



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 19, 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, May 19, 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: 253-177-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Bank of the Sierra. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: 256 E. Orange Avenue, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: APNs 302-110-054 and 302-110-074. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Tule River Economic Development Corporation. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case regarding May 3, 2020, correspondence received concerning economic impacts due to COVID-19 restrictions; and one case in which facts are not yet known to potential plaintiff.
- 5** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel –

Anticipated Litigation – Initiation of Litigation: Two cases.

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

Pledge of Allegiance Led by Mayor Flores
Invocation

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.

REPORTS

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

City Commission and Committee Meetings

1. Parks & Leisure Services Commission
2. Library & Literacy Commission
3. Arts Commission
4. Animal Control Commission
5. Youth Commission
6. Transactions and Use Tax Oversight Committee (TUTOC)

AB 1234 REPORTS

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

1. Eastern Tule Groundwater Sustainability Agency - May 7, 2020
2. City Council Essential Business Ad Hoc Committee - May 11, 2020
3. Tulare County Water Commission - May 11, 2020
4. Tulare County Association of Governments (TCAG) - May 18, 2020

Staff Informational Reports

Water Conservation Phase IV Status Update

CONSENT CALENDAR

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

discussion will be heard at the end of Scheduled Matters.

1. **Authorization for Police Vehicle Repairs**
Re: Consideration to authorize repairs by Milinich Body Works to the 2014 Dodge Charger (Unit #3334) and 2019 Dodge Charger (Unit #3385) for an estimated total cost of \$22,000.
2. **Authorization for Refuse Truck Engine Repair**
Re: Considering approval of the refuse truck engine repair by Cummins Pacific at a cost not to exceed \$29,895.98.
3. **Approval of Emergency Testing and Assessment of Potential Combustion By-Products ("CBP") at City Hall and Fire Station One**
Re: Approval of emergency CBP testing and assessment by KCE Matrix at a cost of \$41,600.
4. **Award of Contract - City Restroom Facilities Upgrade Project**
Re: Consideration to award the City Restroom Facilities Upgrade Project to Dayco Construction Inc in the amount of \$204,533.00; authorize a 10% contingency (\$20,453.30) to cover unforeseen construction costs; authorize the 10% for construction management, quality control, and inspection; and authorize an appropriation of \$21,143.20 of Airport Operating Funds.
5. **Award of Contract - Cannabis Business Application Review**
Re: Authorization to negotiate a contract with HdL Companies to provide Cannabis Business Operating Permit Review, at costs/rates not to exceed attached cost schedule.
6. **Consideration of Retail Recruitment Service Agreement with Buxton**
Re: Consideration to authorize staff to negotiate and sign a contract with Buxton for retail recruitment.
7. **Extension of the Cottage Estates Tentative Subdivision Map pursuant to Assembly Bill 2973**
Re: Consideration to adopt the draft Resolution approving a 24-month extension of time for the Cottage Estates Tentative Subdivision Map.
8. **City Easement Conveyance to Southern California Edison**
Re: Consideration to accept Southern California Edison's request to have the City convey the easements for the electric vehicle charging stations; and adopt the draft Resolution granting an easement to Southern California Edison for APN 251-360-001 and 252-200-066.
9. **Department of Finance Population Update**
Re: Authorizing the signing of the request for the State certification for the City of Porterville, January 1, 2020, at a population of 59,655.
10. **Resolution Denying Shryne Group, Inc./Authentic Porterville's Appeal of Zoning Administrator Determination 2020-01 (Cannabis RFP Appeal)**
Re: Considering approval of draft Resolution formalizing City Council action of April 21, 2020, to deny Shryne Group/Authentic Porterville's Appeal of the Zoning Administrator Determination No. 2020-01.
11. **Status and Review of Local Emergency: Drought**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

12. Repeal and Replace Series 400 of the Porterville Development Code, Modify Other Applicable Codes and Adopt the Engineering Standards and Specifications.

Re: Consideration to approve draft Ordinance to repeal and replace Series 400 of the Porterville Development Code; approve draft Ordinance amending Section 300.03 of the Porterville Development Code; approve draft Ordinance to repeal Ordinance 1563; approve the draft Ordinance amending Section 700.01 and 700.02 of the Porterville Development Code; and adopt draft Resolution approving the Engineering Standard Plans and Specifications.

SCHEDULED MATTERS

13. Consideration of a Joint Powers Agreement Between the City of Porterville and the Tule River Tribe for Development of Wastewater and Recycled Water System Facilities and Establishing the Porterville Recycled Water Authority

Re: Consideration of a Joint Powers Agreement between the City and the Tule River Tribe in the development of wastewater and recycled water facilities, and establishing the Porterville Recycled Water Authority.

14. Permanent Local Housing Allocation Funds

Re: Consideration of eligible activities for the use of Permanent Local Housing Allocation funds in the amount of \$342,754 for fiscal year 2019-2020.

15. 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 June 2, 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 – MAY 19, 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 April 2020 show that a total of 63 Notice of Violations were issued for water wasting, and 0 Administrative Citations were issued.

Water production for April 2020 shows a 12% decrease from the 5-year average. The production for the month of April 2020 was 200 million gallons, which when compared to the production for the month of April 2013 of 325 million gallons, equates to a 38.48% decrease. Residential consumption for April 2020 was 87.20 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 April 2020. Porterville's cumulative total production conservation through April 2020 is 22.00%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through April 2020. Porterville's cumulative total GPCD conservation through April 2020 is 26.5%.

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

Appropriated/Funded:

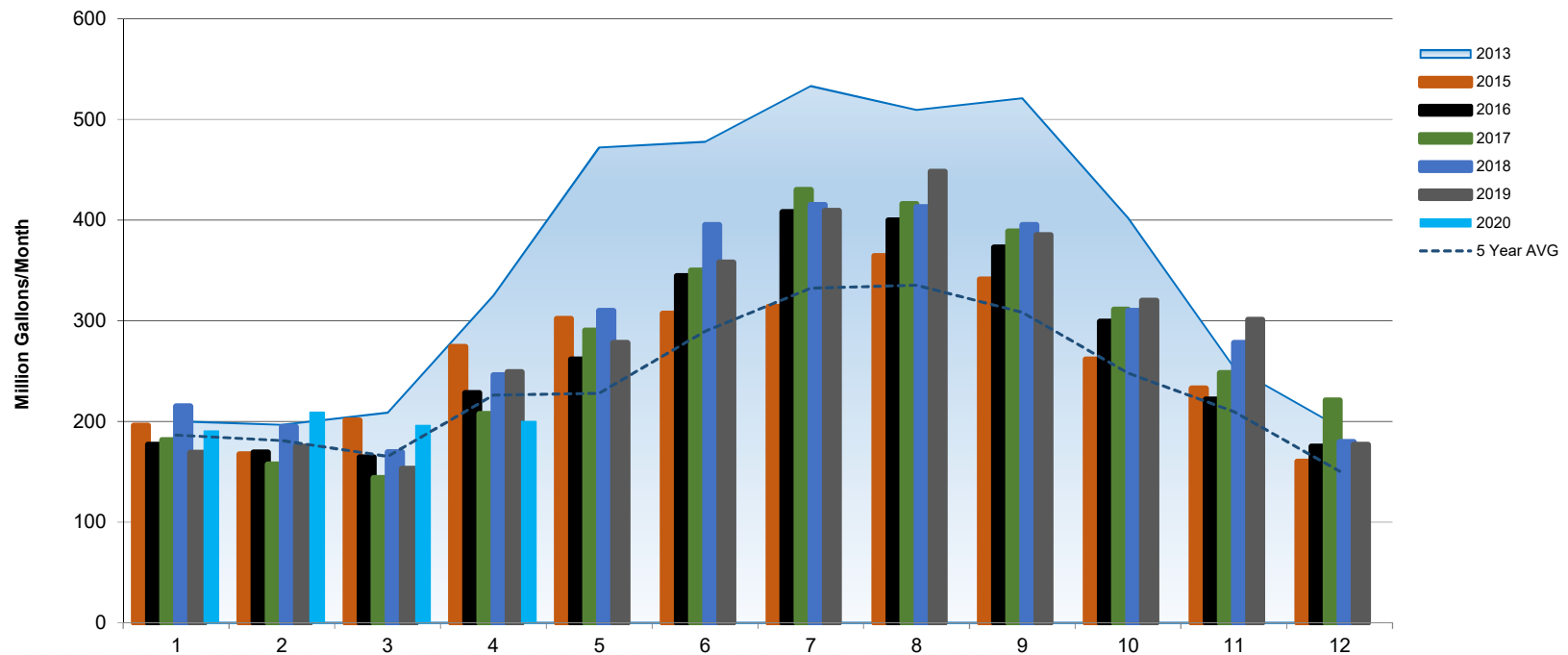
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

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

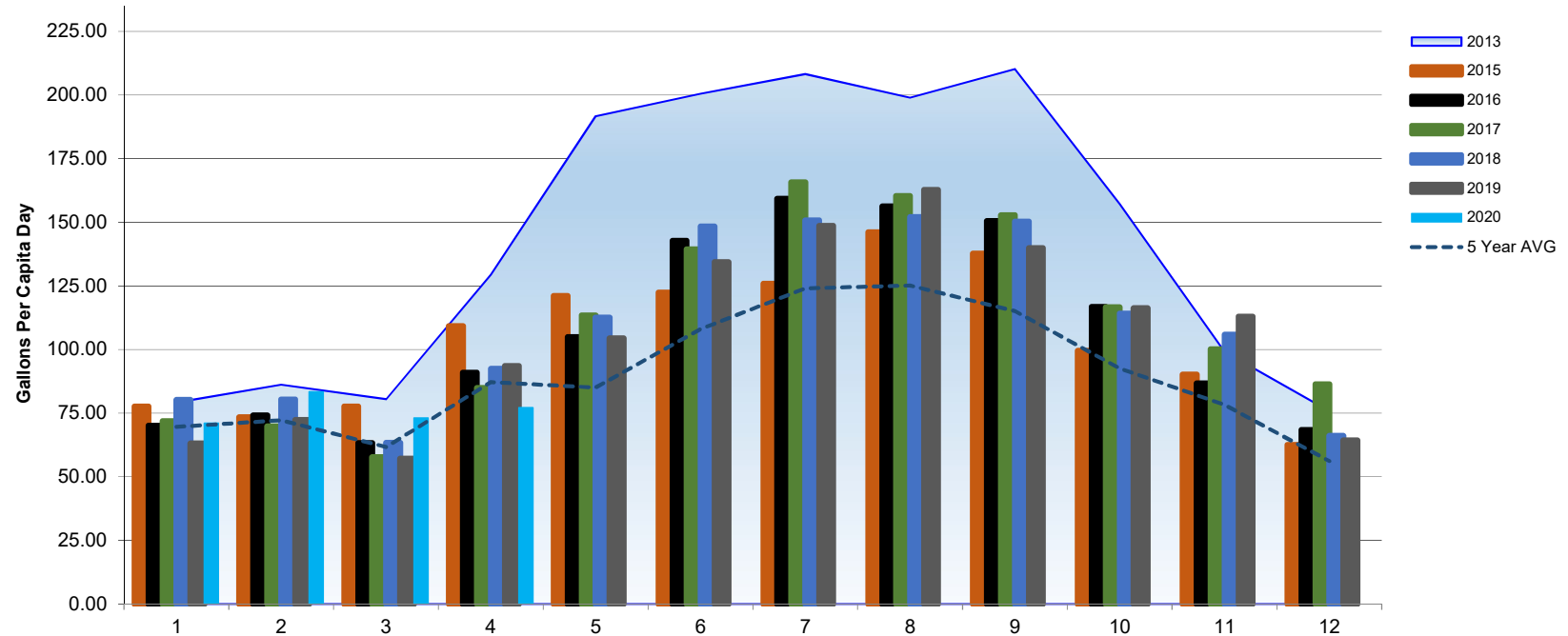


Production Cumulative Total 22.0%

	1	2	3	4	5	6	7	8	9	10	11	12
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%	-38%								

Percent Comparison to 2013 Production

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



GPCD

Cumulative Total 26.5%

	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%	-34%								

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 – MAY 19, 2020

SUBJECT: Authorization for Police Vehicle Repairs

SOURCE: Police

COMMENT: On April 12, 2020, two (2) Porterville Police Dodge Chargers (Unit #3334 and Unit #3385) were involved in a vehicle collision while responding to an emergency situation and pursuing a wanted felon. Both police vehicles sustained moderate damage.

Research was completed by Department staff and it was determined that it would be more fiscally prudent to repair the vehicles than to replace them. The damaged vehicles have low mileage and have several years remaining in their current replacement cycle. A replacement police vehicle would cost approximately \$50,000, while repairing the damaged to these vehicles would cost an estimated \$22,500. The repairs to the vehicles would allow for the vehicles to be returned to service for several more years.

Department staff has obtained three (3) quotes to repair the damaged to each vehicle:

2014 Dodge Charger/Unit #3334:
Milinich Body Works - \$6,500
Golden State Paint and Body- \$10,242.08
Porterville Collision Center- \$11,02.31

2019 Dodge Charger/ K9 Unit #3385:
Milinich Body Works - \$16,000
Porterville Collision Center- \$20,690.05
Golden State Paint and Body- \$25,074.02

Based on the quotes provided, the Department is requesting authorization to enter into an agreement with Milinich Body Works to repair the damage to both Police units for an estimated cost of approximately \$22,500.

Funds for these repairs are available in the current Police Department Vehicle Replacement budget.

RECOMMENDATION: That the City Council authorize repairs by Milinich Body Works to the 2014 Dodge Charger (Unit #3334) and 2019 Dodge

Charger (Unit #3385) for an estimated total cost of \$22,000.

