated carryover from PY 2019/20, however if there is any carryover, it shall be moved to First Time Homebuyer Program.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	291 N Main St. Porterville CA

	Planned Activities	CDBG Planning and Administration
2	Project Name	City Operated Youth Center
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$110,875
	Description	A Portion of the CDBG entitlement allocation will be used for the Heritage Center. Youth services and the provision of youth activities is a high priority for the City. The Youth Center is a free, drop-in recreation program that meets this need within the City's lowest income areas. The program prevents and diverts youth ages 10-18 from negative behavior and surrounds them in a positive and productive environments. If PI received exceeds estimate, this amount can increase to reflect the final PI received at the end of 6/30/2020. Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2019 it shall be allocated to First Time Low Income Homebuyer Program.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	100 Households Assisted
	Location Description	256 E. Orange Ave, Porterville CA 93257 (or new location TBD)
	Planned Activities	A few program objectives include: enhancing self-esteem, building leadership skills, and learning teamwork and the ability to cooperate with others. A sample of the activities for the youth include: participation in City athletic leagues, homework tutoring, arts & crafts, cooking classes, community service projects, and an assortment of video and traditional games. If building is purchased, this activity may change location, and Action Plan will be updated once that takes place.
3	Project Name	Tulare Housing First Permanent Supportive Housing Project (formerly known as Shelter plus Care)for the Homeless
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$15,000

	Description	A portion of the CDBG entitlement allocation will be used for the S+C voucher program. It functions like a Section 8 voucher; the clients pays 30% of their income towards housing, and the remaining balance of the Fair-Market rent is paid by the voucher. All of the units in the program are existing scattered site market rate apartments. The program requires a dollar for dollar match of supportive services for each dollar of housing provided through the S+C voucher, and Family Services has committed to provide the balance of the services. Contingency Allocation Language Used in Public Comment and Public hearing: \$15,000 granted it does not exceed the 15% public service Cap. Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2020 it shall be allocated to First Time Low Income Homebuyer Program.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	At least two very low or extremely low income families/individuals will benefit from this program in FY 2020-2021. Five vouchers are assigned to each of the participating cities, and the remaining vouchers will be available based on need.
	Location Description	Citywide
	Planned Activities	The City of Porterville executed a sub-recipient agreement with Family Services of Tulare County to administer this voucher program that provides services within the City of Porterville with the City funding up to \$15,000 annually for the case manager services.
4	Project Name	First Time Low Income Homebuyer Program
	Target Area	Citywide
	Goals Supported	Affordable Housing

	Needs Addressed	Affordable Housing
	Funding	CDBG: \$316,271
	Description	CDBG program income funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. Contingency Allocation Language Used in Public Comment and Public hearing: \$0 shall be added from New Entitlement, \$6000 is anticipated New PI from debt repayment of home loans that will be returned to the RL fund to continue to operate the CDBG FTHB loan program. Carry Over: \$246,923 is anticipated carryover from PY 2019/20 PI and \$246,923 from EN. Remaining carryover on 6/30/2020 or PI for PY 2019/20 shall remain and be added to the RL fund to continue the First Time Low Income Homebuyer Program FTHB Loan Program.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	1
	Location Description	Citywide
	Planned Activities	Using CDBG program income, the City plans to assist in the purchase of newly constructed or existing homes.
5	Project Name	Homebuyer Education
	Target Area	Citywide
	Goals Supported	Affordable Housing

	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$1,338
	Description	CDBG new entitlement funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City's First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. Contingency Allocation Language Used in Public Comment and Public hearing: Allocation amount: \$1338 will be allocated for PY 2019/20 Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2020 it shall be allocated to First Time Low Income Homebuyer Program. This program continues, however it will be mostly funded with HOME Admin funds; unless there is additional CDBG funds available from the public services cap that can be allocated to this project. In that case no more than \$2000 will be allocated.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	60 Households Assisted
	Location Description	291 N. Main St. Porterville CA 93257

	Planned Activities	The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead based paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons. The class will be taught in partnership with a local non-profit who is a HUD Certified Housing Counselor.
6	Project Name	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$258,678
	Description	No new Entitlement will be added. Using old entitlement and Program Income (PI) funds the City will participate in a meaningful and effective housing rehabilitation program including connection to City water and/or sewer service, to assist low- and moderate-income homeowners and to supplement previous funding allocated over the past 30 years to Housing Rehabilitation Loan Program (HRLP). Contingency Allocation Language Used in Public Comment and Public hearing: Allocation amount: Old Entitlement Balance of \$192,678.15 plus \$40,000 from PI and \$26,000 from anticipated PI, will be allocated for PY 2020/21. If any remaining carryover on 6/30/2020 it shall be carried over into the RL fund to continue funding the Owner Occupied Housing Rehabilitation Program. The Ramp program that is part of the Rehabilitation Loan program may be allocated to a Non-Profit agency to complete repairs or hire contractors to complete appropriate ADA work.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	4 Households
	Location Description	Citywide
	Planned Activities	Once an applicant is income qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead-based paint mitigations, and zoning violations. For water and/or sewer connection feasibility, verification will be performed by the City's Engineering Department. The applicant is then counseled as to the extent and cost of the work covered by a rehabilitation loan, the process of selecting a contractor, and maintaining an equity reserve after rehabilitation construction. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to assure that abuses of the program do not occur. Final payment is held until the City Chief Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.
7	Project Name	Business Assistance Programs(Including micro-enterprises)
	Target Area	Citywide
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$398,033

	Description	Program Income and Old Entitlement will be used for the Business Assistance Programs. Large Business Assistance Program (BAP) Revolving Loan Fund: The main objective of this program is to provide financing options to industrial/commercial businesses for the retention and expansion of the job market within the City of Porterville. Small Business Assistance Program (BAP) Revolving Loan Fund: The main objective of this program is to provide "gap" funding for small businesses that are either just starting business in Porterville or are trying to expand their business. Micro Enterprise Program: the main objective of this program is to provide funding for low to moderate income persons to start or expand a business in Porterville. Contingency Allocation Language Used in Public Comment and Public hearing: Allocation amount: \$40,000 will be allocated for PY 2020/21 for the new Micro Enterprise activity. Carry Over: \$398,032.90 is anticipated carryover from PY 2019/20, any carryover remaining on 6/30/2020 and new PI received during the year shall be added into the RL fund to continue funding the Business Assistance Loan Programs as the City continues to accept and review applications for those programs.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	One small and one large business with the Business Assistance Program and four small businesses with Micro Enterprise Program
	Location Description	Citywide
	Planned Activities	Large Business Assistance Program (BAP), Commercial and Industrial Development. This program will provide financial assistance in the amount of \$50,000 or greater. The goal of the BAP is to encourage businesses to expand which will lead to increase business activity, job sustainability, and job creation. Small Business Assistance Program (SBAP): SBAP assistance is a minimum of \$1,000 and a maximum of \$50,000 and will be directed towards businesses that have the greatest potential for long-term job

		creation. Micro Enterprise Loan Program Assistance is a minimum of \$1,000 and a maximum of \$10,000 to assist LMI persons start or expand a business.
8	Project Name	Section 108 Loan Repayment
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$296,534
	Description	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center. Contingency Allocation Language Used in Public Comment and Public hearing: Debt repayment, this will be paid before any other allocations are made to meet the debt agreement. Carry Over: Allocation amount: Debt repayment, this will be paid before any other allocations are made to meet the debt agreement. Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2020 it shall be moved to the First Time Low Income Homebuyer Program. The collateral for this loan will be sold in 2020 and the proceeds exceeding the debt will become program income. The program income received will be used for neighborhood improvements in LOW/MOD Census tracks, primarily for projects like curb, gutter, and sidewalk.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	The center is located in Census Tract 41
	Planned Activities	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center.
9	Project Name	Parks Improvement Program
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: \$76,673
	Description	The main objective of this program is to add or increase access to amenities and improve infrastructure at both Murry Park, Zalud and Fallen Heroes Parks in addition to the Tule river Parkway trail adjacent to Fallen Heroes Park in order to continue to keep the park as a safe, clean, and attractive recreation facility. Contingency Allocation Language Used in Public Comment and Public hearing: Allocation amount: Remaining amount from all other 2019/20 Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2020 it shall be remain in this project to continue funding park improvement projects at the designated parks.