ATTACHMENTS: 1. 3334 QUOTE
 2. 3385 QUOTE

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

Ann
Russell

MILINICH BODY WORKS
631 N SUNNYSIDE ST, milinich@sbcglobal.net,
PORTERVILLE, CA 93257
Phone: (559) 784-8827
FAX: (559) 784-2972

Workfile ID: e3901d3f
PartsShare: 5Phfqk
Federal ID: 90-0787680
State EPA: S412
BAR: ARD00279737

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Insured: PORTERVILLE, CITY OF
Type of Loss:
Point of Impact: 01 Right Front

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
PORTERVILLE, CITY OF

Inspection Location:
MILINICH BODY WORKS
631 N SUNNYSIDE ST
milinich@sbcglobal.net
PORTERVILLE, CA 93257
Repair Facility
(559) 784-8827 Business

Insurance Company:

VEHICLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

VIN: 2C3CDXAT1EH191048
License:
State: CA

Interior Color:
Exterior Color: BLACK AND WHITE
Production Date:

Mileage In:
Mileage Out:
Condition:
Vehicle Out:
Job #:

TRANSMISSION

Automatic Transmission

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Tinted Glass
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Message Center
Steering Wheel Touch Controls
Climate Control

RADIO

AM Radio
FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control
Power Trunk/Gate Release

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FENDER					
2	**	Repl A/M RT Fender	55113584AB	1	141.00	1.6	2.0
3		Add for Clear Coat		0	0.00	0.0	0.8
4		Add for Edging		0	0.00	0.0	0.5
5		Add for Clear Coat		0	0.00	0.0	0.1
6	**	Repl A/M RT Fender liner	68083028AH	1	63.00	Incl.	0.0
7		FRONT BUMPER					
8		O/H front bumper		0	0.00	2.7	0.0
9	**	Repl A/M KEYSIQ Bumper cover w/adaptive cruise	68092597AA	1	217.00	Incl.	3.2
10		Add for Clear Coat		0	0.00	0.0	1.3
11		Repl RT Bumper cover retainer	4878883AA	1	3.35	0.0	0.0
12		FRONT LAMPS					
13	*	Repl USED RT Headlamp assy w/o HID +25%	57010410AF	1	203.75	0.4	0.0
14		HOOD					
15	*	Rpr Hood (ALU)		0	0.00	0.5	0.0
16		FRONT DOOR					
17	*	Repl USED RT door assy +25%	68089370AD	1	593.75	2.1	3.1
18		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
19		Add for Clear Coat		0	0.00	0.0	0.5
20		Repl RT Door w/strip	68040044AJ	1	120.00	0.4	0.0
21		R&I RT Power mirror w/o heat, w/o memory, w/o blind spot blue		0	0.00	0.5	0.0
22		R&I RT Handle, outside black		0	0.00	0.4	0.0
23		R&I RT R&I trim panel		0	0.00	0.5	0.0
24		REAR DOOR					
25	*	Rpr RT Door shell (HSS)		0	0.00	3.5	2.0
26		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
27		Add for Clear Coat		0	0.00	0.0	0.3
28		R&I RT Belt w/strip		0	0.00	0.3	0.0
29		R&I RT Handle, outside black		0	0.00	0.4	0.0
30		R&I RT R&I trim panel		0	0.00	0.5	0.0
31		QUARTER PANEL					
32	*	Repl USED RT quarter panel	68096292AD	1	400.00	16.0	3.4
33		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
34		Add for Clear Coat		0	0.00	0.0	0.6
35	#	Repl TRIM USED QTR. PANEL TO FIT		1	0.00	2.0	0.0
36		REAR LAMPS					
37	*	Repl USED RT Tail lamp assy +25%	57010414AF	1	118.75	0.4	0.0
38		REAR BUMPER					
39		R&I R&I bumper cover		0	0.00	1.2	0.0
40		Repl RT Side support	57010288AD	1	17.85	0.1	0.0

4/13/2020 1:17:45 PM

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Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

41	*	Rpr	Bumper cover w/o rev sensor		0	0.00	1.5	3.2
42			Add for Clear Coat		0	0.00	0.0	1.3
43	#		DEDUCT FOR SPOT PAINT		1	0.00	0.0	-0.5
44	RECYCLED ASSEMBLIES							
45	#		FRONT WHEEL ALIGNMENT		1	65.00 X	0.0	0.0
open	*	Repl	USED RT R&R knee assy w/2 wheel drive one side	NONE	1	310.00 m	2.8	0.0
47	#		CORROSION PROTECTION		1	6.00	0.2	0.0
48	#		COVER CAR		1	10.00	0.2	0.0
49	#		HAZARDOUS WASTE REMOVAL		1	3.00 X	0.0	0.0
50	WHEELS							
51	**	Repl	RECOND RT/Front Wheel, steel w/police 18", RWD	4895425AE	1	148.00 m	0.3	0.0
52		Repl	RT/Front Hub cap	4895432AA	1	85.75	0.0	0.0
SUBTOTALS						2,506.20	38.5	20.6

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			2,438.20
Body Labor	38.5 hrs @	\$ 60.00 /hr	2,310.00
Paint Labor	20.6 hrs @	\$ 60.00 /hr	1,236.00
Paint Supplies	20.6 hrs @	\$ 33.00 /hr	679.80
Miscellaneous			68.00
Subtotal			6,732.00
Sales Tax	\$ 3,118.00 @	9.2500 %	288.42
Grand Total			7,020.42
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			7,020.42

\$6,500.00

THIS DAMAGE IS BASED ON OUR INSPECTION AND DOES NOT COVER ANY ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK IS OPENED UP. OCCASIONALLY AFTER THE WORK HAS STARTED, WORN OR DAMAGED PARTS ARE DISCOVERED WHICH ARE NOT EVIDENT ON FIRST INSPECTION.

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR3PB11, CCC Data Date 04/09/2020, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2020 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
2	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1241275V A/M RT Fender Quote: 553146727 Expires: 05/28/20	\$ 141.00
6	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1249154 A/M RT Fender liner Quote: 553147351 Expires: 05/28/20	\$ 63.00
9	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1000993 A/M KEYSIQ Bumper cover w/adaptive cruise	\$ 217.00
13	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~242095173 USED RT Headlamp assy w/o HID +25% Headlamp Assembly R, SE, (HALOGEN), R.,S#\$TL495 Quote: 553150478 Expires: 05/28/20	\$ 163.00
17	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~249676989 USED RT door assy +25% Door Assembly, Front R.,S#\$Y0557 Quote: 553153817 Expires: 05/28/20	\$ 475.00
32	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~242507166 USED RT quarter panel Quarter Panel Assembly CHARGER,4DR,W/SUN R, R.,S#YC1441 Quote: 553160942 Expires: 05/28/20	\$ 305.00
37	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~242507165 USED RT Tail lamp assy +25% Tail Lamp CHARGER,4DR R, QUARTER PANEL MOUNTED, R.,S#YC1441 Quote: 553165130 Expires: 05/28/20	\$ 95.00
51	Blackburn's Hubcap & Wheel 1001 Paster Court Macedonia OH 44056	#556837 RECOND RT/Front Wheel, steel w/police 18", RWD Quote: 624124313	\$ 148.00

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Page 5

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLACK AND WHITE

(800) 981-8321

Expires: 04/20/20

PORTERVILLE COLLISION CENTER

portervillecollision@ocsnet.net
721 N Sunnyside St, Porterville, CA 93257
Phone: (559) 782-5181
FAX: (559) 784-0488

Workfile ID: cdf1f350
PartsShare: 5PhvsC
State EPA: CAL00035406
BAR: ARD00262887

Preliminary Estimate

Customer: CITY OF PORTERVILLE

Written By: Juan Luis Caballero

Insured: CITY OF PORTERVILLE
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257
(559) 782-7597 Business

Inspection Location:
PORTERVILLE COLLISION CENTER
721 N Sunnyside St
Porterville, CA 93257
Repair Facility
(559) 782-5181 Business

Insurance Company:

VEHICLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

VIN: 2C3CDXAT1EH191048
License: 1427678
State: CA

Interior Color:
Exterior Color:
Production Date:

Mileage In: 53,225
Mileage Out:
Condition:

Vehicle Out:
Job #:

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Tinted Glass
Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Message Center

Steering Wheel Touch Controls

Climate Control

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control

Stability Control

Power Trunk/Gate Release

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H front bumper				2.7	
3	**	Repl Non OEM Bumper cover w/o adaptive cruise	68092596AA	1	230.00	Incl.	3.2
4		Add for Clear Coat					1.3
5		Repl RT Cover support	57010286AC	1	14.10	Incl.	
6		RADIATOR SUPPORT					
7	**	Repl Non OEM Radiator support	68142202AA	1	344.00	1.0	1.0
8		Evacuate & recharge			m	1.4	
9	*	Refrigerant recovery			m	0.0	
10		Aim headlamps				0.5	
11		FENDER					
12	*	Repl USED RT fender assy +25%	55113584AB	1	183.75	1.5	2.0
13		Add for Clear Coat					0.8
14		Refn edges					0.5
15	**	Repl Non OEM RT Fender liner	68083028AH	1	63.00	0.3	
16		WHEELS					
17	*	Repl USED RT/Front Wheel, steel w/police 18", RWD +25%	4895425AE	1	91.25	m	0.3
18		Repl RT/Front Hub cap	4895432AA	1	85.75		
19		FRONT SUSPENSION					
20		Repl RT Strut touring susp.	68072062AF	1	227.00	m	1.4
21		PILLARS, ROCKER & FLOOR					
22		Repl RT Rocker molding w/o SRT8	1LP86TZZAG	1	312.00	0.7	1.7
23		Overlap Major Non-Adj. Panel					-0.2
24		Add for Clear Coat					0.3
25		FRONT DOOR					
26	*	Repl USED RT door assy +25%	68089370AD	1	581.25	2.1	3.1
27		Overlap Major Adj. Panel					-0.4
28		Add for Clear Coat					0.5
29		RT Clean, lube & adjust window & latch				0.2	
30		Refn exterior surface					2.1
31		Refn handle					0.4
32		Repl RT Applique	57010426AE	1	93.10	0.2	
33		R&I RT Power mirror w/o heat, w/o memory, w/o blind spot blue				0.5	
34		R&I RT Handle, outside black				0.4	
35		R&I RT R&I trim panel				0.5	
36		R&I RT Frame trim standard audio				0.3	
37	*	R&I RT Window regulator				0.5	
38		R&I RT Door glass Dodge				0.6	
39		Repl RT Lower hinge	55113664AI	1	65.60	0.3	0.5

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

40		Overlap Minor Panel						-0.2
41		REAR DOOR						
42	*	Rpr RT Outer panel (HSS)				5.0		2.0
43		Overlap Major Adj. Panel						-0.4
44		Add for Clear Coat						0.3
45	R&I	RT Handle, outside black				0.4		
46	R&I	RT R&I trim panel				0.5		
47	R&I	RT Belt w'strip				0.3		
48		QUARTER PANEL						
49	*	Repl USED RT qtr & lwr rear +25%	68096292AD	1	331.25	21.0		4.6
50		Overlap Major Adj. Panel						-0.4
51	*	Add for Clear Coat						0.8
52		Deduct for Rear Bumper R&I				-1.2		
53		Refn inner pnl & edge						2.0
54		REAR BODY & FLOOR						
55	R&I	Floor cover				0.1		
56	R&I	RT Side trim				0.2		
57		REAR LAMPS						
58	*	Repl USED RT Tail lamp assy +25%	57010414AF	1	118.75	0.4		
59		O/H rear bumper				2.0		
60		Repl RT Side marker lamp	68039504AA	1	31.70	Incl.		
61		REAR BUMPER						
62	**	Repl Non OEM Bumper cover w/o rev sensor	68092608AB	1	283.00	Incl.		3.2
63		Add for Clear Coat						1.3
64		Repl RT Side support	57010288AD	1	17.85	Incl.		
65	#	Rpr cut and trim used quarter				4.0		
66	#	R&I R rear door decal				0.5		
67	#	Rpr R front hinge pillar				2.0		
68	#	Rpr pull right front hinge pillar				0.5		
69	#	Rpr Floor setup				1.0		
70	#	Subl Hazardous waste removal		1	6.00			
71	#	Repl Cover Car		1	18.00	T		
72	#	Color tint / color match		1	10.00	T	0.5	
73	#	Repl Flex additive		1	10.00	T		
74	#	Subl Four wheel alignment		1	99.94			
75	#	Repl Seam Sealer 1/2 tube		1	31.61	T	0.5	
76	#	Rpr Pre scan					0.5	M
77	#	Rpr Post scan					0.5	M
78	#	Subsequent Masking labor for priming		1				0.2
79	#	Repl firestone tire		1	226.95			
		Note: firestone firehawk gtz 225/60/18						
80	#	R&I Front bumper brush guard				1.0		
SUBTOTALS					3,475.85	55.1		30.2

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				3,406.24
Body Labor	54.1 hrs	@	\$ 69.00 /hr	3,732.90
Paint Labor	30.2 hrs	@	\$ 69.00 /hr	2,083.80
Mechanical Labor	1.0 hrs	@	\$ 85.00 /hr	85.00
Paint Supplies	30.2 hrs	@	\$ 39.50 /hr	1,192.90
Miscellaneous				69.61
Subtotal				10,570.45
Sales Tax	\$ 4,668.75	@	9.2500 %	431.86
Grand Total				11,002.31
Deductible				0.00
CUSTOMER PAY				0.00
INSURANCE PAY				11,002.31

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. CCC ONE: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

"CURE TIME" MEANS THE LENGTH OF TIME THAT, PER THE ADHESIVE MANUFACTURER, THE WINDSHIELD ADHESIVE NEEDS TO CURE UNTIL THE WINDSHIELD CAN PROPERLY FUNCTION AS A SAFETY DEVICE PURSUANT TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS AND THE VEHICLE MANUFACTURER'S SPECIFICATIONS.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

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Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
3	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1000992 Non OEM Bumper cover w/o adaptive cruise Quote: 553372885 Expires: 05/28/20	\$ 230.00
7	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1225235V Non OEM Radiator support Quote: 553371212 Expires: 05/28/20	\$ 344.00
12	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~241094657 USED RT fender assy +25% Fender R,S#\$C2126 Quote: 553370330 Expires: 05/28/20	\$ 147.00
15	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1249154 Non OEM RT Fender liner Quote: 553370723 Expires: 05/28/20	\$ 63.00
17	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~243055482 USED RT/Front Wheel, steel w/police 18", RWD +25% Wheel POLICE,4DR 18X7-1/2, STEEL, 5 SPOKE,S#\$K0368 Quote: 553374550 Expires: 05/28/20	\$ 73.00
26	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~233547052 USED RT door assy +25% Door Assembly, Front R,S#\$TK980 Quote: 553364227 Expires: 05/28/20	\$ 465.00
49	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~212400987 USED RT qtr & lwr rear +25% Quarter Panel Assembly WHT,4DR,W/OSUN,SXT R, R,S#\$YX551 Quote: 553357527 Expires: 05/28/20	\$ 265.00
58	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~236221643 USED RT Tail lamp assy +25% Tail Lamp QUARTER PANEL MOUNTED, R.,S#\$K0326 Quote: 553356766 Expires: 05/28/20	\$ 95.00

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline

62	Keystone-Complete-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1100962 Non OEM Bumper cover w/o rev sensor	\$ 283.00
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Golden State Paint and Body

Always Quality First
1915 W. Olive Avenue, Porterville, CA 93257
Phone: (559) 781-3604
FAX: (559) 781-5802

Workfile ID: d5a9a1b3
PartsShare: 5PHbSp
Federal ID: 77-057-5597
State EPA: CAL000205607
BAR: AH141571

Preliminary Estimate

Customer: City of Porterville

Written By: Hugo Sanchez

Insured: City of Porterville
Type of Loss:
Point of Impact: 01 Right Front

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:

City of Porterville
555 N Prospect
Porterville, CA 93257
(559) 782-7597 Cell

Inspection Location:

Golden State Paint and Body
1915 W. Olive Avenue
Porterville, CA 93257
Repair Facility
(559) 781-3604 Business

Insurance Company:

VEHICLE

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

VIN: 2C3CDXAT1EH191048
License: 1427678
State: CA

Interior Color:
Exterior Color: BLK/ White
Production Date: 11/2013

Mileage In: 53,225
Mileage Out:
Condition:

Vehicle Out:
Job #:

TRANSMISSION

Automatic Transmission

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Tinted Glass
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Message Center
Steering Wheel Touch Controls
Climate Control

RADIO

AM Radio
FM Radio

Stereo

Search/Seek
CD Player
Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device

SEATS

Cloth Seats

Bucket Seats
Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control
Power Trunk/Gate Release

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H bumper assy				2.7	
3	**	Repl RECOND Bumper cover w/o adaptive cruise	68092596AA	1	334.00	Incl.	3.2
4		Add for Clear Coat					1.3
5	#	R&I Push bar & lights				1.0	
6		R&I Lower grille w/o adaptive cruise				Incl.	
7		R&I License bracket				0.2	
8		Repl RT Cover support	57010286AC	1	14.10	Incl.	
9		GRILLE					
10		R&I Upper grille				Incl.	
11		FRONT LAMPS					
12		R&I RT R&I headlamp assy				0.3	
13		R&I RT Fog lamp bezel w/o SRT8				Incl.	
14		R&I LT Fog lamp bezel w/o SRT8				Incl.	
15		FENDER					
16	*	Repl LKQ RT fender assy +25%	55113584AB	1	181.25	1.5	2.0
17		Refn edges					0.5
18		Repl RT Fender liner	68083028AH	1	96.45	0.3	
19		R&I RT Insulator				0.1	
20		R&I RT Seal				0.1	
21		ELECTRICAL					
22		R&I TPMS sensor w/o display			m	0.2 M	
23		WHEELS					
24	*	Repl LKQ RT/Front Wheel, steel w/police 18", RWD +25%	4895425AE	1	85.00 m	0.3 M	
25		Repl RT/Front Hub cap	4895432AA	1	85.75		
26	#	Repl RT FT Tire Firehawk GTZ P225 60R18		1	125.00	Incl.	
27	#	Subl MOUNT & BALANCE		1	20.00 X		
28		WINDSHIELD					
29	**	Repl A/M Specialty tape W/shield molding	SEE FOOTNOTE	1	3.00	0.3	
30		ROOF					
31	*	Blnd RT Roof Rail			s		0.8
32		PILLARS, ROCKER & FLOOR					
33		Repl RT Rocker molding w/o SRT8	1LP86TZZAG	1	312.00	0.7	1.7
34		Overlap Major Non-Adj. Panel					-0.2
35		R&I LT Rocker molding w/o SRT8				0.7	
36		R&I RT Sill plate				0.1	
37		R&I RT Center plr trim				0.4	
38	*	Rpr Pull back Rear carpet				0.5	
39		FRONT DOOR					

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

40	*	Repl	LKQ RT door assy +25%	68089370AD	1	593.75	2.1	3.1
41			Overlap Major Adj. Panel					-0.4
42			RT Clean, lube & adjust window & latch				0.2	
43			Refn handle					0.4
44	*	R&I	RT Window regulator				0.4	
45		R&I	RT Belt w/strip				0.3	
46		R&I	RT Door w/strip				0.4	
47		R&I	RT Lower w/strip				0.2	
48		R&I	RT Front w/strip				0.2	
49		R&I	RT Surround w/strip				0.5	
50		R&I	RT Applique				0.2	
51		R&I	RT Frame molding				0.3	
52		R&I	RT Power mirror w/o heat, w/o memory, w/o blind spot blue				0.5	
53		R&I	RT Door glass Dodge				0.6	
54	*	R&I	RT Run channel				0.3	
55		R&I	RT Handle, outside black				0.4	
56		R&I	RT Mount plate				0.6	
57	*	R&I	RT Latch				0.1	
58		R&I	RT Frame trim standard audio				0.3	
59		R&I	RT R&I trim panel				0.5	
60	REAR DOOR							
61	*	Rpr	RT Door shell (HSS)				1.0	Incl.
62	*	Rpr	RT Outer panel (HSS)				8.0	2.0
63			Overlap Major Adj. Panel					-0.4
64			Add for Edging					0.5
65			Add for Clear Coat					0.1
66		R&I	RT Belt w/strip				0.3	
67		R&I	RT Handle, outside black				0.4	
68		R&I	RT Frame trim				0.3	
69		R&I	RT R&I trim panel				0.5	
70	BACK GLASS							
71		R&I	Back glass Dodge				2.8	
72	#		Urethane kit		1	20.00	Incl.	
73	QUARTER PANEL							
74	*	Sect	LKQ RT quarter panel +25%	68096292AD	1	356.25	16.0	3.4
75			Overlap Major Adj. Panel					-0.4
76			Refn inner pnl & edge					1.2
77			Clear Coat					2.5
78		R&I	RT Wheelhouse liner w/o SRT				0.4	
79		R&I	RT Qtr pillar trim black				0.3	
80		R&I	RT Lwr pillar trim black				0.3	
81		R&I	RT Upper qtr trim black				0.3	
82	REAR BODY & FLOOR							
83		Blnd	Rear body panel					0.8

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

84		R&I	Rear panel trim				0.2	
85		R&I	RT Side trim				0.2	
86			TRUNK LID					
87		R&I	R&I trunk lid				0.8	
88			REAR LAMPS					
89	*	Repl	LKQ RT Tail lamp assy +25%	57010414AF	1	118.75	0.4	
90			O/H rear bumper				2.0	
91		Repl	RT Side marker lamp	68039504AA	1	31.70	Incl.	
92		R&I	LT Side marker lamp				Incl.	
93		R&I	License lamp				Incl.	
94			REAR BUMPER					
95	**	Repl	RECOND Bumper cover w/o rev sensor	68092608AB	1	330.00	Incl.	3.2
96			Add for Clear Coat					1.3
97			Deduct for Rear Bumper R&I				-1.2	
98		Repl	RT Side support	57010288AD	1	17.85	Incl.	
99	#	R&I	License plate				0.2	
100			VEHICLE DIAGNOSTICS					
101	*	Repl	Post-repair scan		1	m	0.5	M
102			MISCELLANEOUS OPERATIONS					
103	#	Subl	4 WHEEL ALIGN		1	89.95 X		
104	#	Rpr	FRAME SET UP & MEASURE				2.0	F
105	#	Rpr	PULL & SQUARE FT AND REAR STRUCTURE				4.0	F
106	#	Rpr	PRE- PULL RT FT door and RT QRTR				2.0	F
107	#	Repl	CORROSION PROTECTION		1	10.00 T		
108	#	Repl	Flex additive		1	7.00 T		
109	#	Repl	SPRAY TEST PANEL / TINT COLOR		1	7.50 T	0.5	
110	#	Repl	SPRAY TEST PANEL / TINT 2nd COLOR		1	7.50 T	0.5	
111		Repl	Cover car/bag		1		0.2	
112	#	Rpr	DENIB/TEXTURE SAND & POLISH				2.0	
113	#	Subl	HAZARDOUS WASTE REMOVAL		1	5.00 X		
SUBTOTALS						2,851.80	62.4	26.6

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			2,704.85
Body Labor	53.4 hrs @	\$ 68.00 /hr	3,631.20
Paint Labor	26.6 hrs @	\$ 68.00 /hr	1,808.80
Mechanical Labor	1.0 hrs @	\$ 80.00 /hr	80.00
Frame Labor	8.0 hrs @	\$ 75.00 /hr	600.00
Paint	26.6 hrs @	\$ 35.00 /hr	931.00
Miscellaneous			146.95
Subtotal			9,902.80
Sales Tax	\$ 3,667.85 @	9.2500 %	339.28
Grand Total			10,242.08
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			10,242.08

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. CCC ONE: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

"CURE TIME" MEANS THE LENGTH OF TIME THAT, PER THE ADHESIVE MANUFACTURER, THE WINDSHIELD ADHESIVE NEEDS TO CURE UNTIL THE WINDSHIELD CAN PROPERLY FUNCTION AS A SAFETY DEVICE PURSUANT TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS AND THE VEHICLE MANUFACTURER'S SPECIFICATIONS.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR3PB11, CCC Data Date 04/16/2020, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2020 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Preliminary Estimate

Customer: City of Porterville

2014 DODG Charger Police RWD (Fleet) 4D SED 8-5.7L Gasoline BLK/ White

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
3	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1000992R RECOND Bumper cover w/o adaptive cruise	\$ 334.00
16	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~242095172 LKQ RT fender assy +25% Fender R.,S#\$TL495 Quote: 558992262 Expires: 06/07/20	\$ 145.00
24	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~243055482 LKQ RT/Front Wheel, steel w/police 18", RWD +25% Wheel POLICE,4DR 18X7-1/2, STEEL, 5 SPOKE,S#\$K0368 Quote: 558994177 Expires: 06/07/20	\$ 68.00
40	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~249676989 LKQ RT door assy +25% Door Assembly, Front R.,S#\$Y0557 Quote: 558998776 Expires: 06/07/20	\$ 475.00
74	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~219315940 LKQ RT quarter panel +25% Quarter Panel Assembly BLK,4DR,W/SUN,CHARGER R, R.,S#YC1374 Quote: 559007477 Expires: 06/07/20	\$ 285.00
89	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~242507165 LKQ RT Tail lamp assy +25% Tail Lamp CHARGER,4DR R, QUARTER PANEL MOUNTED, R.,S#YC1441 Quote: 559019792 Expires: 06/07/20	\$ 95.00
95	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1100962R RECOND Bumper cover w/o rev sensor	\$ 330.00

Ann Russell

MILINICH BODY WORKS

631 N SUNNYSIDE ST, milinich@sbcglobal.net,
PORTERVILLE, CA 93257
Phone: (559) 784-8827
FAX: (559) 784-2972

Workfile ID: afc1e5a9
PartsShare: 5Phvqw
Federal ID: 90-0787680
State EPA: S412
BAR: ARD00279737

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

Insured: PORTERVILLE, CITY OF

Policy #:

Claim #:

Type of Loss:

Date of Loss:

Days to Repair: 0

Point of Impact: 11 Left Front

Owner:

PORTERVILLE, CITY OF

Inspection Location:

MILINICH BODY WORKS

631 N SUNNYSIDE ST

milinich@sbcglobal.net

PORTERVILLE, CA 93257

Repair Facility

(559) 784-8827 Business

Insurance Company:

VEHICLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

VIN: 2C3CDXKT4KH733124

Interior Color:

Mileage In:

Vehicle Out:

License: 1582362

Exterior Color: BLACK

Mileage Out:

State: CA

Production Date:

Condition:

Job #:

TRANSMISSION

Automatic Transmission

4 Wheel Drive

POWER

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Power Driver Seat

DECOR

Dual Mirrors

Tinted Glass

Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Message Center

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Backup Camera

Parking Sensors

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control

Stability Control

California Emissions

Power Trunk/Gate Release

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FENDER					
2	**	Repl A/M LT Fender	68213061AC	1	222.00	1.6	2.0
3		Add for Clear Coat		0	0.00	0.0	0.8
4		Add for Edging		0	0.00	0.0	0.5
5		Add for Clear Coat		0	0.00	0.0	0.1
6	**	Repl A/M CAPA LT Fender liner 3.6L, 5.7L	68205937AG	1	94.00	Incl.	0.0
7		FRONT BUMPER					
8		O/H front bumper		0	0.00	3.4	0.0
9	**	Repl A/M CAPA Bumper cover	68267765AC	1	538.00	Incl.	3.4
10		Add for Clear Coat		0	0.00	0.0	1.4
11	**	Repl A/M KEYSIQ LT Support inner	68226533AA	1	23.00	Incl.	0.0
12	**	Repl A/M KEYSIQ LT Support outer	68213538AC	1	6.00	Incl.	0.0
13	**	Repl A/M KEYSIQ LT Bumper bracket	68226545AB	1	24.00	0.1	0.0
14		FRONT LAMPS					
15		Repl LT Headlamp assy w/o HID	68410313AC	1	859.00	0.4	0.0
16	**	Repl A/M CAPA LT Side marker lamp	68214405AA	1	29.00	Incl.	0.0
17		RADIATOR SUPPORT					
18	**	Repl A/M CAPA Radiator support	68200478AC	1	229.00	1.0	1.0
19	**	Repl A/M KEYSIQ Front shield w/o severe duty cooling 3.6, 5.7 liter	68214511AC	1	227.00	Incl.	0.0
20		HOOD					
21	*	Repl USED hood +25%	68265445AB	1	975.00	0.6	3.0
22		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
23		Add for Clear Coat		0	0.00	0.0	0.5
24	*	Repl USED RT Hinge +25%	55113550AG	1	50.00	0.3	0.5
25		Overlap Minor Panel		0	0.00	0.0	-0.2
26	**	Repl A/M LT Hinge	55113551AG	1	62.00	0.3	0.5
27		Overlap Minor Panel		0	0.00	0.0	-0.2
28		WHEELS					
29		Repl LT/Front Wheel, steel w/police 18", AWD	68206561AA	1	195.00 m	0.3	0.0
30	#	Repl LT REAR DOOR SHELL		1	800.00	2.5	3.0
31		REAR DOOR					
32		Repl LT Door w/strip	68040047AM	1	123.00	0.4	0.0
33		Repl LT Lower w/strip	68040043AB	1	12.25	0.2	0.0
34		R&I LT Handle, outside black		0	0.00	0.4	0.0
35		R&I LT R&I trim panel		0	0.00	0.5	0.0
36		QUARTER PANEL					
37		Repl LT Quarter panel	68265443AF	1	875.00	18.0	3.4
38		Overlap Major Non-Adj. Panel		0	0.00	0.0	-0.2
39		Add for Clear Coat		0	0.00	0.0	0.6
40		RESTRAINT SYSTEMS					

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

41	Repl	RT Ft impact sensor	56054085AA	1	130.00 m	0.3	0.0
42	Repl	LT Ft impact sensor	56054085AA	1	130.00 m	0.3	0.0
43	Repl	LT Side impact sens B-pillar	56054085AA	1	130.00 m	0.2	0.0
44	Repl	LT Side impact sens C-pillar	56054085AA	1	130.00 m	0.2	0.0
45	Repl	Control module w/police	68371749AA	1	297.00 m	0.6	0.0
46	Repl	LT Retractor assy black	1HZ05DX9AI	1	252.00	0.7	0.0
47	Repl	LT Buckle end black	6MS011X9AA	1	170.00	0.2	0.0
48	STEERING COLUMN						
49	Repl	Module steering column w/o power tilt w/o heated steering whl	6NE92DX9AC	1	374.00 m	0.7	0.0
50	INSTRUMENT PANEL						
51	Repl	Instrument panel w/o column shift	6DE36DX9AC	1	2,170.00	6.8	0.0
52	#	Subl REPLACE FRONT GLASS		1	400.00 X	0.0	0.0
53	#	COVER CAR		1	5.00 X	0.3	0.0
54	ROOF						
55	R&I	R&I headliner		0	0.00	3.4	0.0
56	VEHICLE DIAGNOSTICS						
57	*	Repl Post-repair scan		1	125.00 m	0.0	0.0
58		Repl Pre-repair scan		1	0.00 m	0.0	0.0
59	#	HAZARDOUS WASTE REMOVAL		1	3.00 X	0.0	0.0
60	#	FRONT WHEEL ALIGNMENT		1	65.00 X	0.0	0.0
61	#	Repl RECYCLED PASSANGER AIR BAG		1	450.00	0.5	0.0
62	#	Repl RECYCLED DRIVERS AIR BAG		1	500.00	0.4	0.0
63	#	Repl LEFT SIDE CURTAIN AIR BAG		1	100.00	0.8	0.0
SUBTOTALS					10,774.25	45.4	19.7

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			10,301.25
Body Labor	45.4 hrs @	\$ 60.00 /hr	2,724.00
Paint Labor	19.7 hrs @	\$ 60.00 /hr	1,182.00
Paint Supplies	19.7 hrs @	\$ 33.00 /hr	650.10
Miscellaneous			473.00
Subtotal			15,330.35
Sales Tax	\$ 10,951.35 @	9.2500 %	1,013.00
Grand Total			16,343.35
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			16,343.35

\$16,000.00

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

THIS DAMAGE IS BASED ON OUR INSPECTION AND DOES NOT COVER ANY ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK IS OPENED UP. OCCASIONALLY AFTER THE WORK HAS STARTED, WORN OR DAMAGED PARTS ARE DISCOVERED WHICH ARE NOT EVIDENT ON FIRST INSPECTION.