	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	15415
	Location Description	Murry Park, Zalud Park, Fallen Heroes Park, and Tule River Parkway serve Census Tracts 38.02, 41.01 and 41.02
	Planned Activities	Using entitlement and Program income the City plans to continue making improvements to Murry Park and Zalud Park and will also include Fallen Heroes Parks in addition to the Tule River Parkway trail adjacent to Fallen Heroes Park
10	Project Name	Curb, Gutter and Sidewalk improvements
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Infrastructure improvements
	Funding	CDBG: \$ 120,000
	Description	TBD
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	TBD
11	Project Name	Continuum of Care
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: \$5,000
	Description	The Kings/Tulare Homeless Alliance is a consortium of partners working to address the housing and supportive service needs of the homeless population located in the Kings and Tulare County region, through the annual Project Homeless Connect and the Point-In-Time survey. Contingency Allocation Language Used in Public Comment and Public hearing: Allocation amount: \$5,000 granted it does not exceed the 15% public service Cap. Carry Over: \$0 is anticipated carryover from PY 2019/20, however if any carryover remains on 6/30/2020 it shall be allocated to First Time Homebuyer Program.
	Target Date	6/30/2021

	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	No specific location has been set at this time.
	Planned Activities	Project Homeless Connect, is a homeless resource fair that brings services to the homeless and at risk of homelessness in one location as a one stop shop. A few years ago it was paired to coincide with the Point In Time (PIT) Census time frame, in order to allow the Continuum of Care to collect more data to help address the homeless needs in a more efficient way. Although the PIT is completed during the resource fair, it is not mandatory for attendees to partake in it, as the main focus of the event is to bring the needed resources to the homeless community in one location.
	Project Name	Curb, gutter, sidewalk improvements.
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Public works and infrastructure improvements
	Funding	\$120,000

	Description	The City plans to construct curb, gutter, and sidewalk or a combination of such improvements in low to moderate income designated census tracts.
	Target Date	6/30/2021
	Estimate the number and type of families that will benefit from the proposed activities	10
	Location Description	Citywide
	Planned Activities	The City plans to construct curb, gutter, and sidewalk or a combination of such improvements in low to moderate income designated census tracts.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City has not established specific target areas to focus the investment of entitlement funds as it is City Wide.

Geographic Distribution

Target Area	Percentage of Funds

Table 62 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable. The City has not established specific target areas to focus the investment of entitlement funds as it is City Wide.

Discussion

Not applicable. The City has not established specific target areas to focus the investment of entitlement funds as it is City Wide.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Although entitlement resources are limited, the City does anticipate expending a significant portion of its CDBG entitlement on the preservation and provision of affordable housing. A detailed discussion of how HUD entitlements will be used to support community and economic development needs within the City is provided in AP-35, with the number of households to be assisted itemized by goal.

One Year Goals for the Number of Households to be Supported	
Homeless	2
Non-Homeless	5
Special-Needs	0
Total	7

Table 64 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	2
The Production of New Units	0
Rehab of Existing Units	4
Acquisition of Existing Units	1
Total	7

Table 65 - One Year Goals for Affordable Housing by Support Type

Discussion

Refer to discussion above

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of Tulare County of Tulare (HATC) was established in 1945 and is committed to providing rental housing assistance to LMI households, seniors, the disabled, and special-needs populations throughout the region. The agency administers various housing assistance programs, including the public housing program, housing choice voucher program, farm labor program, and senior housing program. HATC currently provides affordable and well-maintained rental housing to over 5,000 households countywide.

Additionally, HATC is a participant of HUD’s Moving to Work (MTW) demonstration program, which grants participating public housing authorities (PHAs) the ability to test innovative approaches to delivering housing assistance to households in need. MTW is a HUD effort to build and support innovative programs that enhance the efficacy of PHAs. HATC has capitalized on the organizational and procedural flexibility it has gained through MTW to become a more efficient agency.

Actions planned during the next year to address the needs to public housing

HATC will continue to own and manage 110 units in the City of Porterville. According to HATC, there is no plan to purchase additional public housing units, nor is there a plan to remove any units from its inventory. In the Fiscal Year 2020 - 2021, HATC projected to invest a total of \$166,565 in Capital Fund improvements for its Public Housing Stock located in the City of Porterville. The noted expenditures will cover maintenance and rehabilitation in public-housing units within the City of Porterville. Capital Fund expenditures will cover a large range of projects, including roofing replacement, landscaping improvements, carpet replacement along with Air Conditioning and Heating unit improvements.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HATC is proactive in the inclusion of public-housing residents in the policy making process. An equitable and transparent policy making process that includes the opinions of public housing

residents is achieved through the participation of two tenant commissioners on the HATC Board. Furthermore, HATC has installed a Resident Counsel, which is made up of five residents from all of HUD funded programs (Multifamily Housing, LIHTC, HOME, Section 8 Housing Choice Vouchers and public-housing). The Resident Counsel works with HATC staff on evaluating the effectiveness and efficiency of HATC rental assistance programs. This provides members the opportunity to provide input on necessary program modifications.

A vital driving factor in the implementation of HATC programs is the promotion of tenant self-sufficiency. HATC views the goal of homeownership for program participants as one of the long term goals for all of our clients. HATC staff works with tenants to effectively provide them with the necessary resources to achieve homeownership and its Annual Re-Examination Notice provides public-housing participants with an extensive referral list that provides assistance with homeownership. This list includes programs managed by: CSET, City of Porterville, Habitat for Humanity, CalHFA, and Self Help Enterprises. HATC's program coordinator works with any interested public housing tenant in order to effectively inform them of all the different programs that are available to them. Effective collaboration between the agency and other public and nonprofit agencies is imperative to help promote homeownership among all of its tenants.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Refer to discussion above

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Porterville (City) is closely involved with the Kings/Tulare Homeless Alliance (Alliance), which serves as the local Continuum of Care. When possible, the City's programs designed to serve homeless persons are coordinated with the Alliance.

There are several ongoing efforts that the City and Alliance are involved in as collaborative partners. These collaborations include:

- Monthly Alliance Membership Meetings
- Tulare County Task Force on Homelessness
- Emergency Shelter/Bridge Housing Project
- Project Homeless Connect
- Annual Point in Time Count

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City will continue targeted outreach efforts of unsheltered homeless persons through collaborative efforts with the Alliance Housing Navigators and Kings View PATH Team. These teams canvas the city to conduct outreach to people experiencing homelessness. When an unsheltered person is identified, they are assessed and connected to services. Client information is included in the local Homeless Management Information System (HMIS) so that outreach teams can remain apprised of client status on the housing priority list and other community referrals.