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR3PB11, CCC Data Date 04/09/2020, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

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m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

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D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

Job Number:

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

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PARTS SUPPLIER LIST

Line	Supplier	Description	Price
2	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1240282 A/M LT Fender Quote: 553216648 Expires: 05/28/20	\$ 222.00
6	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1248171C A/M CAPA LT Fender liner 3.6L, 5.7L Quote: 553217371 Expires: 05/28/20	\$ 94.00
9	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1000A24C A/M CAPA Bumper cover Quote: 553220334 Expires: 05/28/20	\$ 538.00
11	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1042111 A/M KEYSIQ LT Support inner	\$ 23.00
12	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1042118 A/M KEYSIQ LT Support outer	\$ 6.00
13	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1042112 A/M KEYSIQ LT Bumper bracket	\$ 24.00
16	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH2550133C A/M CAPA LT Side marker lamp Quote: 553224513 Expires: 05/28/20	\$ 29.00
18	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1225280C A/M CAPA Radiator support Quote: 553224901 Expires: 05/28/20	\$ 229.00
19	Keystone-Insurance-B-Fresno	#CH1228128	\$ 227.00

Preliminary Estimate

Customer: PORTERVILLE, CITY OF

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2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLACK

3131S NORTH POINT DRIVE STE103
FRESNO CA 93725
(800) 339-5033
(559) 271-6750

A/M KEYSIQ Front shield w/o severe duty cooling 3.6, 5.7 liter

21	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~244553730 USED hood +25% Hood W/O HOOD SCOOP,S#\$R9716 Quote: 553226369 Expires: 05/28/20	\$ 780.00
24	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~229087293 USED RT Hinge +25% Hood Hinge SE,4DR R, R.,S#\$C1950 Quote: 553227832 Expires: 05/28/20	\$ 40.00
26	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1236118 A/M LT Hinge Quote: 553228003 Expires: 05/28/20	\$ 62.00

PORTERVILLE COLLISION CENTER

portervillecollision@ocsnet.net
721 N Sunnyside St, Porterville, CA 93257
Phone: (559) 782-5181
FAX: (559) 784-0488

Workfile ID: a21fb481
PartsShare: 5PhxgM
State EPA: CAL00035406
BAR: ARD00262887

Preliminary Estimate

Customer: CITY OF PORTERVILLE

Written By: Juan Luis Caballero

Insured: CITY OF PORTERVILLE
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257
(559) 782-7597 Business

Inspection Location:
PORTERVILLE COLLISION CENTER
721 N Sunnyside St
Porterville, CA 93257
Repair Facility
(559) 782-5181 Business

Insurance Company:

VEHICLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

VIN: 2C3CDXKT4KH733124
License: 1582362
State: CA

Interior Color:
Exterior Color:
Production Date: 10/2019

Mileage In: 4,659
Mileage Out:
Condition:

Vehicle Out:
Job #:

TRANSMISSION

4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Tinted Glass
Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Message Center

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Backup Camera

Parking Sensors

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control

Stability Control

California Emissions

Power Trunk/Gate Release

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

Line		Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	Subl	good year tire		1	226.95 X		
			Note: carrolls tire wearhouse eagle rs-a 225/60/18					
2	FRONT BUMPER							
3			O/H bumper assy				3.4	
4	**	Repl	Non OEM Bumper cover	6826776SAC	1	486.00	Incl.	3.4
5			Add for Clear Coat					1.4
6		Repl	Closure panel	68226530AF	1	160.00	Incl.	
7		Repl	LT Support inner	68226533AA	1	27.75	Incl.	
8		Repl	LT Bumper bracket	68226545AB	1	27.95	0.1	
9		Repl	LT Support outer	68213538AC	1	7.25	Incl.	
10	**	Repl	Non OEM Lower grille w/o adaptive cruise	68214782AB	1	53.00	Incl.	
11	GRILLE							
12	**	Repl	Non OEM Upper grille black crossbars	5PP33DX8AB	1	270.00	Incl.	
13	FRONT LAMPS							
14		Repl	LT Headlamp assy w/o HID	68410313AC	1	859.00	0.4	
15	**	Repl	Non OEM NSF LT Side marker lamp	68214405AA	1	25.00	Incl.	
16	RADIATOR SUPPORT							
17		Repl	Crossmember	5065240AH	1	259.00	0.5	0.8
18	**	Repl	Non OEM Radiator support	68200478AC	1	229.00	1.0	1.0
19			Overlap Minor Panel					-0.2
20			Refrigerant recovery			m	0.4	
21			Aim headlamps				0.5	
22		R&I	Front shield w/o severe duty cooling 3.6, 5.7 liter				Incl.	
23		Repl	LT Air guide 3.6L, 5.7L	68212037AB	1	22.00	0.1	
24	AIR CONDITIONER & HEATER							
25	**	Repl	Non OEM Condenser assy	68085784AA	1	221.00 m	1.5	
26			AC Service evacuate & recharge			m	1.4	
27	HOOD							
28	*	Repl	USED hood +25%	68265445AB	1	975.00	0.6	3.0
29			Add for Clear Coat					1.2
30			Refn hinge					0.3
31			Refn underside					1.5
32	FENDER							
33	**	Repl	Non OEM LT Fender	68213061AC	1	222.00	1.6	2.0
34			Overlap Major Adj. Panel					-0.4
35			Add for Clear Coat					0.3
36			Add for Edging					0.5
37			Add for Clear Coat					0.1
38	**	Repl	Non OEM LT Fender liner 3.6L,	68205937AG	1	97.00	Incl.	

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

		5.7L						
39	**	Repl	Non OEM RT Fender	68213060AC	1	222.00	1.6	2.0
40			Overlap Major Adj. Panel					-0.4
41			Add for Clear Coat					0.3
42			Add for Edging					0.5
43			Add for Clear Coat					0.1
44	WHEELS							
45		Repl	LT/Front Wheel, steel w/police 18", AWD	68206561AA	1	195.00 m	0.3	
46	FRONT SUSPENSION							
47		Repl	LT Lower cntrl arm w/o heavy duty	5168283AB	1	512.00 m	1.4	
48		Repl	LT Strut touring susp.	68072068AG	1	185.00 m	1.4	
49			Deduct for Overlap					-0.3
50	INSTRUMENT PANEL							
51		Repl	Instrument panel w/column shift mini console	6ED44DX9AC	1	1,055.00	6.8	
52	RESTRAINT SYSTEMS							
53		Repl	Driver air bag w/SRT logo	6RS501VXAA	1	917.00 m	0.4	
54			Air bag system diagnosis			m	0.5	
55		Repl	Control module w/police	68371749AA	1	297.00 m	0.6	
open		Repl	Psngr air bag	68335088AA	1	667.00 m	0.5	
57		Repl	Knee air bag	5057792AH	1	334.00 m	0.6	
58		Repl	LT Head air bag	68222743AF	1	277.00 m	0.8	
59		Repl	LT Ft impact sensor	56054085AA	1	130.00 m	0.3	
60		Repl	RT Retractor assy black	1HZ06DX9AI	1	259.00	0.7	
61		Repl	LT Retractor assy black	1HZ05DX9AI	1	252.00	0.7	
62		Repl	RT Buckle end black	6MS001X9AA	1	180.00	0.2	
63		Repl	LT Buckle end black	6MS011X9AA	1	170.00	0.2	
64	FRONT DOOR							
65	*	Rpr	LT Door shell (HSS)				5.0	2.1
66			Overlap Major Adj. Panel					-0.4
67			Add for Clear Coat					0.3
68		R&I	LT Power mirror w/o heat, w/o memory, w/o blind spot blue				0.5	
69		R&I	LT R&I trim panel				0.5	
70		R&I	LT Handle, outside black				0.4	
71		R&I	LT Belt w'strip				0.3	
72	REAR DOOR							
73		Repl	LT Outer panel (HSS)	55113521AE	1	459.00	6.4	2.0
74			Overlap Major Adj. Panel					-0.4
75			Add for Clear Coat					0.3
76			Add for Edging					0.5
77			Add for Clear Coat					0.1
78			Add for Inside					0.5
79			Add for Clear Coat					0.1

Preliminary Estimate

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2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

80	BACK GLASS				
81	*	Subl	Back glass Dodge +25%	1	137.50 X
82	QUARTER PANEL				
83	#	Subl	Hazardous waste removal	1	6.00
84		Repl	LT Quarter panel	1	675.00
			68265443AF		18.0
85			Overlap Major Adj. Panel		-0.4
86	*		Add for Clear Coat		0.6
87	REAR LAMPS				
88		R&I	LT Tail lamp assy		Incl.
89	REAR BUMPER				
90		R&I	R&I bumper cover		Incl.
91	#	Rpr	Remove L F door decals		1.0
92	#	Repl	setina front bumper bodyguard +25%	1	573.75
93	#	Repl	Cover Car	1	18.00 T
94	#		Color tint / color match	1	10.00 T
95	#	Repl	Flex additive	1	10.00 T
96	#	Subl	Four wheel alignment	1	99.94
97	#	Subl	Tire mount & wheel balance	1	19.60
98	#	Rpr	Pre scan		0.5 M
99	#	Rpr	Post scan		0.5 M
100	#	Subl	windshield	1	375.00 X
			Note: chads auto glass		
SUBTOTALS				12,403.69	61.8 26.1

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				11,763.74
Body Labor	60.8 hrs	@	\$ 69.00 /hr	4,195.20
Paint Labor	26.1 hrs	@	\$ 69.00 /hr	1,800.90
Mechanical Labor	1.0 hrs	@	\$ 85.00 /hr	85.00
Paint Supplies	26.1 hrs	@	\$ 39.50 /hr	1,030.95
Miscellaneous				639.95
Subtotal				19,515.74
Sales Tax	\$ 12,695.19	@	9.2500 %	1,174.31
Grand Total				20,690.05
Deductible				0.00
CUSTOMER PAY				0.00
INSURANCE PAY				20,690.05

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. CCC ONE: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

"CURE TIME" MEANS THE LENGTH OF TIME THAT, PER THE ADHESIVE MANUFACTURER, THE WINDSHIELD ADHESIVE NEEDS TO CURE UNTIL THE WINDSHIELD CAN PROPERLY FUNCTION AS A SAFETY DEVICE PURSUANT TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS AND THE VEHICLE MANUFACTURER'S SPECIFICATIONS.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

Preliminary Estimate

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2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

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Preliminary Estimate

Customer: CITY OF PORTERVILLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
4	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1000A24 Non OEM Bumper cover Quote: 553447503 Expires: 05/28/20	\$ 486.00
10	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1036140 Non OEM Lower grille w/o adaptive cruise Quote: 553447547 Expires: 05/28/20	\$ 53.00
12	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1200388 Non OEM Upper grille black crossbars Quote: 553447274 Expires: 05/28/20	\$ 270.00
15	Keystone-Complete-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH2550133N Non OEM NSF LT Side marker lamp	\$ 25.00
18	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1225280 Non OEM Radiator support Quote: 553448347 Expires: 05/28/20	\$ 229.00
25	1-800-Radiator 1036 N. MARCIN STREET VISALIA CA 93291 (559) 734-4004	#303659AD Non OEM Condenser assy Quote: 20751103 Expires: 04/27/20	\$ 221.00
28	LKQ Corp 4646 S. Chestnut #105 Fresno CA 93725 (559) 268-5500	#~244553730 USED hood +25% Hood W/O HOOD SCOOP,S#\$R9716 Quote: 553446388 Expires: 05/28/20	\$ 780.00
33	Keystone 3131 SOUTH NORTH POINT DRIVE, #103 FRESNO CA 93725 (559) 268-8146	#CH1240282 Non OEM LT Fender Quote: 553446161 Expires: 05/28/20	\$ 222.00
38	Keystone-Complete-B-Fresno 3131S NORTH POINT DRIVE STE103	#CH1248171 Non OEM LT Fender liner 3.6L, 5.7L	\$ 97.00

Preliminary Estimate

Customer: CITY OF PORTERVILLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI

FRESNO CA 93725

(800) 339-5033

(559) 271-6750

39	Keystone	#CH1241282	\$ 222.00
	3131 SOUTH NORTH POINT DRIVE, #103	Non OEM RT Fender	
	FRESNO CA 93725	Quote: 553447851	
	(559) 268-8146	Expires: 05/28/20	



Golden State Paint and Body

Always Quality First
1915 W. Olive Avenue, Porterville, CA 93257
Phone: (559) 781-3604
FAX: (559) 781-5802

Workfile ID: fae91543
PartsShare: 5PHy5H
Federal ID: 77-057-5597
State EPA: CAL000205607
BAR: AH141571

Preliminary Estimate

Customer: City of Porterville

Written By: Hugo Sanchez

Insured: City of Porterville
Type of Loss:
Point of Impact: 12 Front

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:

City of Porterville
555 N Prospect
Porterville, CA 93257
(559) 782-7597 Cell

Inspection Location:

Golden State Paint and Body
1915 W. Olive Avenue
Porterville, CA 93257
Repair Facility
(559) 781-3604 Business

Insurance Company:

VEHICLE

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

VIN: 2C3CDXKT4KH733124
License: 1582362
State: CA

Interior Color:
Exterior Color: BLK
Production Date: 10/2019

Mileage In: 4,659
Mileage Out:
Condition:

Vehicle Out:
Job #:

TRANSMISSION

Automatic Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Tinted Glass
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Message Center
Steering Wheel Touch Controls
Telescopic Wheel
Climate Control
Backup Camera
Parking Sensors

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags
Hands Free Device

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control
California Emissions
Power Trunk/Gate Release

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H front bumper				3.5	
3	**	Repl RECOND Bumper cover	5PP39TZAE	1	596.00	Incl.	3.2
4		Add for Clear Coat					1.3
5		Repl Cover support	68226530AF	1	160.00	Incl.	
6		Repl LT Support inner	68226533AA	1	27.75	Incl.	
7		Repl LT Support outer	68213538AC	1	7.25	Incl.	
8		Repl LT Bumper bracket	68226545AB	1	27.95	0.1	
9		Repl Lower support	68225538AA	1	141.00	Incl.	
10		Repl Filler panel	68225517AA	1	68.25	Incl.	
11		R&I License bracket type 1				0.1	
12	#	Repl A/M Push bar		1	<u>Incl.</u>	2.5	
		Note: customer will provide push bar					
13		GRILLE					
14		Repl Upper grille black crossbars	5PP33DX8AB	1	334.00	Incl.	
15		FRONT LAMPS					
16	*	R&I RT Headlamp assy w/o HID				<u>0.4</u>	
17		Repl LT Headlamp assy w/o HID	68410313AC	1	859.00	0.4	
18	*	R&I RT Lamp cover				<u>0.1</u>	
19		R&I RT Side marker lamp				Incl.	
20	*	R&I LT Lamp cover				<u>0.1</u>	
21		Repl LT Side marker lamp	68214405AA	1	35.45	Incl.	
22	#	Repl LT Side marker pig tail		1	125.00	<u>Incl.</u>	
23		Repl Aim headlamps		1		0.5	
24		RADIATOR SUPPORT					
25		Repl Front shield w/o severe duty cooling 3.6, 5.7 liter	68214511AC	1	267.00	Incl.	
26		HOOD					
27		Repl Hood (ALU)	68265445AB	1	1,065.00	1.5	3.0
28		Add for Underside(Complete)					1.5
29		Add for Clear Coat					0.3
30		R&I Insulator				Incl.	
31		R&I RT Hinge				0.3	
32		R&I LT Hinge				0.3	
33		R&I RT Lift cylinder				0.2	
34		R&I LT Lift cylinder				0.2	
35	*	R&I Front w/strip				<u>Incl.</u>	
36		FENDER					
37		Repl RT Fender	68213060AC	1	300.00	1.6	2.0
38		Overlap Major Adj. Panel					-0.4
39		Add for Edging					0.5
40		Add for Clear Coat					0.1
41		Repl LT Fender	68213061AC	1	300.00	1.6	2.0