The City will also continue to support the Alliance's outreach efforts to persons experiencing homelessness through the Project Homeless Connect (PHC) event in conjunction with the Point in Time (PIT) census. The one-day PIT survey provides a snapshot of the adults, children in households and unaccompanied youth living in the City of Porterville who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and

trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless.

PHC is a national best practice that is a one-stop-shop of comprehensive support services for people experiencing homelessness. Guests attending the event are partnered with volunteers who assist in identifying and accessing necessary resources. The 2020 event was held on January 24, 2020.

As a result of a new low barrier navigation center opening in April 2020, the Project Homeless Connect event will transition into an ongoing event entitled Porterville Local Initiatives Navigation Center (LINC) throughout the year where clients can be assessed for housing, connected to mainstream benefits, support service providers, and access other services on a scheduled basis such as vaccinations, haircuts, prescription eyeglasses, etc. The City will provide \$15,000 in FY 20/21 to the Alliance for public services related to LINC.

Addressing the emergency shelter and transitional housing needs of homeless persons

Although the City's CDBG funding is limited to public services for applicable programs, a high priority is given to the need of providing permanent support housing, emergency shelters and transitional housing, as well as, substance abuse treatment, case management, mental health care, life skills training, etc. through collaboration with the Alliance and its members. Being an active participant in the Alliance, the City plays an important part in the strategic planning for the organization and for applications for funding resources. The City continues to support the efforts of the Alliance and the operators of projects serving those experiencing homelessness such as the Central California Family Crisis Center, Turning Point of Central California, Tulare County Health & Human Services Agency, Westcare, Community Services and Employment Training (CSET), Uplift Families, and other such providers that either provide vouchers or adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness.

The City of Porterville has worked closely with Turning Point of Central California for acquisition and rehabilitation of a school site that will now operate as a low-barrier navigation center. The project, Porterville Welcome Center, will have 15 beds of low-barrier emergency shelter and 15

beds of low-barrier bridge housing. Construction is currently underway and the project is scheduled to begin operations in April 2020.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Porterville supports and collaborates with local service providers, through the Alliance, to assist homeless individuals and families. Funding priorities include supporting existing high performing housing first rapid rehousing and permanent supporting housing projects.

Furthermore, the City continues their efforts of providing CDBG funds in the amount of \$5,000, to Family Services as matching funds, for case management (public services) to support the Tulare Housing First Shelter Plus Care project. This project provides case management services to 5 households at any point in time.

In all Continuum and City-funded projects, persons experiencing homelessness are assessed for housing opportunities and are prioritized based on their acuity. Several projects focus on sub-populations such as youth ages 18-24, veterans, and/or chronic homelessness. All projects within the Continuum- emergency, transitional and permanent housing- include supportive services for their clients. Each project designs and implements supportive services based on their target population and partnerships leveraged within the community. The overarching goal of the supportive services offered is to link individuals and/or families with mainstream benefits and income support, education and employment services, as well as health and life skills services. These linkages are a critical component to assisting clients in self-sufficiency, reducing episodes of homelessness, and preventing recidivism.

Projects that serve these vulnerable subpopulations include:

CSET Permanent Supportive Housing and Rapid Rehousing, Family Services Permanent Supportive Housing, Turning Point and Tulare County HHSA provide PSH projects for chronically homeless individuals and families and/or families with children. The Veterans' Administration, in conjunction with the Housing Authority of Tulare County, operates the VASH project and Westcare operates the SSVF project that serves eligible veterans and their families. Uplift Families operates a Transitional Housing project for transitioning age youth.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

An important component of prevention/diversion is assisting households with income supports and connections to mainstream benefits. Tulare County Health and Human Services Agency (HHSA) has an SSI Advocacy Unit that focuses on increasing access to SSI and other mainstream benefits. Additionally, the Housing Disability Advocacy Program (HDAP), operated through HHSA, focuses on assisting people with disabling conditions with housing and case management while they are processing their SSI claim.

The SSI/SSDI Outreach, Access and Recovery (SOAR) model is designed to increase access to SSI/SSDI for eligible homeless adults who are and have a mental illness and/or a co-occurring substance use disorder. Staff from all CoC-funded agencies is required to assist clients in obtaining these mainstream benefits. Participation by these agencies provides an efficacious method of assisting households who may otherwise pursue homelessness assistance.

Discussion

Please refer to the above discussions.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Government policies can cause constraints on Affordable Housing and residential investment. Zoning, site improvement requirements, fees, and exactions, as well as permit fees and procedures, are discussed as barriers to affordable housing. These are identified in the Porterville’s 2015 - 2023 housing element as follows:

1. Land use controls (e.g., zoning) - The Development Ordinance describes residential zoning areas as the following: What zoning does, while maintaining order in the manner in which the city is planned, significantly creates limitations in terms of size, height, and locations where affordable units are built. It also limits where large family households can be made, keeping the number of affordable units for this group, particularly to a low number.

2. Site improvement requirements- Building codes may require specific improvements to be made to residential units so that they are up to code. Some of these projects may be very costly, making the cost of housing higher. This has, however, been mitigated successfully so far since the City adopted the 2010 California Building Code.

3. Fees and exactions- Every development and infrastructure projects including housing, attract fees and permits from the city. This includes but is not limited to permit issuance fees, development impact fees, engineering and public works fees, and subdivision processing fees. These may significantly increase the construction and/or rehabilitation costs of housing. Making it is increasingly difficult to have a substantial inventory of affordable housing units. It is more expensive to develop multi-family units at an approximated cost of \$60,000 in fees compared to single family units at \$16,500 in development fees. In comparison, planning application fees are actually lower in Porterville than the rest of the County as illustrated below, which does not entirely affect the development of affordable units.

4. Permit processing procedures- The processing procedures can take a long time frames which in turn increases development costs. The City continues to improve its turnaround time to check development plans to at least 2 to 4 weeks, allowing for a multi-agency approach to check

compliance within the process with fire brigade, police, planning and city engineers.

5. Off Street Parking Standards - Parking is highlighted as a barrier to affordable housing in the City's 2018- 2019 Annual Action Plan. The cost to build parking for affordable units can exponentially increase development costs, as well as potentially decrease the number of units built if parking is surface level. Development Ordinance Section 304.04 states that Porterville City Council has power to reduce parking requirements for multi-family developments if a developer can show that the project will not generate a need for as much parking when compared to a project designed for the general market.

6. AB 1482 - Expands rent control to cover units built over 15 years ago and places an annual cap on rent to 5% plus inflation. AB 1482 was signed by Governor Newsom on October 8, 2019 but did not go into effect until January 1st, 2020. The unintended consequence of the passing of this bill has been the surge of eviction notices and large increase in rent towards tenants, specifically for low- income households.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City will continue to assess both its general plan policies and zoning ordinance to assure the process of developing housing for low and moderate-income households are made more accessible. The Housing Element highlights as one of its action plan goals to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to low and moderate-income households. To reach this goal, Porterville has made sure that it is obliging with second unit law and global warming solutions, including the use of green building material incentives or alternatives to construction materials.

Additionally, Porterville's Development Ordinance addresses the following:

- Minimum lot sizes and densities consistent with the Plan's land use classifications;

- Development standards that permit townhouses and zero-lot-line attached or detached single-family dwellings on sites designated for low-medium, medium, or medium-high densities;
- Development standards that allow second units, small family daycares, and residential care homes in neighborhoods in accordance with State law;
- Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets;
- Provisions for emergency shelters, transitional housing, supportive housing, and residential care facilities for six or fewer persons;
- Provisions for Single-Room Occupancy units; and
- Provisions for farmworker housing

The City's 2015- 2023 Housing Element also recognizes other actions to be taken to preserve and develop more affordable housing in the region. This includes the use of land use designation and zoning to assure the City meets its RHNA need, and push for an increase in mixed-use and infill development.