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

42		Overlap Major Adj. Panel					-0.4
43		Add for Edging					0.5
44		Add for Clear Coat					0.1
45	R&I	RT Insulator				Incl.	
46	R&I	LT Insulator				Incl.	
47	R&I	RT Seal				Incl.	
48	R&I	LT Seal				Incl.	
49	R&I	RT Fender liner 3.6L, 5.7L				Incl.	
50	Repl	LT Fender liner 3.6L, 5.7L	68205937AG	1	117.00	Incl.	
51	WHEELS						
52	Repl	LT/Front Wheel, steel w/police 18", AWD	68206561AA	1	195.00 m	0.3 M	
53	*	Repl	LT/Front Hub cap	4895432AA	1	85.75	<u>Incl.</u>
54	#	Subl	MOUNT & BALANCE	1	20.00 X		
55	STEERING COLUMN						
56		O/H strg column			m	3.4 M	
57	Repl	Steering column w/o power adjust w/AWD	68140568AH	1	m	Incl. M	
58	Repl	Lower coupling w/o AWD w/o 6.2L or 6.4L	55057340AA	1	197.00		
59	STEERING WHEEL						
60	Repl	Steering wheel w/leather, w/o shifter controls w/o heated	6AD821X9AA	1	357.00 m	Incl. M	
61	WINDSHIELD						
62	Repl	Windshield NAGS w/o rain sensor, w/o humidity sensor	DW02175GTY	1	486.95	3.5	
63	#	Repl	Urethane Kit	1	20.00	<u>Incl.</u>	
64	R&I	Mirror inside w/auto dim w/o UConnect				Incl.	
65	INSTRUMENT PANEL						
66	Repl	Instrument panel w/o column shift	6DE36DX9AC	1	2,170.00	6.8	
67	Repl	Knee bolster w/police	1SW62DX9AF	1	135.00	Incl.	
68	CONSOLE						
69	R&I	R&I console assy				1.0	
70	RESTRAINT SYSTEMS						
71	Repl	Psngr air bag	68335088AA	1	667.00 m	0.5 M	
72		Air bag system diagnosis			m	0.5 M	
73	Repl	Driver air bag w/o SRT logo	1ZZ44DX9AH	1	917.00 m	Incl. M	
74	Repl	Knee air bag	5057792AH	1	334.00 m	0.6 M	
75	Repl	LT Head air bag	68222743AF	1	277.00 m	0.8 M	
76	Repl	RT Ft impact sensor	56054085AA	1	130.00 m	0.3 M	
77	Repl	LT Ft impact sensor	56054085AA	1	130.00 m	0.3 M	
78	Repl	Clockspring	SEE FOOTNOTE	1			
79	Repl	LT Retractor assy black	1HZ05DX9AI	1	252.00	0.7	
80	Repl	LT Buckle end black	6MS011X9AA	1	170.00	0.2	
81	ROOF						

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

82		Repl	Headliner w/o sunroof w/o options	6RG17DX9AC	1	1,135.00	3.9	
83	*	Blnd	LT Roof Rail					<u>0.8</u>
84			PILLARS, ROCKER & FLOOR					
85		R&I	RT Rocker molding				Incl.	
86		Repl	LT Rocker molding w/o SRT8	1LP87TZZAG	1	365.00	Incl.	1.7
87			Overlap Major Non-Adj. Panel					-0.2
88			FRONT DOOR					
89		R&I	LT R&I door assy				Incl.	
90		Repl	LT Outer panel (HSS)	68210671AA	1	375.00	7.0	2.1
91			Overlap Major Adj. Panel					-0.4
92			Add for Edging					0.5
93			Add for Clear Coat					0.1
94		R&I	LT Belt w'strip				Incl.	
95		R&I	LT Door w'strip				Incl.	
96		R&I	LT Lower w'strip				Incl.	
97		R&I	LT Front w'strip				Incl.	
98		R&I	LT Applique				Incl.	
99		R&I	LT Frame molding				0.3	
100		R&I	LT Power mirror w/o heat, w/o memory, w/o blind spot blue				Incl.	
101		R&I	LT Door glass Dodge				0.6	
102	*	R&I	LT Run channel				<u>0.3</u>	
103		R&I	LT Handle, outside black				Incl.	
104		R&I	LT Handle, outside bracket				Incl.	
105	*	R&I	LT Latch				<u>Incl.</u>	
106		R&I	LT Mount plate				0.6	
107		R&I	LT Frame trim standard audio				0.3	
108		R&I	LT R&I trim panel				Incl.	
109			REAR DOOR					
110		Repl	LT Door shell (HSS)	68089373AE	1	1,040.00	5.7	3.0
111			Overlap Major Adj. Panel					-0.4
112		R&I	LT Belt w'strip				Incl.	
113		R&I	LT Door w'strip				Incl.	
114		R&I	LT Lower w'strip				Incl.	
115		R&I	LT Rear w'strip				Incl.	
116		R&I	LT Applique				Incl.	
117		R&I	LT Frame molding				Incl.	
118		R&I	LT Moveable glass Dodge				Incl.	
119	*	R&I	LT Fixed glass Dodge				<u>Incl.</u>	
120		R&I	LT Run channel				Incl.	
121	*	R&I	LT Window regulator				<u>Incl.</u>	
122		R&I	LT Handle, outside black				Incl.	
123	*	R&I	LT Latch				<u>Incl.</u>	
124		R&I	LT Mount plate				0.6	
125		R&I	LT Frame trim				0.3	

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

126		R&I	LT R&I trim panel				Incl.	
127	BACK GLASS							
128		R&I	Back glass Dodge				Incl.	
129	#	Repl	Urethane Kit		1	20.00	Incl.	
130	QUARTER PANEL							
131		Repl	LT Quarter panel	68265443AF	1	875.00	18.0	3.4
132			Overlap Major Adj. Panel					-0.4
133			Clear Coat					2.5
134		R&I	LT Wheelhouse liner w/o vented bumper				Incl.	
135		R&I	Fuel door				0.3	
136		Blnd	Fuel door					0.2
137		R&I	LT Pressure vent				0.2	
138	*	R&I	Fuel pocket				0.3	
139		Blnd	LT Inner wheelhouse			s		0.4
140		Blnd	LT Inner panel (HSS)			s		0.8
141		Blnd	LT Trough					0.3
142		R&I	LT Qtr pillar trim black				Incl.	
143		R&I	LT Lwr pillar trim black				Incl.	
144		R&I	LT Upper qtr trim black				Incl.	
145	REAR BODY & FLOOR							
146		Blnd	Rear body panel					0.8
147		Blnd	LT Tail lamp pocket					0.3
148	TRUNK LID							
149		R&I	R&I trunk lid				0.8	
150	REAR LAMPS							
151		Repl	LT Tail lamp assy	68213145AD	1	429.00	Incl.	
152		R&I	RT Side marker lamp				0.2	
153		R&I	LT Side marker lamp				0.2	
154	REAR BUMPER							
155		R&I	R&I bumper cover				Incl.	
156	VEHICLE DIAGNOSTICS							
157	*	Repl	Post-repair scan		1	m	0.5	M
158	MISCELLANEOUS OPERATIONS							
159	#	Subl	4 WHEEL ALIGN		1	89.95	X	
160	#	Repl	Flex additive		1	7.00	T	
161	#	Repl	CORROSION PROTECTION		1	10.00	T	
162	#	Repl	SPRAY TEST PANEL / TINT COLOR		1	7.50	T	0.5
163		Repl	Cover car/bag		1		0.2	
164	#	Rpr	DENIB/TEXTURE SAND & POLISH				2.0	
165	#	Subl	HAZARDOUS WASTE REMOVAL		1	5.00	X	
SUBTOTALS						15,332.80	75.1	29.2

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

ESTIMATE TOTALS

Category	Basis		Rate	Cost \$
Parts				15,193.35
Body Labor	67.9 hrs	@	\$ 68.00 /hr	4,617.20
Paint Labor	29.2 hrs	@	\$ 68.00 /hr	1,985.60
Mechanical Labor	7.2 hrs	@	\$ 80.00 /hr	576.00
Paint	30.2 hrs	@	\$ 35.00 /hr	1,057.00
Miscellaneous				139.45
Subtotal				23,568.60
Sales Tax	\$ 16,274.85	@	9.2500 %	1,505.42
Grand Total				25,074.02
Deductible				0.00
CUSTOMER PAY				0.00
INSURANCE PAY				25,074.02

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH WERE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. ALL PARTS WILL BE REPLACED WITH NEW PARTS UNLESS STATED OTHERWISE.

If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for personal property left in your vehicle during repairs. All tests will be made by our employees at your risk. All repairs must be paid for in full, including the deductible, before vehicle can be released, unless prior arrangements are made.

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. CCC ONE: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/_=WITH/_ SYMBOLS: #=MANUAL LINE ENTRY, *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], **=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

"CURE TIME" MEANS THE LENGTH OF TIME THAT, PER THE ADHESIVE MANUFACTURER, THE WINDSHIELD ADHESIVE NEEDS TO CURE UNTIL THE WINDSHIELD CAN PROPERLY FUNCTION AS A SAFETY DEVICE PURSUANT TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS AND THE VEHICLE MANUFACTURER'S SPECIFICATIONS.

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR3PB11, CCC Data Date 04/16/2020, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2020 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Preliminary Estimate

Customer: City of Porterville

2019 DODG Charger Police AWD (Fleet) 4D SED 8-5.7L Gasoline Sequential MPI BLK

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
3	Keystone-Insurance-B-Fresno 3131S NORTH POINT DRIVE STE103 FRESNO CA 93725 (800) 339-5033 (559) 271-6750	#CH1000A23R RECOND Bumper cover	\$ 596.00



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Authorization for Refuse Truck Engine Repair

SOURCE: Public Works

COMMENT: Vehicle No. 6683 is an active commercial refuse truck that has experienced significant internal engine coolant leakage through a cracked cylinder liner and requires an engine repair. This vehicle is powered by a Cummins compressed natural gas (CNG) engine and must be repaired or replaced by a certified CNG service center. The truck has approximately four (4) years of remaining active service life.

Staff is requesting authorization to utilize Cummins Pacific, which is the nearest CNG engine service center, to perform the required engine repair at an estimated cost not to exceed \$29,895.98, (inclusive of all parts, taxes, labor, including a 10% contingency). Funds are available in the Solid Waste Operating Budget.

RECOMMENDATION: That the City Council:

1. Authorize refuse truck engine overhaul by Cummins Pacific at a cost not to exceed \$29,895.98 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. Estimate #6683

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



BAR ARD Number: ARD00293082 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

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

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

BILL TO

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

RAFAEL BAEZ - 559 782-7597

PAGE 1 OF 4

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
30-APR-2020			ISL G CM2180		PETERBILT
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		21-APR-2020	73591493		310(LCF)
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
202127					6683

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

OSN/MSN/VIN 3BPZX20X3EF242060

**COMPLAINT
CAUSE**

OIL TURNED TO TAR IN UNIT CHECK SAMPLE
ESTIMATE MAY VARY ONCE ALL ITEMS HAVE BEEN REMOVED AND INSPECTED.
IF ADDITIONAL PARTS OR LABOR ARE NEEDED A REVISED ESTIMATE WILL BE SENT.

DIAGNOSTIC CHARGE: 1,151.14

1	0	4376312	KIT,EXH RCN COOLER	CECO	1,475.64	1,475.64
		ORDERED ITEM	4352346NX DRC			
1	0	4352347	KIT,EXH RCN COOLER	CECO	581.94	581.94
1	0	5284362	CORE,COOLER	CECO	199.24	199.24
1	0	3918174	GASKET,OIL COOLER CORE	CECO	15.56	15.56
1	0	3929011	GASKET,LUB OIL CLR COVER	CECO	21.17	21.17
8	0	885273	PREM BLUE OS 9200 BULK	P2-VALVOLINE	12.69	101.52
8	0	CORF GAL	CAL OIL RECYCLE FEE GAL	P2-NSPART1	.29	2.32
1	0	3957987	HOUSING,BREATHERR	CECO	69.39	69.39
1	0	3164067	GASKET,WHITE FORM N PLACE	CECO	18.70	18.70
1	0	LF9009	PAC, LF	FLG	53.41	53.41
1	0	4984928	SENSOR,MASS FLOW	CECO	161.79	161.79
1	0	5579235	KIT,PMM PISTON UPGRADE	CECO	2,534.33	2,534.33
1	0	NG5900	PAC, NG	FLG	69.84	69.84
1	0	5478594	THERMOSTAT	CECO	79.47	79.47
1	0	5357731RX	KIT,TURBOCHARGER	DRC	1,930.12	1,930.12
		ORDERED ITEM	5355835RX DRC			
1	0	3802678D	TURBO,HX35W	CLEAN	250.00	250.00

Completion date : 22-Apr-2020 11:10AM. Estimate expires : 29-May-2020 02:42PM.

Billing Inquiries? Call (877)480-6970

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

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



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

BAR ARD Number: ARD00293082 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

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

BILL TO

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

RAFAEL BAEZ - 559 782-7597

PAGE 2 OF 4

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
30-APR-2020			ISL G CM2180		PETERBILT
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		21-APR-2020	73591493		310(LCF)
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
202127					6683

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		3BPZX20X3EF242060					
-1	0	3802678D	TURBO,HX35W	DIRTY		250.00	- 250.00
1	0	5348546RX	HEAD,CYLINDER	DRC		3,039.97	3,039.97
1	0	4933818D	HEAD,CYLINDER	CLEAN		437.50	437.50
-1	0	4933818D	HEAD,CYLINDER	DIRTY		437.50	- 437.50
1	0	3945917	SET,MAIN BEARING (STD)	CECO		221.05	221.05
6	0	5473009	KIT,SPARK PLUG	CECO		40.50	243.00
1	0	5449240	PUMP,LUBRICATING OIL	CECO		292.28	292.28
1	0	5400509	SENSOR,OXYGEN	CECO		324.27	324.27
1	0	3163075	PAINT	CECO		18.29	18.29
4	0	3818824	NUT,REGULAR HEXAGON	CECO		2.92	11.68
4	0	5286984	STUD	CECO		7.97	31.88
12	0	3944593	SCREW,HEX FLANGE HEAD CAP	CECO		3.62	43.44
2	0	4076823	SEAL,RECTANGULAR RING	CECO		16.14	32.28
1	0	5482154	SENSOR,MASS FLOW	CECO		1,151.31	1,151.31
1	0	3929938	ORDERED ITEM 3929935 CECO GASKET,PRESSURE MODULE	CECO		35.60	35.60
1	0	4935694	SEAL,O RING	CECO		9.51	9.51
1	0	4990721	SEAL,O RING	CECO		10.00	10.00
1	0	3867648	SEAL,O RING	CECO		5.93	5.93
1	0	4990721	SEAL,O RING	CECO		10.00	10.00
2	0	3933072	SEAL,O RING	CECO		14.18	28.36
1	0	3933073	SEAL,O RING	CECO		14.18	14.18

Completion date : 22-Apr-2020 11:10AM. Estimate expires : 29-May-2020 02:42PM.

Billing Inquiries? Call (877)480-6970

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

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



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

BAR ARD Number: ARD00293082 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

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

BILL TO

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

RAFAEL BAEZ - 559 782-7597

PAGE 3 OF 4

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
30-APR-2020			ISL G CM2180		PETERBILT
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		21-APR-2020	73591493		310(LCF)
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
202127					6683

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		3BPZX20X3EF242060					
1	0	145582		SEAL,O RING	CECO	4.08	4.08
1	0	3929159		SCREEN	CECO	24.63	24.63
1	0	3933070		SEAL,O RING	CECO	14.22	14.22
1	0	3933071		SEAL,O RING	CECO	14.29	14.29
1	0	4935693		SEAL,O RING	CECO	9.37	9.37
1	0	3976949		SEAL,O RING	CECO	12.97	12.97
1	0	3163087		LUBRICANT	CECO	28.29	28.29
6	0	3924445		SHIM	CECO	27.18	163.08
1	0	CAC REPAIR		CLEAN/REPAIR CAC	P2-NONSTOCK	465.00	465.00
1	0	AIR FITLER		AIR FILTER	P2-NONSTOCK	225.00	225.00
1	0	MISC		MISC	P2-NONSTOCK	500.00	500.00

PARTS:	14,298.40
PARTS COVERAGE CREDIT:	0.00CR
TOTAL PARTS:	14,298.40
SURCHARGE TOTAL:	0.00
LABOR:	9,968.40
LABOR COVERAGE CREDIT:	0.00CR
TOTAL LABOR:	9,968.40
MISC.:	600.00
MISC. COVERAGE CREDIT:	0.00CR
TOTAL MISC.:	600.00
ELECTRONIC TOOLING FEE	50.00
HAZ WASTE DISPOSAL	100.00

Completion date : 22-Apr-2020 11:10AM. Estimate expires : 29-May-2020 02:42PM.

Billing Inquiries? Call (877)480-6970

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AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____



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

BAR ARD Number: ARD00293082 EPA: CAL000430089
Remit to:
Cummins Sales and Service
P.O. Box 848731
Los Angeles, CA 90084-8731

INVOICE NO**ESTIMATE**

Payment is due 30 days from invoice
date unless agreed upon in writing.

BILL TO

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

RAFAEL BAEZ - 559 782-7597

PAGE 4 OF 4

*** CHARGE ***

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
30-APR-2020			ISL G CM2180		PETERBILT
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
255161		21-APR-2020	73591493		310(LCF)
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
202127					6683

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
			OSN/MSN/VIN 3BPZX20X3EF242060				
				SHOP SUPPLIES			150.00
				SHIPPING AND HANDLING			300.00
					LOCAL		287.33
					STATE		872.90

Completion date : 22-Apr-2020 11:10AM. Estimate expires : 29-May-2020 02:42PM.

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SUB TOTAL: 26,017.94

TOTAL TAX: 1,160.23

TOTAL AMOUNT: US \$ 27,178.17

AUTHORIZED BY (print name) _____ SIGNATURE _____ DATE _____

TERMS AND CONDITIONS

These Terms and Conditions, together with the estimate/quota (the "Quote") and/or invoice ("Invoice") attached to these Terms and Conditions, are hereinafter collectively referred to as this "Agreement" and shall constitute the entire agreement between the customer ("Customer") identified on the Quote and/or Invoice and Cummins Inc. ("Cummins") and supersede any previous agreement or understanding (oral or written) between the parties with respect to the subject matter of this Agreement. No prior inconsistent course of dealing, course of performance, or usage of trade, if any, constitutes a waiver of, or serves to explain or interpret, the Terms and Conditions set forth in this Agreement. Electronic transactions between Customer and Cummins will be solely governed by the Terms and Conditions of this Agreement, and any terms and conditions on Customer's website or other internet site will be null and void and of no legal effect on Cummins. In the event Customer delivers, references, incorporates by reference, or produces any purchase order or document, any terms and conditions related thereto shall be null and void and of no legal effect on Cummins.

1. **SCOPE OF SERVICES, PERFORMANCE OF SERVICES.** Cummins shall supply part(s) and/or component(s) and/or engine(s) and/or generator set(s) ("Goods") and/or perform the maintenance and/or repair ("Services") on the equipment identified in the Quote and/or Invoice ("Equipment"), if applicable, in accordance with the specifications in the Quote and/or Invoice. No additional services or goods are included in this Agreement unless agreed upon by the parties in writing, or otherwise, as applicable.
2. **CUSTOMER OBLIGATIONS.** If necessary, Customer shall provide Cummins safe and free access to Customer's site and arrange for all related services and utilities necessary for Cummins to safely and freely perform the Services. During the performance of the Services, Customer shall fully and completely secure all or any part of any facility where the Equipment is located to remove and mitigate any and all safety issues and risks, including but not limited to injury to facility occupants, interruption which might occur during the Services. Customer is responsible for operating and maintaining the Equipment in accordance with the owner's manual for the Equipment.
3. **INVOICING AND PAYMENT.** Unless otherwise agreed to by the parties in writing and subject to credit approval by Cummins, payments are due thirty (30) days from the date of invoice. If Customer does not have approved credit with Cummins, as solely determined by Cummins, payments are due in advance or at the time of supply of the Goods and/or Services. If payment is not received when due, in addition to any rights Cummins may have at law, Cummins may charge Customer eighteen percent (18%) interest annually on late payments, or the maximum amount allowed by law. Customer agrees to pay all Cummins' costs and expenses (including all reasonable attorneys' fees) related to Cummins' enforcement and collection of unpaid invoices, or any other enforcement of this Agreement by Cummins.
4. **TAXES, EXEMPTIONS.** The invoice includes all applicable local, state, or federal sales and/or use or similar taxes which Cummins is required by applicable laws to collect from Customer under this Agreement. Customer must provide a valid tax exemption certificate or direct payment certificate prior to shipment of the Goods or performance of the Services, or such taxes will be included in the invoice.
5. **DELIVERY, TITLE AND RISK OF LOSS.** Unless otherwise agreed in writing by the parties, any Goods supplied under this Agreement shall be delivered FOB Origin, freight prepaid to the first destination. If agreed, any charges for third party freight are subject to adjustment to reflect any change in price at time of shipment. Unless otherwise agreed to, packaging method, shipping documents and manner, route and carrier and delivery shall be as Cummins deems appropriate. All shipments are made within normal business hours, Monday through Friday. Unless otherwise agreed in writing by the parties, title and risk of loss for any Goods sold under this Agreement shall pass to Customer upon delivery of Goods by Cummins to freight carrier or to Customer at pickup at Cummins' facility.
6. **DELAYS.** Any delivery, shipping, installation, or performance dates indicated in this Agreement are estimated and not guaranteed. Further, delivery time is subject to confirmation at time of order. Cummins shall not be liable to Customer or any third party for any loss, damage, or expense suffered by Customer or third party due to any delay in delivery, shipping, installation, or performance, however occasioned, including any delays in performance that result directly or indirectly from acts of Customer or causes beyond Cummins' control, including but not limited to acts of God, accidents, fire, explosions, flood, unusual weather conditions, acts of government authority, or labor disputes.
7. **LIMITED WARRANTIES.**
 - a. **New Goods:** New Goods purchased or supplied under this Agreement are governed by the express written manufacturers' warranty. No other warranty for Goods supplied under this Agreement is provided under this Agreement.
 - b. **Cummins Exchange Components, Other Exchange Components, and Recon:** Cummins will administer the Cummins exchange component warranty and the warranties of other manufacturers' exchange components or Recon Components which are sold by Cummins. In the event of defects in such items, only manufacturers' warranties will apply.
 - c. **HHP Exchange Engine:** HHP Exchange Engines remanufactured by Cummins under this Agreement are governed by the express Cummins' written warranty. No other warranty for HHP exchange Engines supplied under this Agreement is provided under this Agreement.
 - d. **General Service Work:** All Services shall be free from defects in workmanship (i) for power generation equipment (including engines in such equipment), for a period of ninety (90) days after completion of Services or 500 hours of operation, whichever occurs first; or (ii) for engines, for a period of ninety (90) days after completion of Services, 25,000 miles or 600 hours of operation, whichever occurs first. In the event of a warrantable defect in workmanship of Services supplied under this Agreement ("Warrantable Defect"), Cummins' obligation shall be solely limited to correcting the Warrantable Defect. Cummins shall correct the Warrantable Defect where (i) such Warrantable Defect becomes apparent to Customer during the warranty period; (ii) Cummins receives written notice of the Warrantable Defect within thirty (30) days following discovery by Customer; and (iii) Cummins has determined that there is a Warrantable Defect. Warrantable Defects remedied under this provision shall be subject to the remaining warranty period of the original warranty of the Services. New Goods supplied during the remedy of Warrantable Defects are warranted for the balance of the warranty period still available from the original warranty of such Goods.
8. **USED GOODS.** Used Goods are sold "as is, where is" unless exception is made in writing between Cummins and Customer. Customer agrees to inspect all used Goods before completing the purchase.
9. **THE REMEDIES PROVIDED IN THE LIMITED WARRANTIES AND THIS AGREEMENT ARE THE SOLE AND EXCLUSIVE WARRANTIES AND REMEDIES PROVIDED BY CUMMINS TO THE CUSTOMER UNDER THIS AGREEMENT. EXCEPT AS SET OUT IN THE WARRANTY AND THIS AGREEMENT, AND TO THE EXTENT PERMITTED BY LAW, CUMMINS EXPRESSLY DISCLAIMS ALL OTHER REPRESENTATIONS, WARRANTIES, ENDORSEMENTS, AND CONDITIONS OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY STATUTORY OR COMMON LAW IMPLIED REPRESENTATIONS, WARRANTIES AND CONDITIONS OF FITNESS FOR A PURPOSE OR MERCHANTABILITY.**
10. **INDEMNIFICATION.** Customer shall indemnify, defend and hold harmless Cummins from and against any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, brought against or incurred by Cummins related to or arising out of this Agreement or the Services and/or Goods supplied under this Agreement (collectively, the "Claims"), where such Claims were caused or contributed, in whole or in part, by the acts, omissions, fault or negligence of the Customer. Customer shall present any Claims covered by this indemnity, including any tenders for defense and indemnity by Cummins to its insurance carrier unless Cummins directs that the defense will be handled by Cummins' legal counsel at Customer's expense.
11. **LIMITATION OF LIABILITY.** NOTWITHSTANDING ANY OTHER TERM OF THIS AGREEMENT, IN NO EVENT SHALL CUMMINS, ITS OFFICERS, DIRECTORS, EMPLOYEES, OR AGENTS BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES OF ANY KIND (INCLUDING WITHOUT LIMITATION DOWNTIME, LOSS OF PROFIT OR REVENUE, LOSS OF DATA, LOSS OF OPPORTUNITY, DAMAGE TO GOODWILL, ENHANCED DAMAGES, MONETARY REQUESTS RELATING TO RECALL EXPENSES AND REPAIRS TO PROPERTY, AND/OR DAMAGES CAUSED BY DELAY) IN ANY WAY RELATED TO OR ARISING FROM CUMMINS' SUPPLY OF GOODS OR SERVICES UNDER THIS AGREEMENT. IN NO EVENT SHALL CUMMINS' LIABILITY TO CUSTOMER OR ANY THIRD PARTY CLAIMING DIRECTLY THROUGH CUSTOMER OR ON CUSTOMER'S BEHALF UNDER THIS AGREEMENT EXCEED THE TOTAL COST OF GOODS AND SERVICES SUPPLIED BY CUMMINS UNDER THIS AGREEMENT GIVING RISE TO THE CLAIM. BY ACCEPTANCE OF THIS AGREEMENT, CUSTOMER ACKNOWLEDGES CUSTOMER'S SOLE REMEDY AGAINST CUMMINS FOR ANY LOSS SHALL BE THE REMEDY PROVIDED HEREIN EVEN IF THE EXCLUSIVE REMEDY IN SECTION 7 IS DEEMED TO HAVE FAILED OR ITS ESSENTIAL PURPOSE.
12. **GOVERNING LAW AND JURISDICTION.** This Agreement and all matters arising hereunder shall be governed by and construed in accordance with the laws of the State of Indiana without giving effect to any choice or conflict of law provision. The parties agree that the court of the State of Indiana shall have exclusive jurisdiction to settle any dispute or claim arising in connection with this Agreement.
13. **ASSIGNMENT.** This Agreement is binding on the parties and their successors and assigns. Customer shall not assign this Agreement without the prior written consent of Cummins.
14. **CANCELLATION.** Orders placed with and accepted by Cummins may not be cancelled except with Cummins' prior written consent. Cummins may charge Customer a cancellation charge in accordance with current Cummins policy which is available upon request, in addition to the actual, non-recoverable costs incurred by Cummins.
15. **REFUNDS/CREDITS.** Goods ordered and delivered by Cummins under this Agreement are not returnable unless agreed to by Cummins. Cummins may, at its sole discretion, agree to accept Goods for return and provide credit where Goods are in new and salable condition and presented with a copy of the original invoice. Credits for returns will be subject to up to a 15% handling/restocking charge and are limited to eligible items purchased from Cummins.
16. **INTELLECTUAL PROPERTY.** Any intellectual property rights created by either party, whether independently or jointly, in the course of the performance of this Agreement or otherwise related to Cummins pre-existing intellectual property or subject matter related thereto, shall be Cummins' property. Customer agrees to assign, and does hereby assign, all right, title, and interest to such intellectual property to Cummins. Any Cummins pre-existing intellectual property shall remain Cummins' property. Nothing in this Agreement shall be deemed to have given Customer a license or any other rights to use any of the intellectual property rights of Cummins.
17. **COMPLIANCE WITH LAWS.** Customer shall comply with all laws applicable to its activities under this Agreement, including without limitation, any and all applicable national, provincial, and local export, anti-bribery, environmental, health, and safety laws and regulations in effect. Customer acknowledges that the Goods, and any related technology that are sold or otherwise provided hereunder may be subject to export and other trade controls restricting the sale, export, re-export and/or transfer, directly or indirectly, of such Goods or technology to certain countries or parties, including, but not limited to, licensing requirements under applicable laws and regulations of the United States, the United Kingdom and other jurisdictions. It is the intention of Cummins to comply with these laws, rules, and regulations. Any other provision of this Agreement to the contrary notwithstanding, Customer shall comply with all such applicable laws relating to the cross-border movement of goods or technology, and all related orders in effect from time to time, and equivalent measures. Customer shall accept full responsibility for any and all civil or criminal liabilities and costs arising from any breaches of those laws and regulations and will defend, indemnify, and hold Cummins harmless from and against any and all fines, penalties, claim, damages, liabilities, judgments, costs, fees, and expenses incurred by Cummins or its affiliates as a result of Customer's breach.
18. **CONFIDENTIALITY.** Each party shall keep confidential any information received from the other that is not generally known to the public and at the time of disclosure, would reasonably be understood by the receiving party to be proprietary or confidential, whether disclosed in oral, written, visual, electronic, or other form, and which the receiving party (or agents) learns in connection with this Agreement including, but not limited to: (a) business plans, strategies, sales, projects and analyses; (b) financial information, pricing, and fee structures; (c) business processes, methods, and models; (d) employee and supplier information; (e) specifications; and (f) the terms and conditions of this Agreement. Each party shall take necessary steps to ensure compliance with this provision by its employees and agents.
19. **MISCELLANEOUS.** All notices under this Agreement shall be in writing and be delivered personally, mailed via first class certified or registered mail, or sent by a nationally recognized express courier service to the addresses set forth in the Quote and/or Invoice. No amendment of this Agreement shall be valid unless it is in writing and signed by the parties hereto. Failure of either party to require performance by the other party of any provision hereof shall in no way affect the right to require such performance at any time thereafter or the enforceability of the Agreement generally or shall the waiver by a party of a breach of any of the provisions hereof constitute a waiver of any succeeding breach. Any provision of this Agreement that is invalid or unenforceable shall not affect the validity or enforceability of the remaining terms hereof. These terms are exclusive and constitute entire agreement. Customer acknowledges that the provisions were freely negotiated and bargained for and Customer has agreed to purchase of the Goods and/or Services pursuant to these terms and conditions. Acceptance of this Agreement is expressly conditioned on Customer's assent to all such terms and conditions. Neither party has relied on any statement, representation, agreement, understanding, or promise made by the other except as expressly set out in this Agreement.