First Time Low Income Home Buyers Assistance Program- Additionally, Porterville's First Time Low Income Home Buyers Assistance Program is used to help low-income households buy their first homes by receiving government assistance for the down payment on their home. This tactic is used to alleviate some residents in need of affordable housing rental units, allowing them to have their place to call home. The City of Porterville plans to continue this program with past entitlement and prior PI funds in the next year and plan to apply for future grant HOME or CalHOME opportunities when made available.

Governmental barriers to producing housing are minimal; land use regulations, expedited permit processing, and low development fees push for the construction of lower-cost housing units when compared to other Central Valley

Communities. A further discussion can be read below:

- Residential Density - Porterville allows for residential densities up to 30 dwelling units

per acre. Porterville also does not make the ability to build higher density units more difficult, creating simplified permit processes or exaction.

- Expedited Permit Processing Time- In 2008, Porterville changed the project review and plan check process, making it more efficient and with a faster turnaround period. After consulting with developers, consultants and contractors, the City put forward a regulation that would return comments or grant permits within two weeks of submission to the department. This allows for developments to be built at a faster pace as compared to before when it would take at least three weeks to hear back on a project plan.
- Zoning and Parking Standards - As already discussed above, these standards are not highly stringent, so the minimum single family lot size is enough to persuade developers to build single family units for LMI first time home buyers. Additionally, the majority of residential zones allow for alternative housing types such as mobile homes, group homes and secondary dwelling units.

Discussion:

Please see above.

AP-85 Other Actions – 91.220(k)

Introduction:

This section discusses the City's efforts in addressing the underserved needs, expanding and preserving affordable housing, reducing lead-based paint hazards, and developing institutional structure for delivering housing and community development activities.

Actions planned to address obstacles to meeting underserved needs

Please see activities in AP-35 to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to foster and maintain affordable housing

Please see AP-15 for actual and potential housing resources available, and AP-35 for activities that will be funded to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to reduce lead-based paint hazards

At this time, the City of Porterville does not directly oversee a lead based paint (LBP) eradication program, unless it is in partnership with CDBG, HOME, or CalHome funded owner occupied housing rehabilitation projects.

All properties undergoing rehabilitation or acquired for affordable housing are inspected for LBP. No federally funded rehabilitation is allowed to occur without due screening for LBP hazards. The City conducts visual assessment, paint testing or risk assessment on all of its projects. Lead hazard reduction activities include paint stabilization, interim controls, standard treatments, lead abatement, safe work practices and clearance to confirm that no LPB hazards remain when work is complete.

Actions planned to reduce the number of poverty-level families

The City continues to confront and alleviate the number of poverty-level families in the coming

years. One goal to address that need will be implemented through economic development:

- Expand economic development and employment opportunity programs.

Furthermore, the City has recognized areas that must be addressed to achieve long-term economic prosperity, including the following:

- Responding to and preventing any issues that could be raised as a result of the drought, which has affected many households in the City and surrounding areas.
- Ensuring that land within the City is “shovel ready” and available for development.
- Educating and training the City’s workforce to continue to fill any new jobs that may be coming into the City.

The City of Porterville will keep working with HATC to ensure adequate amounts of Section 8 Vouchers and other public housing opportunities are available to meet the demand of the City’s LMI population. Also, the City will work closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City. Additionally, the Community Development Department staff will continue to work closely with the Economic Development Division to administer the CDBG funded Business Assistance Program and the Small Business Revolving Loan Fund. Additionally, the City will fund a Micro Enterprise Program fund to assist low to moderate small business owners to start or expand their businesses.

The City will continue to work closely with and in support of the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made. The City anticipates that at least one household will qualify for the purchase of a home under the City’s First Time Low-Income Homebuyer Program funded with CDBG, HOME, or CalHome funds.

Actions planned to develop institutional structure

The City will continue to work closely with, and in support of, the community service providers in

meeting the special needs of its homeless and LMI populations. The City will continue to participate in the Kings/Tulare Homeless Alliance to ensure coordination and implementation of strategic plan.

The Kings/Tulare Homeless Alliance (Alliance) is made up of a group of advocates, public agencies, homeless individuals and service providers with the purpose of confronting the needs of the homeless population within the Kings and Tulare County regions. Furthermore, in adherence with the institutional delivery system, the City financially supports the Alliance which is recognized as a 501(c)(3) organization of partners. The Alliance also implemented a coordinated entry and assessment system called Every Door Open, to serve both counties. The system's purpose is to help at risk or current homeless people by prioritizing the most vulnerable homeless people, including the chronically homeless, veterans, families with children and unaccompanied minors obtain necessary services.

Actions planned to enhance coordination between public and private housing and social service agencies

As already discussed above, the City will continue to participate in the Alliance, working with public, private and social service agencies to help homeless people. The City plans to continue working with organizations such as the Salvation Army, Red Cross, the PAAR Center, Central California Family Crisis Center, Porterville Area Coordinating Council, and Turning Point of California, to provide enough services and need to meet emergency and transitional housing needs of homeless and those vulnerable to homelessness.

The City will also continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City's LMI population. The City of Porterville will also be working closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City.

Additionally, Community Development Department staff will continue to work closely with the

Economic Development Division to administer the CDBG funded Business Assistance Program, Small Business Revolving Loan Fund and the Micro Enterprise Program Fund. The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made.

Discussion:

Please see discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	\$0
3. The amount of surplus funds from urban renewal settlements	\$0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	\$0
5. The amount of income from float-funded activities	\$0
Total Program Income	\$0

Other CDBG Requirements

1. The amount of urgent need activities	\$0

Appendix - Alternate/Local Data Sources

1	Data Source Name 2009-2013 ACS (Most Recent Year)
	List the name of the organization or individual who originated the data set. American Community Survey
	Provide a brief summary of the data set. The American Community Survey (ACS) is a mandatory, ongoing statistical survey that samples a small percentage of the population every year.
	What was the purpose for developing this data set? The purpose of this survey is to provide communities with the information they need to plan investments and services.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? It samples a small percentage of the population every year.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2008-2012
	What is the status of the data set (complete, in progress, or planned)? Complete
2	Data Source Name HATC
	List the name of the organization or individual who originated the data set. Housing Authority of Tulare County
	Provide a brief summary of the data set. The Housing Authority of Tulare County (HATC) was established in 1945 and is committed to providing rental housing assistance to LMI households, seniors, the disabled, and special-needs populations throughout the region. The agency administers various housing assistance programs, including the Public Housing, Section 8, Farm Labor, and Senior Housing Programs.
	What was the purpose for developing this data set? HATC provides various data sets for this ConPlan, including information on the characteristics of public housing and voucher recipients.