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Approval of Emergency Testing and Assessment of Potential Combustion By-Products ("CBP") at City Hall and Fire Station One

SOURCE: Administrative Services

COMMENT: As the City Council is aware, during the Library Fire incident of February 18, 2020, City Hall and Fire Station 1 sustained prolonged exposure to smoke. In order to determine whether the facilities were contaminated by combustion by-products, and at the recommendation of the City's insurer and public adjustor, KCE Matrix, an engineering consulting firm that specializes in environmental assessments was engaged for immediate inspection and sample testing at both facilities.

With scheduling constraints due to COVID-19, KCE Matrix conducted the assessments on April 3rd and 4th, and submitted its summary reports on April 30th. The cost for testing and assessments at both facilities totaled \$41,600. Funding for this expense is available through the insurance proceeds from the Library Fire, of which the City has received \$2.5 million to date.

The KCE Matrix assessments recommended remediation work in varying degrees at both facilities. City staff is currently working with the City's insurer and public adjustor on contract language for the remediation work. Once available, that contract will be brought to City Council for approval.

RECOMMENDATION: That the City Council authorize payment to KCE Matrix in the amount of \$41,600 for emergency CBP testing at City Hall and Fire Station One to be paid out of Library insurance funds.

ATTACHMENTS: 1. KCE Matrix Invoices

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

KCE | M | A | T | R | I | X |CONSULTING ENGINEERS
STRUCTURAL, CIVIL &
ENVIRONMENTAL**Invoice**1112 W. Burbank Blvd., Suite 301
Burbank, CA 91506Phone 818-559-5500
Fax 818-559-5511

Date 4/28/2020

Invoice # 14626

Bill To

Central SJV Risk Mgm Authority
City of Porterville
Attn: Patrice Hildreth
41 West Thurman Ave.,
Porterville, California 93257

Project

2020.061E 40 W. Cleveland Ave., Portervil

			Terms	Upon Receipt	
			Project Manager	Aram	
Date	Item	Description	Qty	Rate	Amount
4/28/2020	Flat Fee	Perform Combustion By-Product (CBP) Testing and Assessment for the subject property as per the proposal designated as (KCE-2020-061E-P1) dated March 24, 2020 and as approved by the client on March 26, 2020.	1	14,850.00	14,850.00

\$14,850.00

\$0.00

\$14,850.00

KCE | M | A | T | R | I | X |CONSULTING ENGINEERS
STRUCTURAL, CIVIL &
ENVIRONMENTAL**Invoice**1112 W. Burbank Blvd., Suite 301
Burbank, CA 91506Phone 818-559-5500
Fax 818-559-5511

Date 4/30/2020

Invoice # 14628

Bill To

Central SJV Risk Mgm Authority
City of Porterville
Attn: Patrice Hildreth
41 West Thurman Ave.,
Porterville, California 93257

Project

2020.062E 291 North Main St., Porterville

			Terms	Upon Receipt	
			Project Manager	Aram	
Date	Item	Description	Qty	Rate	Amount
4/30/2020	Flat Fee	Perform Combustion By-Product (CBP) Testing and Assessment for the subject property as per the proposal designated as (KCE-2020-062E-P1) dated March 25, 2020 and as approved by the client on March 26, 2020.	1	26,750.00	26,750.00

\$26,750.00

\$0.00

\$26,750.00



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Award of Contract - City Restroom Facilities Upgrade Project

SOURCE: Public Works

COMMENT: On May 12, 2020, staff received two (2) bids for the City Restroom Facilities Upgrade Project. This project includes construction elements for the Airway Café that will create an accessible restroom space. The existing restrooms at Veterans Park and Zalud Park are being renovated as well for access compliance.

As per SB854, passed by California State Senate on June 20, 2014, contractors and subcontractors are required to register with the California Department of Industrial Relations (DIR). A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

The apparent low bid presented by Bold Built Construction of Porterville included a total of four contractors (the general and three subcontractors) and only one of those contractors was registered with the DIR. Registration is a process that is completed online and processed immediately. The general was contacted and reminded of the requirement and that it was listed in the project manual. They were afforded the opportunity to correct the deficiency and were unsuccessful in meeting these requirements deeming their bid non-responsive and invalid.

The details of the second bid received by the City are as follows:

<u>Contractor</u>	<u>Airway Cafe</u>	<u>Veterans Park</u>	<u>Zalud Park</u>	<u>Total Bid</u>
Dayco Construction Inc. Porterville, CA	\$82,331	\$64,919	\$57,283	\$204,533

The Engineer's estimate of probable cost for the project is as follows:

Location: Estimate: Mngmt: Conting.: Total:

Airway Cafe	\$62,163.52	\$6,216.35	\$6,216.35	\$74,596.22
Veterans Park	\$67,612.94	\$6,761.29	\$6,761.29	\$81,135.52
Zalud Park	<u>\$68,318.20</u>	<u>\$6,831.82</u>	<u>\$6,831.82</u>	<u>\$81,981.84</u>
Totals:	\$198,094.66	\$19,809.46	\$19,809.46	\$237,713.58

The overall bid for this project is \$6,438.34 (3.25%) higher than the Engineer's Estimate. It is important to note that the individual portions of the project are funded through separate funding sources and, as such, some of those funding sources will see a savings with this bid while others will be impacted at a higher percentage than the overall project bid implies.

The portions of the bid for the both the Veterans Park improvements and the Zalud Park improvements came in under the Engineer's estimate. The bid total for these two portions of the project is \$122,202. An additional \$12,220.20 is necessary for construction contingencies (10%). It is anticipated that an additional \$12,220.20 is required for construction management, quality control, and inspection services (10%) for a total cost of \$146,642.40 for the Veterans and Zalud Park restrooms. This is a savings of \$16,474.96 (10.1%) from the all-inclusive Engineer's Estimate. The improvements to the park restrooms are fully funded through General Fund Reserves (up to \$50,000) and the Capital Construction/Improvements Designated Fund in the General Fund (up to \$130,000).

The portion of the bid for the Airway Cafe is \$82,331. An additional \$8,233.10 (10%) is necessary for construction contingencies and an additional \$8,233.10 (10%) is required for construction management, quality control, and inspection services for a total cost of \$98,797.20 for the Airway Cafe restroom improvements. This portion of the project is currently funded with \$42,654 of proceeds from the land release for the Airway Cafe and \$35,000 from the Airport Operating Fund. An additional \$21,143.20 of Airport Operating funds is required to fully fund this project.

Staff has found the bid acceptable.

RECOMMENDATION: That City Council:

1. Award the City Restroom Facilities Upgrade Project to Dayco Construction Inc in the amount of \$204,533;
2. Authorize a 10% contingency (\$20,453.30) to cover unforeseen construction costs;
3. Authorize the 10% for construction management, quality control and inspection (\$20,453.30); and
4. Authorize additional appropriation of \$21,143.20 of Airport Operating Funds.

ATTACHMENTS:

1. Airway Cafe Locator Map
2. Veterans Park Locator Map
3. Zalud Park Locator Map

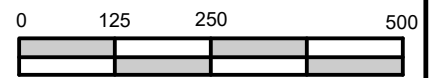
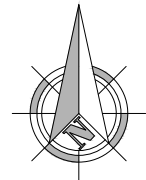
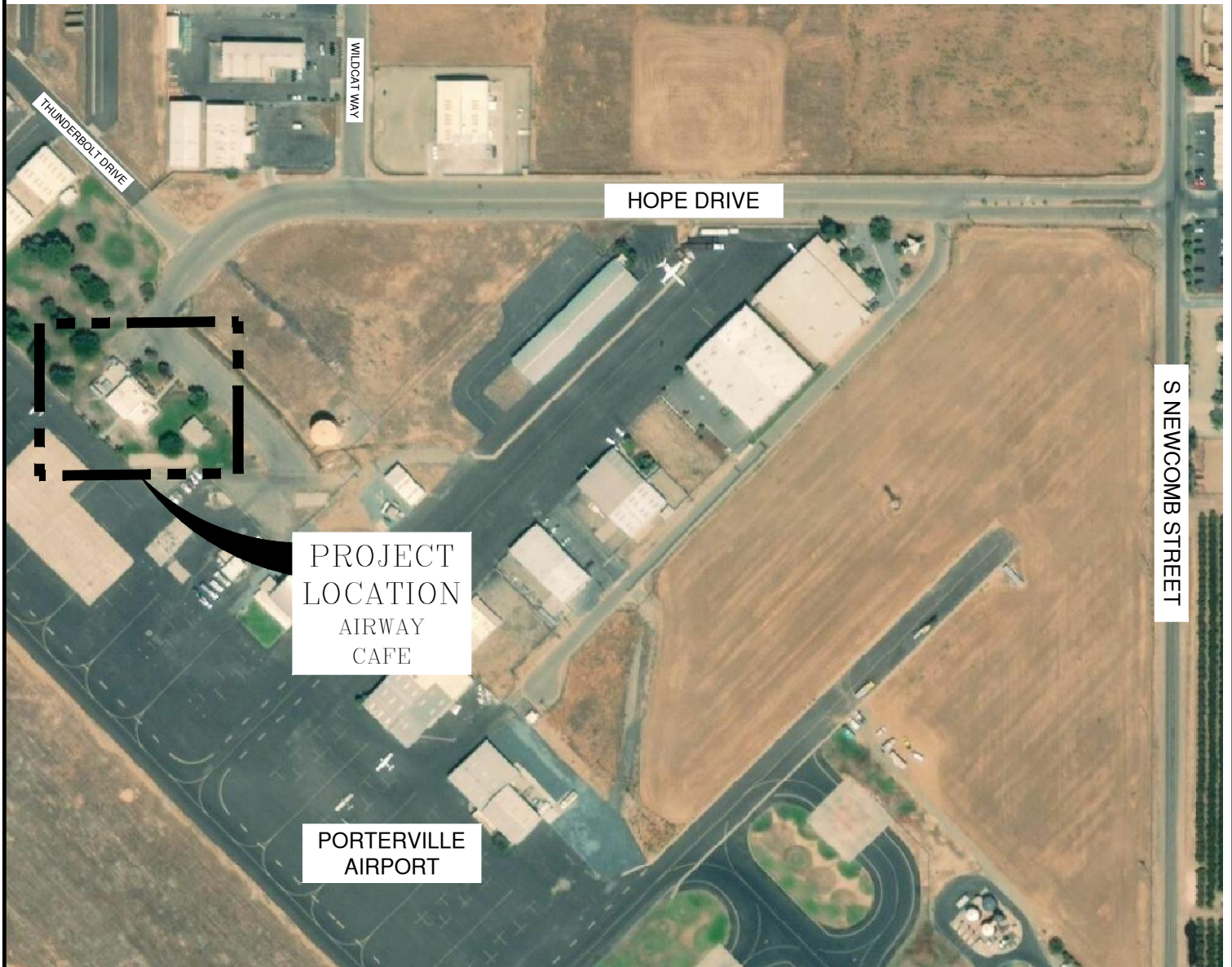
Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



SCALE: 1"=250'

CITY OF PORTERVILLE
ENGINEERING DIVISION

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

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

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

SHEET
1
OF
1



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

VETERANS LOCATION MAP

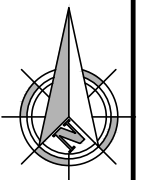
DRAWN BY	CAL
CHECKED BY	
SCALE	N.T.S.
DATE	2/13/2018

SHEET
2
OF
2

N EL GRANITO ST



ZALUD RESTROOM



CITY OF PORTERVILLE
ENGINEERING DIVISION

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

ZALUD LOCATION MAP

DRAWN BY	CAL
CHECKED BY	
SCALE	N.T.S.
DATE	2/13/2018

SHEET
2
OF
2



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Award of Contract - Cannabis Business Application Review

SOURCE: Community Development

COMMENT: On February 7, 2020, at the direction of the City Council, staff released a Request for Qualifications (RFQ) for Cannabis Business Application Review. The purpose of this request was to identify consultants that could serve as a third-party reviewer of the Cannabis Business Operating Permits; the applications for that process are due back to the City on May 26, 2020.

In response to the RFQ, staff received two Statements of Qualifications. Only one of the two was deemed responsive by the selection committee, and staff finds that the responsive consultant has the requisite and appropriate experience to provide the necessary services. Hinderliter, deLlamas and Associates (HdL Companies) provided a statement of qualifications outlining similar experience in other jurisdictions, and has represented a series of cities throughout California for cannabis related needs.

Costs for these services will be paid by the application fees paid by Cannabis Business Permit applicants. HdL's cost schedule was provided at the request of the selection committee on April 15, 2020, and is provided as an attachment.

RECOMMENDATION: That the City Council authorize staff to negotiate a contract with HdL Companies to provide Cannabis Business Operating Permit Review, at costs/rates not to exceed the attached cost schedule, subject to the City Attorney's approval as to form.

ATTACHMENTS: 1. HdL Cost Proposal

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

City of Porterville

**Cost Proposal;
Cannabis Business Application Reviews**

April 15, 2020

HdL  Companies

SUBMITTED BY

HdL Companies
120 S. State College Blvd., Ste 200
Brea, CA 92821
hdlcompanies.com

CONTACT

David McPherson
T: 714.879.5000
E: dmcpherson@hdlcompanies.com

SECTION 9: COST PROPOSAL

The specific objectives to be provided by HdL as a part of this proposal includes all of the objectives outlined in the Scope of Services section of the City's Request for Qualifications for Cannabis Business Application Review (RFQ) and as detailed in Section 6: Scope of Services of HdL's Statement of Qualifications.

Cannabis Business Application Reviews

HdL shall fully review all application materials for Cannabis Business Operating Permits and shall score them consistent with the Evaluation Criteria and 75-point scale defined in the RFP review proposals received under Phase II of the proposal process. This review shall incorporate all of the requirements specified in objectives 1 through 11, below.

1. Review all application materials for Cannabis Business Operating Permits.
2. Review and confirm applicant's evidence of secured location for the cannabis business.
3. Review and confirm applicant's statement confirming that the cannabis business location is outside of buffer zone for a school.
4. Review and evaluate applicant's business plan summary and statement of qualifications.
5. Review and evaluate applicant's proposal implementation description.
6. Review and evaluate applicant's understanding and approach.
7. Review and evaluate applicant's security practices.
8. Review and confirm applicant's local ownership, or lack thereof, and score accordingly.
9. Review and evaluate applicant's description of community benefit.
10. Coordinate early consultation and ongoing meetings with City staff.
11. All evaluation and scoring shall be based on the criteria identified in the "Request for Proposals for Cannabis Business Operating Permit".

Scope of Services Objective	Cost
Objectives 1-11: Application reviews, scoring and ranking	\$2,500 per applicant

Other Consulting Services

HdL's cannabis team shall be available to provide additional consulting services at the City's request, as specified under Objective 12 of the Scope of Services.

- 12.** Provide other consulting services as available through the selected firm.