	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? The data covers the Tulare County region and is focused on those living in public housing or receiving voucher assistance.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? HATC provided the most recent data as of Fall 2014.
	What is the status of the data set (complete, in progress, or planned)? Complete.
3	Data Source Name 2000 Census (Base Year)
	List the name of the organization or individual who originated the data set. U.S. Census
	Provide a brief summary of the data set. The twenty-second United States Census, known as Census 2000 conducted by the Census Bureau.
	What was the purpose for developing this data set? The United States Census is a decennial census mandated by Article I, Section 2 of the United States Constitution, which states: "Representatives and direct Taxes shall be apportioned among the several States ... according to their respective Numbers. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years." [1][2] The United States Census Bureau (officially the Bureau of the Census, as defined in Title 13 U.S.C. § 11) is responsible for the United States Census.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? Approximately 16 percent of households received a "long form" of the 2000 census, which contained over 100 questions. Full documentation on the 2000 census, including census forms and a procedural history, is available from the Integrated Public Use Microdata Series.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 1999/2000
	What is the status of the data set (complete, in progress, or planned)? Complete
4	Data Source Name 2013-2017 ACS (Most Recent Year)
	List the name of the organization or individual who originated the data set. American Community Survey

	Provide a brief summary of the data set. The American Community Survey (ACS) is an ongoing Census Bureau survey that samples a small percentage of the population every year.
	What was the purpose for developing this data set? The American Community Survey (ACS) is a mandatory, ongoing statistical survey that samples a small percentage of the population every year -- giving communities the information they need to plan investments and services.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? It samples a small percentage of the population every year.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2008-2012
	What is the status of the data set (complete, in progress, or planned)? Complete
5	Data Source Name 2007-2011 ACS
	List the name of the organization or individual who originated the data set. American Community Survey
	Provide a brief summary of the data set. The American Community Survey (ACS) is a mandatory, ongoing statistical survey that samples a small percentage of the population every year.
	What was the purpose for developing this data set? The purpose of this data set is to provide communities the information they need to plan investments and services.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? It samples a small percentage of the population every year.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2007-2011
	What is the status of the data set (complete, in progress, or planned)? Complete
6	Data Source Name 2011 Longitudinal Employer-Household Dynamic (Job)

	List the name of the organization or individual who originated the data set. U.S. Census Bureau for Economic Studies
	Provide a brief summary of the data set. The data set provides information on employment, earnings, and job flow for industry at different levels of geography for different demographic groups.
	What was the purpose for developing this data set? The data is designed to help the public and private sector make informed decisions associated with their local and regional economies.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? Data is gathered for different local and regional areas and different demographic groups.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2011
	What is the status of the data set (complete, in progress, or planned)? Complete
7	Data Source Name 2007-2011 CHAS
	List the name of the organization or individual who originated the data set. Department of Housing and Urban Development
	Provide a brief summary of the data set. The U.S. Department of Housing and Urban Development (HUD) periodically receives "custom tabulations" of data from the U.S. Census Bureau that are largely not available through standard Census products. These data, known as the "CHAS" data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households. The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.
	What was the purpose for developing this data set? These data, known as the "CHAS" data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households. The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.
	Provide the year (and optionally month, or month and day) for when the data was collected. 2007-2011
	Briefly describe the methodology for the data collection. The U.S. Department of Housing and Urban Development (HUD) periodically receives "custom tabulations" of data from the U.S. Census Bureau that are largely not available through standard Census products.

	Describe the total population from which the sample was taken. N/A
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. N/A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING THE 2020 FIVE-YEAR CONSOLIDATED
PLAN AND 2020-2021 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND
PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby
approve the 2020 Five-Year Consolidated Plan and 2020-2021 Action Plan, accompanying
Program Models, and proposed use of Community Development Block Grant Funds with a 2020
Program Year Entitlement Allocation as follows:

Section 108 Debt Service	\$ 296,534
Administration	\$ 166,000
City-Operated Youth Center	\$ 110,875
Continuum of Care on Homeless	\$ 5,000
Parks Improvement Program	\$ 66,673
Homebuyer Education	\$ 1,338
Curb, Gutter, and Sidewalk Improvements	\$ 130,000
Business Assistance	\$ 40,000
Tulare Housing First PSH	<u>\$ 15,000</u>
(formerly Shelter Plus Care)	
Total Funding:	\$ 831,420

PASSED, APPROVED AND ADOPTED this 21st day of April, 2020.

Martha A. Flores, Mayor

ATTEST:

John Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Public Hearing to Consider Transitioning Into Phase III of the City's Water Conservation Plan

SOURCE: Public Works

COMMENT: The City of Porterville's Water Conservation Plan is structured in an effort to provide mandated conservation results, reduce the overall residential consumption, and continue to provide uninterrupted services to the community without compromising the operation of the City's water distribution system. The City has been operating through the winter months in Phase IV of the City's Water Conservation Plan. As part of the Phase IV implementation, the City reduced watering days through the winter months, to a one (1) day per week watering schedule, based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday.

Conservation reduction guidelines presented in past Executive Orders and subsequent regulations adopted by the State Water Resources Control Board encourage conservation as a way of life. Taking into consideration the State Waterboards Self-Certification criteria for the City of Porterville, the City Council approved maintaining a self-imposed conservation standard of 26% less than the production of 2013. The continuation of the current conservation goals keep a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three (3) years of supply under drought conditions, meet the minimum 20% conservation standard defined in the City's Urban Water Management Plan, and assists the City toward meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

In response, the City of Porterville has developed a Conservation Plan that has been effective while still allowing some flexibility throughout the community. The City's Conservation Plan is an Odd/Even watering schedule composed of Five Phases; Phase I, is Voluntary 3-Day Watering week Schedule; Phase II, is Mandatory 3-Day Watering week Schedule; Phase III, is Mandatory 2-Day Watering week Schedule; Phase IV, is Mandatory 1-Day Watering week Schedule; and Phase V, is a No Outdoor Watering schedule.

Through the implementation of mandatory conservation, the City of Porterville has been able to maintain a cumulative GPCD conservation total reduction of

26.3% (June 2015 through March 2020). In order to maintain conservation reductions while providing flexibility to local residents, it is staff's recommendation that the seasonal changes in the temperature be evaluated and the need to transition from Phase IV to Phase III of the City's Water Conservation Plan (a Mandatory odd/even 2-day watering week schedule). Staff recommends Council conduct a Public Hearing to discuss moving to Phase III of the City's Water Conservation Plan, which adds an additional day to the watering schedule for outdoor landscape. Phase III is a Mandatory odd/even 2-day watering week schedule, odd addresses would be allowed to water on Tuesday & Saturday and even addresses on Wednesday & Sunday. The City's Water Conservation Plan applies to all water users within the City's service area. Recommendation is to commence with Phase III effective June 1, 2020, and continue this watering schedule through the summer and fall months until November 30, 2020. On December 1, 2020, the City would then transition back to Phase IV of the City's Water Conservation Plan (a Mandatory 1-day watering week schedule).

RECOMMENDATION: That City Council:

1. Conduct the Public Hearing to consider transitioning from Phase IV to Phase III of the City's Water Conservation Plan effective June 1, 2020; and
2. Consider directing staff to transition back to Phase IV commencing December 1, 2020.

ATTACHMENTS:

1. Drought Response Phase III Flyer -
2. Drought Response Phase IV Flyer
3. Monthly Production Status GPCD March 2020

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**

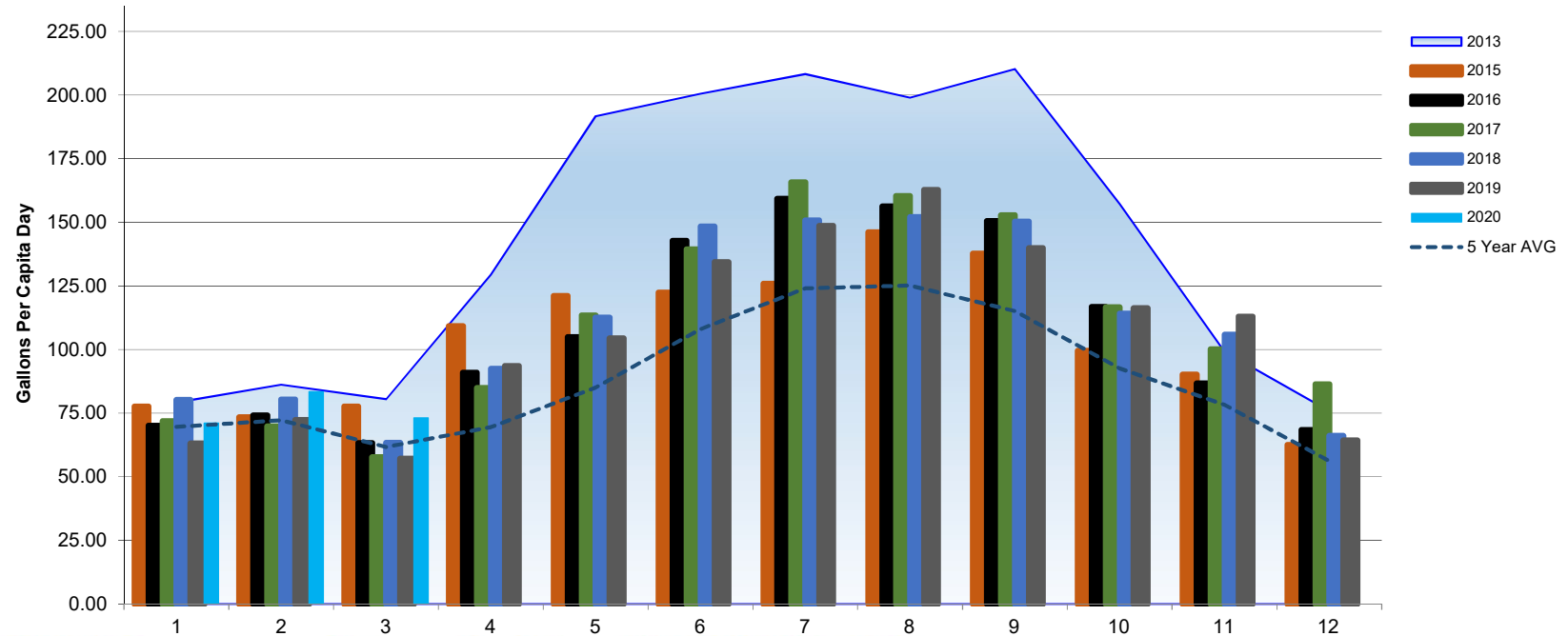
**Vehicles shall only be
washed on designated
watering days and with
hoses equipped with a
shut-off nozzle**

**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.**

Monthly Production Status & Cumulative Total June 2015 Through March 2020 Gallon Per Capita Day Comparison to 2013 & 5 Year Average



GPCD

Cumulative Total 26.3%

	2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
	2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
	2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
	2018	1%	-7%	-21%	-29%	-41%	-26%	-28%	-24%	-29%	-27%	7%	-13%
	2019	-20%	-16%	-29%	-28%	-46%	-33%	-29%	-18%	-33%	-26%	14%	-15%
	2020	-21%	-19%	-10%									

Percent Comparison to 2013 Production



CITY COUNCIL AGENDA – APRIL 21, 2020

SUBJECT: Federal CARES Act Community Development Block Grant (CDBG) Funding Options

SOURCE: Community Development

COMMENT: On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed into law to respond to the growing effects of this historic public health crisis. The CARES Act legislation provided approximately \$2 trillion in emergency relief and economic stimulus intended to combat the effects of the coronavirus pandemic. The bill's provisions include cash payments to individuals, expanded unemployment benefits, assistance and relief to business, states, local governments, airports and transit, additional funding to Housing and Urban Development (HUD) in the form of the Community Development Block Grant (CDBG).

The CARES Act legislation makes \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds available for grants to prevent, prepare for, and respond to coronavirus. HUD is allocating \$2 billion based on the fiscal year 2020 CDBG formula to entitlement jurisdictions, such as the City of Porterville. The remaining \$3 billion will be allocated in the following categories, \$1 billion to States and insular areas and \$2 billion being distributed to states and local governments at the discretion of the Secretary. There is also \$10 million set aside for technical assistance. The CDBG-CV funds may be used in fiscal years 2019-20 and 2020-21. HUD requires that CDBG-CV grantees prevent the duplication of benefits, which entails that grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost. HUD recently announced that the City of Porterville's allocation to be \$489,098.

The CDBG-CV can be utilized for four (4) categories of eligible activities; buildings and improvements, assistance to business, new or quantifiable increases public services, as well as planning, capacity building and technical assistance.

Buildings and improvements – including public facilities

- Construction or rehabilitation of a facility for testing, diagnosis, or treatment;
- Rehabilitation of a community facility to establish an infectious disease treatment clinic;
- Acquisition and rehabilitation, or construction of a group living facility that may be used to centralize patients undergoing treatment;

- Rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic;
- Acquisition and rehabilitation of a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery;
- Interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.

Assistance to businesses, including special economic development assistance:

- Providing grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease;
- Provide short term working capital assistance to small businesses that have been negatively affected by COVID-19, to enable the retention of jobs held by low-and-moderate-income persons;
- Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

Provision of new and quantifiably increased public services

- Carrying out job training to expand the pool of health care workers and technicians that are available to treat disease within a community;
- Provide testing, diagnosis or other services at a fixed or mobile location;
- Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities;
- Provide equipment, supplies, and materials necessary to carry-out a public service;
- Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.

Planning, capacity building, and technical assistance:

- Gather data and develop non-project specific emergency infectious disease response plans.

The City of Porterville currently has a Business Assistance Program (BAP) that is funded with CDBG entitlement funds. The current BAP is divided into two (2) categories. The first category targets assistance with loans in excess of \$50,000 (approved by City Council) and the second category provides funding assistance of \$50,000 or less (approved by administratively by staff). Consistent with HUD's guidelines, the Program mandates the creation or retention of one (1) job for every \$35,000 in assistance.

Staff reached out to local business owners, an owner of a medical clinic, and the Executive Director of Valley Community Small Business Development Center (SBDC) to better understand the needs of the community. The businesses and SBDC that were contacted expressed supportive of the CDBG-CV funds being utilized for business assistance, as there is a concern that not all businesses will

be able to be assisted by the federal Small Business Administration (SBA) programs. Staff recommends that the CDBG-CV funds be allocated to assistance to business.

Staff proposes with these funds to modify the BAP to have a program that would be targeted to businesses affected by COVID-19 and offer forgivable business loans, providing short-term working capital to enable retention of jobs held by low - and moderate - income persons. HUD considers a job to be permanent if it is sustained for a minimum of two (2) years. The loans could be forgivable if the positions outlined in the application are retained for two (2) years and held by low - and moderate - income persons. If utilized for forgivable loans, the CDBG-CV funds could utilize the current loan structure that is in place for the BAP loans. The applicant would be required to demonstrate their capital need, proposed use of the funds, and that another source of financial assistance isn't available to meet their needs to qualify for the program. The COVID-19 business assistance funds could follow current loan processing procedure established with the BAP.

RECOMMENDATION: That the City Council provide direction on the use of the CDBG-CV grant funds, as well as the option for the loan to be forgivable and if required, direct staff to bring back necessary documents to utilize the CDBG-CV funds.

ATTACHMENTS: 1. CARES Act CDBG COVID-19 Response
 2. CDBG COVID-19 Quick Guide

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response

April 9, 2020

President Trump has signed *The Coronavirus Aid, Relief and Economic Security Act* (CARES Act). The CARES Act:

- Makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants);
- Provides flexibilities for CDBG grantees to make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements;
- Requires CDBG-CV grantees to prevent the duplication of benefits, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost.

HUD will publish a Federal Register notice describing the requirements for CDBG-CV grants. The notice will also include waivers and alternative requirements for CDBG-CV and fiscal year 2019 and 2020 CDBG grants. A grantee may submit a CDBG-CV action plan substantial amendment to its most recent accepted CDBG action plan for the first CDBG-CV allocation before the notice is published. To apply for CDBG-CV grants, grantees may follow existing regulatory requirements for a substantial amendment to the grantee's action plan that describes the amount of CDBG-CV funds available in the first allocation and planned use of funds, in accordance with existing requirements and the flexibilities in the CARES Act, summarized below. HUD will publish a Q&A document with further information on this process.

Grantees may use CDBG-CV and CDBG funds for a range of activities to prevent, prepare for, and respond to coronavirus. For examples, see the [Quick Guide to CDBG Activities for Infectious Disease Response](#).

Summary of CARES Act Provisions for Coronavirus Response With CDBG-CV and CDBG Grants

For more information, refer to applicable sections of the CARES Act, Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).			
Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
Public Service Activities			
Eliminates the 15 percent cap ¹ on the amount of grant funds that can be used for public services activities. Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✗
Reimbursement of Costs			
Provides that grantees may use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants		See current regulations. ✗
	CDBG Grants before FY 19		See current regulations. ✗

¹ Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)			
Provides that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans. In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✕
Deadline to Submit Consolidated Plans (including Annual Action Plans)			
Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020 to August 16, 2021. <i>Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15.</i> <i>*The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).</i>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19* and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✕
Waiver and Alternative Requirement Authority			
Authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus. Prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment. <i>HUD has additional regulatory waiver and statutory suspension authorities that it may use for CDBG Grants before fiscal year 2019 if necessary.</i>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✕

Submit your questions to: CPDQuestionsAnswered@hud.gov

Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response

REVISED April 6, 2020

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus.

Examples of Eligible Activities to Support Coronavirus and Other Infectious Disease Response

<i>For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i>	
Buildings and Improvements, Including Public Facilities	
Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. <i>See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).</i>	Construct a facility for testing, diagnosis, or treatment.
	Rehabilitate a community facility to establish an infectious disease treatment clinic.
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
Rehabilitation of buildings and improvements (including interim assistance). <i>See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).</i>	Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system.
	Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery.
	Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.
Assistance to Businesses, including Special Economic Development Assistance	
Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project. <i>See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).</i>	Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
	Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.
Provision of assistance to microenterprises. <i>See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).</i>	Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

Provision of New or Quantifiably Increased Public Services	
Following enactment of the CARES Act¹, the public services cap² has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts. <i>See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).</i>	Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.
	Provide testing, diagnosis or other services at a fixed or mobile location.
	Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
	Provide equipment, supplies, and materials necessary to carry-out a public service.
	Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.
Planning, Capacity Building, and Technical Assistance	
States only: planning grants and planning only grants. <i>See section 105(a)(12).</i>	Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap.
States only: use a part of to support TA and capacity building. <i>See section 106(d)(5) (42 U.S.C. 5306(d)(5)).</i>	Grant funds to units of general local government to hire technical assistance providers to deliver CDBG training to new subrecipients and local government departments that are administering CDBG funds for the first time to assist with infectious disease response. This activity is subject to the State's 3 percent administration, planning and technical assistance cap.
Entitlement only: data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. <i>See 24 CFR 570.205.</i>	Gather data and develop non-project specific emergency infectious disease response plans.

Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan (Con Plan) when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a "substantial amendment" in the grantee's citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).
- Under the CARES Act, CDBG grantees may amend citizen participation and Con Plans concurrently in order to establish and implement expedited procedures with a comment period of no less than 5-days.

Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: CPDQuestionsAnswered@hud.gov
- Coronavirus (COVID-19) Information and Resources: <https://www.hud.gov/coronavirus>
- CPD Program Guidance and Training: <https://www.hudexchange.info/program-support/>

¹ On March 27, 2020, President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus.

² Section 105(a)(8) of the HCD Act caps public service activities at 15 percent of most CDBG grants. Some grantees have a different percentage cap.



CITY COUNCIL AGENDA – APRIL 21, 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. At its last meeting on April 7, 2020, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of Proclamation.

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) had recommended mass gatherings not exceed ten (10), which with Easter approaching on Sunday, April 12, 2020, the Council acted at its meeting on April 7, 2020, 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 either closed or instituted soft-closings of its parks, including the closing of arbors, playgrounds and restrooms. At its meeting of April 7, 2020, the Council acted to soft-close City parks, including arbors, playgrounds, skatepark and sports courts (keeping restrooms open for hygiene purposes) and that no gatherings of any size occur.

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. Governor Newsom issued Executive Order N-42-20 on April 2, 2020, which mandated that private and public water utilities not shutoff service due to non-payment, retroactive to March 4, 2020 - the Order did not reference the charging of late fees. Given the suspension of shutoff and charging of late fees, the City initially experienced a dramatic increase in accounts not making payment since the Council's action, which staff reinforcing the message to customers that regular payments must still be made has led to now generally usual payment. Approximately \$30,000 in utility accounts have been paid later than usual experience, with the corresponding total loss in late fees of \$18,000.

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, which the County is working with two (2) local hotels in the leasing of approximately thirty (30) rooms. 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). In addition to the State modifying the guidelines on occasion, which most recently was to include workers in the "routine care and other necessities of life for animals" (e.g. grooming), businesses deemed non-essential are stocking essential business products in their inventory (e.g. smoke shops now carrying grocery items) and/or incorporating delivery techniques to continue operations (e.g. Kohl's with drive-by pickup). To assist in this ever-changing subject, the Council may wish to appoint two (2) of its Members to form an Ad Hoc Subcommittee, to coordinate with the City Attorney and City Manager in the application of the State's guidelines in regard to essential and non-essential businesses.

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 learned will involve the reactivation of a portion of the General Treatment Area of the Porterville Developmental Center (PDC), including caring for up to potentially 350 COVID-19 patients in four (4) categories: 1) patients too sick to recover at home, but do not need hospitalization; 2) patients who have been hospitalized and who are recovering and require less care; 3) skilled nursing facility patients who don't require acute care; and 4) developmentally-disabled group home patients. Preliminary construction improvements are underway to prepare facility infrastructure, with medical improvements expected to begin in the next couple of weeks. The City has repeatedly asked the State to keep it involved in its planning efforts, including any actions by Council that would be supportive of its operation.

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
13. Governor Newsom Executive Order N-42-20 - Utilities
14. Essential Critical Infrastructure Workers Guidelines (Updated)

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.

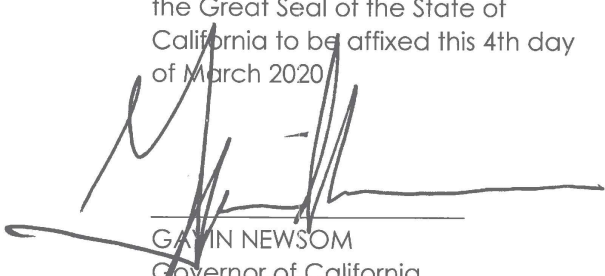
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates 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

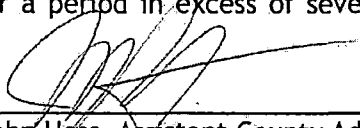
NOW THEREFORE, the Tulare County Coordinator of Emergency Services hereby:

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

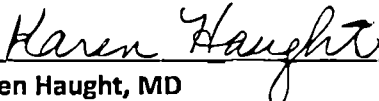
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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

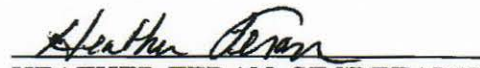
UPON MOTION OF COUNCIL MEMBER **Zachary Janoko** SECONDED BY COUNCIL MEMBER **Steve M. Peyron, Jr.**, THE FOREGOING WAS ADOPTED BY THE TULE RIVER TRIBAL COUNCIL AT A DULY CALLED MEETING HELD ON **Friday, March 13, 2020**, AT WHICH A QUORUM WAS PRESENT BY THE FOLLOWING VOTES:

AYES: 8

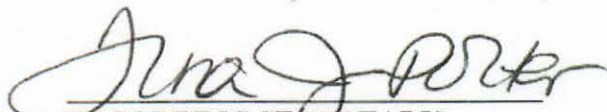
NOES: 0

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:

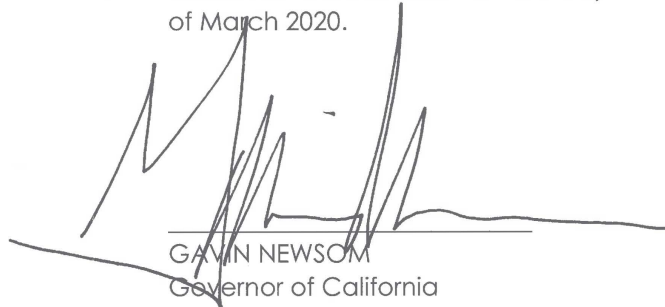
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice 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:

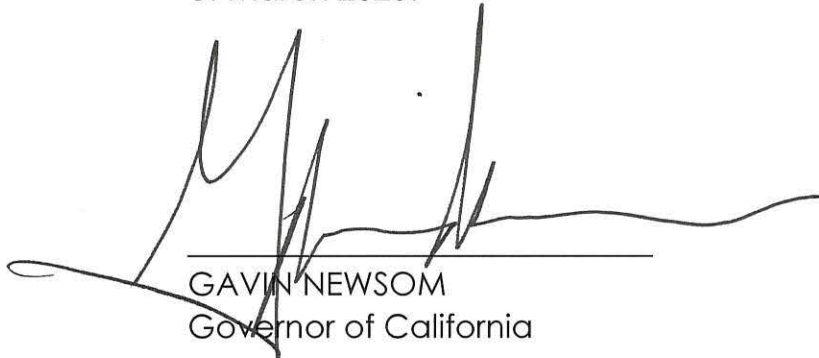
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing 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

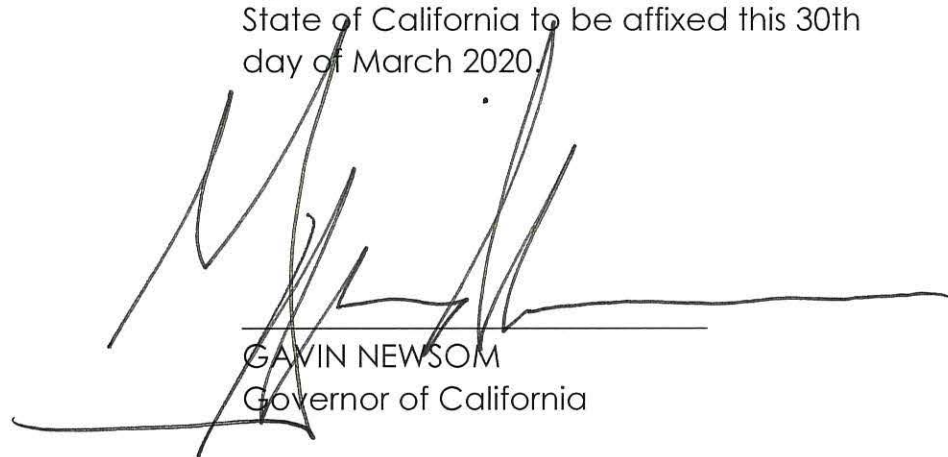
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 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.

A large, stylized handwritten signature in dark ink, likely belonging to Gavin Newsom, is written over a horizontal line. The signature is composed of several sharp, sweeping strokes.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-42-20

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 it is the established policy of the State under Water Code section 106.3 that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes; and

WHEREAS to limit the spread of COVID-19 it is crucial that Californians wash their hands regularly and thoroughly; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of work hours or wages, or layoffs related to COVID-19, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS many small businesses that provide services essential to the health and well-being of Californians have experienced substantial reductions in income, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS the California Public Utilities Commission has directed private water utilities under its jurisdiction to implement customer service protections, including a moratorium on service disconnections, during the COVID-19 emergency; and

WHEREAS more than 100 public and private water systems have voluntarily agreed to halt disconnections as well; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations concerning water shutoffs 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 the statutes of the State of California, and in particular, Government Code sections 8567, 8570, 8571, and 8627, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The authority of urban and community water systems, as defined in Health and Safety Code section 116902, subdivision (d), to discontinue residential service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment under Health and Safety Code sections 116908 and 116910, is suspended.
- 2) Water systems not subject to the requirements of Health and Safety Code sections 116908 and 116910 shall not discontinue residential

service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment.

- 3) Water systems shall restore any residential service to occupied residences that has been discontinued for nonpayment since March 4, 2020.
- 4) Water systems shall not discontinue service to any business in the critical infrastructure sectors designated by the State Public Health Officer as critical to protect the health and well-being of all Californians that qualifies as a small business under 13 C.F.R. § 121.201 of the Small Business Administration's regulations.
- 5) The State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency (i) to address non-payment or reduced payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress.

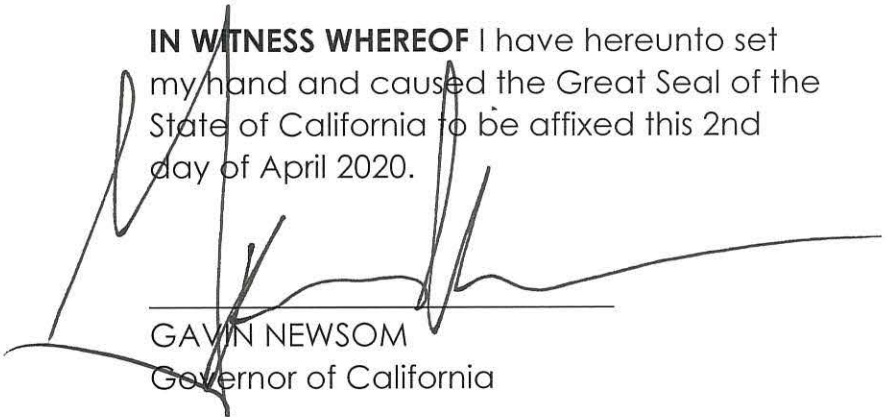
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

Nothing in this Order modifies the obligations of urban and community waters systems to comply with provisions of the Water Shutoff Protection Act not specifically addressed by this Order or other applicable laws, regulations, and guidelines.

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 2nd day of April 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