These additional hours may be utilized for any services not otherwise described in Objectives 1-11, above. This additional support may include assisting City staff with phases I and III, participating in applicant interviews with the City Council, negotiating development agreements, or other issues not otherwise enumerated in the Scope of Services.

Any such additional services requested by the City that are not specifically described in this proposal would be billed at HdL's standard rate for the assigned staff person.

HdL Staff	Title	Hourly Rate
David McPherson	Compliance Director	\$300
Matt Eaton	Deputy Compliance Director	\$250
Tim Cromartie	Senior Policy Advisor	\$250
Mark Lovelace	Senior Policy Advisor	\$250
Christina Altringer	Audit Manager	\$250
Kami Miller	Senior Compliance Inspector	\$195
Elizabeth Eumurian	Senior Auditor	\$195
Alfredo Marquez	Senior Auditor	\$195
Odette Mikhail	Auditor	\$195
Michelle Shaw	Compliance Inspector	\$195
All rates current as of April 15, 2020		



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Consideration of Retail Recruitment Service Agreement with Buxton

SOURCE: Community Development

COMMENT:

On December 2, 2008, City Council authorized staff to negotiate and enter into a retail recruitment strategy and software solution with Buxton. Through a partnership with the Porterville Civic Foundation, Sierra View Medical Center and the City of Porterville, the City was able to contract with Buxton in January 2009, to complete a retail recruitment strategy. Staff has continued to work with Buxton and the Scout software platform since 2009. The information provided by Buxton has been instrumental in recruiting several retailers to Porterville.

Buxton continues to expand their technology and data offerings. Recently Buxton submitted a renewal proposal to provide a retail recruitment and mobile visitor insight solution for a total cost of \$15,000. The intent of the solution is to provide the City with data to assist in actively pursuing retailers by making a compelling case for their expansion into Porterville by using the same analytical information that retailers utilize to make site selection decisions. Buxton is utilizing new mobile insight data. This includes geofencing the agreed upon boundary and capturing unique device IDs (mobile phones) observed within those boundaries, as well as allowing the user to geofence local shopping centers and businesses to capture useful data to recruit new retailers and assist local businesses with information about their customers. This data is able to demonstrate trends in visitation by retail types. This can be a useful tool as the economy is reopened and the COVID-19 restrictions are lifted. Staff will be able to utilize the data to understand the retail visitation trends in the community, which often correlates to performance of the business. City staff will be able to utilize a demographic profile of the visitors and provide a true trade area to prospective businesses. This information could also be used to assist in marketing to increase tourism to the area. Funding is available in the Community Development Department budget.

RECOMMENDATION: That the City Council authorize staff to negotiate and sign a contract with Buxton for retail recruitment.

ATTACHMENTS: 1. Buxton Retail Recruitment and Analytics Proposal

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



PROPOSAL

Analytics Platform Access



Prepared by Diana Dirks
Expiration Date: June 1, 2020

April 27, 2020

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

We appreciate the opportunity to present this proposal to the City of Porterville, CA ("Porterville"). The following document outlines your continued business objectives and Buxton's proposed solution.

Business Objective

- Continued access to valuable resources for economic development and recovery efforts
- Access to unlimited reporting and analyses for ongoing research needs to support new and existing developments
- Engage with prospective companies as needed
- Support and guidance from industry experts, instrumental in Porterville's development efforts

Background

- Porterville, located on the eastern side of California's Great Central Valley and nestled against the Sierra Nevada Mountains, boasts a population of around 60,000 and serves as a trade center to over 197,319 people. Porterville is located on State Highway 65, a strategic central location to major markets with easy access to major transportation routes. Porterville's economy thrives with a mixture of agri-business, light industry, and commercial enterprise.
- Porterville has been a Buxton partner for over 12 years. The primary goal of the partnership has focused on access to market intelligence to support community development. Porterville will continue needing access to information to support existing businesses and economic recovery efforts now more than ever before.

Deliverables

- Access to SCOUT, an application in the Buxton Analytics Platform (see Appendix A). SCOUT access includes the following:
 - Market intelligence to support economic development
 - Porterville's existing retail specific marketing materials
 - Contact activity manager to track business attraction efforts
 - GPS on-demand reporting module for on-the-spot trade area insights on a territory
- Market overview for up to three (3) sites to be determined by Porterville prior to project kickoff. This overview will provide demographic and psychographic insights for each trade area to be used by Porterville for business recruitment purposes.
- Ongoing account management support

Support

- The Buxton Helpdesk and your dedicated account management team is available to support all educational, functional, and technical inquiries during normal office hours (8:00 AM-5:00 PM CST, excluding weekends and public holidays). After hours requests will be addressed within twenty-four (24) hours of submission.
- SCOUT is a geospatial application in the web-based Buxton Analytics Platform, which is accessible with an Internet connection at the following URL: www.buxtonco.com.
- The Buxton Analytics Platform is accessible on any desktop, laptop, or mobile tablet device that has an Internet connection. When operating the platform, Buxton's recommended hardware configuration is 4-core CPU, 4 GB RAM (or higher). Examples include most modern-day laptops or desktops purchased within the last 3 years, iPad Pro 2017 or newer, Microsoft

Surface Pro 2 or newer, or Samsung Galaxy Tab S3. The recommended browser for accessing the platform is the latest version of Chrome. See Appendix A for more information on the platform reporting features.

Required Data

Verification of the three (3) sites to be included in the market overview

Timeline

The analysis will be completed ten (10) calendar days from execution of this agreement and verification of all required data.

Fees and Engagement Duration

- One (1) year.
- Total fee: \$15,000
- Buxton Analytics Platform access will remain enabled for four (4) users and will extend through May 31, 2021.

Terms

- The total fee will be invoiced upon execution of this agreement.
- If Porterville requests services not specified in this proposal, the parties shall enter into an additional proposal or amendment setting forth the additional services, fees, and other mutually agreed upon terms.
- All service fees associated with this agreement are due in net thirty (30) days from the date of the invoice.
- The Buxton Analytics Platform login credentials provided under the terms of this agreement are for the sole use of Porterville employees. Any sharing of Buxton Analytics Platform login credentials with third parties is strictly prohibited.
- Porterville users may not use the GPS on-demand reporting module in the Buxton Analytics Platform to track individuals or people groups, or to study sensitive areas such as abortion clinics, marijuana dispensaries, adult venues, political events, military bases, prisons, gun stores, houses of worship, etc.
- Execution of this agreement will act as full consent that Buxton may include Porterville on its client list and in presentations. When doing so, Buxton will not reveal information that is confidential and proprietary to Porterville.

Thank you again for the opportunity to present this proposal.

The parties hereby agree to and accept the terms of this proposal as of the date written below.

Buxton Company

By: _____

Name: David Glover

Title: Chief Financial Officer

Date: _____

City of Porterville, CA

By: _____

Name: _____

Title: _____

Date: _____

Client Contact for Invoice Receipt

Name: _____

Phone: _____

Email: _____

APPENDIX A: BUXTON ANALYTICS PLATFORM FEATURES

SCOUT is a geospatial application in the web-based Buxton Analytics Platform, which is accessible with an Internet connection. It is designed to give decision-makers in your community access to the data and solutions that will assist them in making better business decisions. The solution enables four (4) SCOUT users with the ability to run demographic and trade area profile reports, and view maps and other data elements.

In SCOUT you will be able to:

- Identify retail matches
- Run variable reports
- View city limit maps
- Run healthcare reports
- See existing locations for prospective retailers to avoid cannibalization
- See aerial view
- View physician intelligence
- Run comparable reports
- Run demographic reports
- Track outreach activity to quickly report on recruitment efforts

Support local business retention and expansion efforts with reports contained in the SCOUT reporting suite, including but not limited to:

Consumer Propensity Report

Quantifies likelihood of consumers of a given trade area to consume various goods and services or possess certain attitudes and opinions. This report can help local entrepreneurs, business owners and store managers better optimize their merchandise/product offerings or their local marketing strategies.

Create Profiles Report

Profiles a specific trade area to determine the likes/dislikes, spending behavior, and marketing preferences of the households and workers within that geography. This report can help local businesses evaluate a market's retail potential or enhance marketing efforts.

Retail Leakage and Surplus Report

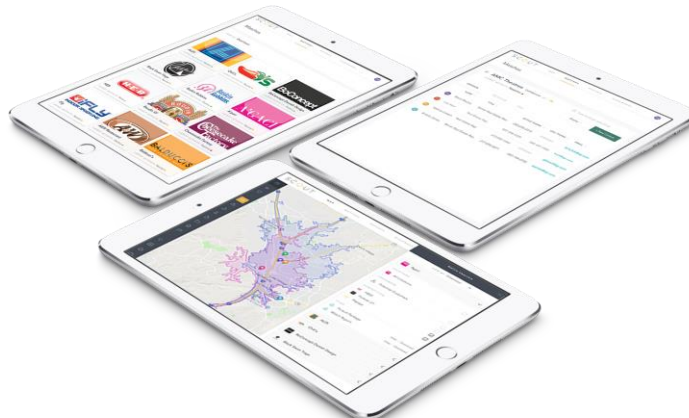
Quantifies the potential surplus or leakage in a trade area. This guide can help businesses understand how well the retail needs of residents are being met, uncover unmet demand and opportunities, and measure the difference between actual and potential retail sales.

Count Base Daytime Population Report

Examines the workforce in the study area and provides a count of the workforce population by industry. This report allows retail and restaurant owners to gain insights about how the population in the trade area differs during work hours so local businesses can cater to different types of workers.

GPS On-Demand Reporting

Through this module, users can draw their own custom geofenced territories to run custom reports. These reports can be generated for shopping centers, specific businesses or locations found within a 100-mile radius of the community. Using the reporting module, SCOUT processes the GPS data generated from mobile devices identified within the custom geofenced territory, ties it back to residential consumer points that are located 120 minutes or less from the custom geofenced territory, de-identifies the visitors for privacy concerns, and then builds a profile of the people who visit the territory to provide on-the-spot trade area insights on a territory.





CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Extension of the Cottage Estates Tentative Subdivision Map pursuant to Assembly Bill 2973

SOURCE: Community Development

COMMENT: Section 66452.6(e) of the California Government Code, the Subdivision Map Act, allows the City Council to grant extensions of time for tentative subdivision maps for a period or periods not exceeding a total of six years. On May 18, 2010, the Council adopted Resolution 58-2010, approving the Cottage Estates Tentative Subdivision Map (Tentative Subdivision Map 1-2010). As a component of the initial entitlement, the Council approved Resolution 57-2010, containing findings in support of approval of a Negative Declaration for the annexation and the map. The sixteen-lot subdivision included an annexation of the subject site and two adjacent parcels to the east. A total of 8.57± acres was annexed; approximately 4.32 acres of that is the area of the tentative subdivision map.

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

On May 1, 2018, the Council approved a 24-month extension to the Cottage Estates Subdivision Map consistent with Section 402.03 of the Development Code. On September 27, 2018, Assembly Bill 2973 was approved, providing another legislative extension for maps meeting certain criteria. The subject map meets these criteria, and the applicant has requested that the Council extend the expiration date of the Cottage Estates Tentative Subdivision Map by an additional twenty-four (24) months. As the map was evaluated for environmental concerns and the Council approved Resolution 57-2010, no further environmental review is required.

The applicant and agent have been working with staff to prepare the public improvement plans, which will assist in preparation of a final map. Approval of the time extension will allow that work to be completed, and will provide the developer an opportunity to keep the map active and fulfill the development requirements of the subdivision.

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

ATTACHMENTS:

1. Resolution 57-2010
2. Resolution 58-2010
3. Resolution 21-2018
4. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 57-2010

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

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

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

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

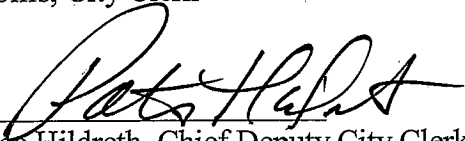
WHEREAS: The City Council made the following findings in its review of the environmental circumstances of this project:

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

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


Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By 
Patrice Hildreth, Chief Deputy City Clerk

LINE TABLE

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

LEGEND

- | EXISTING CITY LIMITS | PROPOSED CITY LIMITS |
|----------------------|----------------------|
| | |

173 PIONEER LAND COMPANY'S
FIRST SUBDIVISION

1 PALM ESTATES

14 DECIDUOUS TRACT

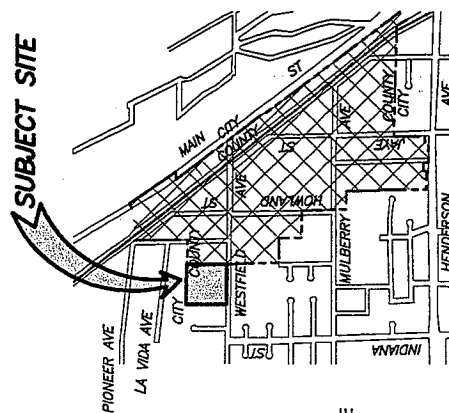
MULBERRY MEADOWS ESTATES #4

11 PARCEL MAP 157

PARCEL MAP 559

1 PARCEL MAP 4463

VICINITY MAP



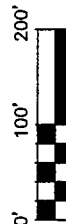
DISCLAIMER: FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.*

ANNEXATION AREA NO.

BEING A PORTION OF THE SOUTH HALF OF LOT 173 AND THE SOUTHWEST QUARTER OF LOT 174 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNTAIN VIEW ABSTRACT 146 AND MERIDIAN, COUNTY OF TULARE, STATE OF CALIFORNIA.

SCALE: 1" = 200'

ALL DISTANCES ARE IN
FEET AND DECIMALS THEREOF



ANNEXATION NO. _____
CITY OF PORTERVILLE

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

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

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

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

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

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

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



EXHIBIT A

NORTHWEST CORNER OF PALM ESTATES

FOR
METCO INVESTMENTS
718 WEST WESTFIELD AVE.
PORTERVILLE, CA 93257
(559)333-1956

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

1. GROSS AREA: 4.32 ACRES

1. ZONING AREA- 4.32 ACRES
2. GROSS AREA- 4.32 ACRES
3. PROPOSED USE 6 SINGLE FAMILY RESIDENCE, LOTS 1-16.
4. THE EXISTING USE OF LAND IS RESIDENTIAL/VACANT.
5. ASSASSON'S PARCEL NUMBER 6 2410 S RESIDENTIAL/VACANT.
6. WATER WILL BE SUPPLIED BY THE CITY OF PORTERVILLE.
7. SANITARY SEWER WILL BE PROVIDED BY THE CITY OF PORTERVILLE.
8. CONTROLLED BY DEED FROM "HOLYWOOD SANITARY SURVEY PROJECT" BY THE CITY OF PORTERVILLE.
9. THE SUBJECT SITE IS WITHIN FLOOD ZONE "C" PER F.P.R.M. 10. EXISTING CULVERTS DATED SEPTEMBER 29, 1966.
11. PROVIDE 15 GALLON STREET LIGHTS TO BE REMOVED.
12. REFINED MARCH 2009, 1 JULY 2009

Δ MONUMENT AS DESCRIBED

- Δ. MONUMENT AS DESCRIBED -
CORNER NOT FOUND OR SET
7. RECORD PER MAP OF PALM ESTATES -
20. CALCULATED FROM (5)
- RECORDED IN VOLUME 30 OF MAPS AT PAGE 3, T.C.R.
RECORDED IN VOLUME 3 OF MAPS AT PAGE 34, T.C.R.
LOT NUMBER PER MAP OF PALM ESTATES -
LOT NUMBER PER POWER LAND COMPANYS FIRST SUBDIVISION -

- [illegible]

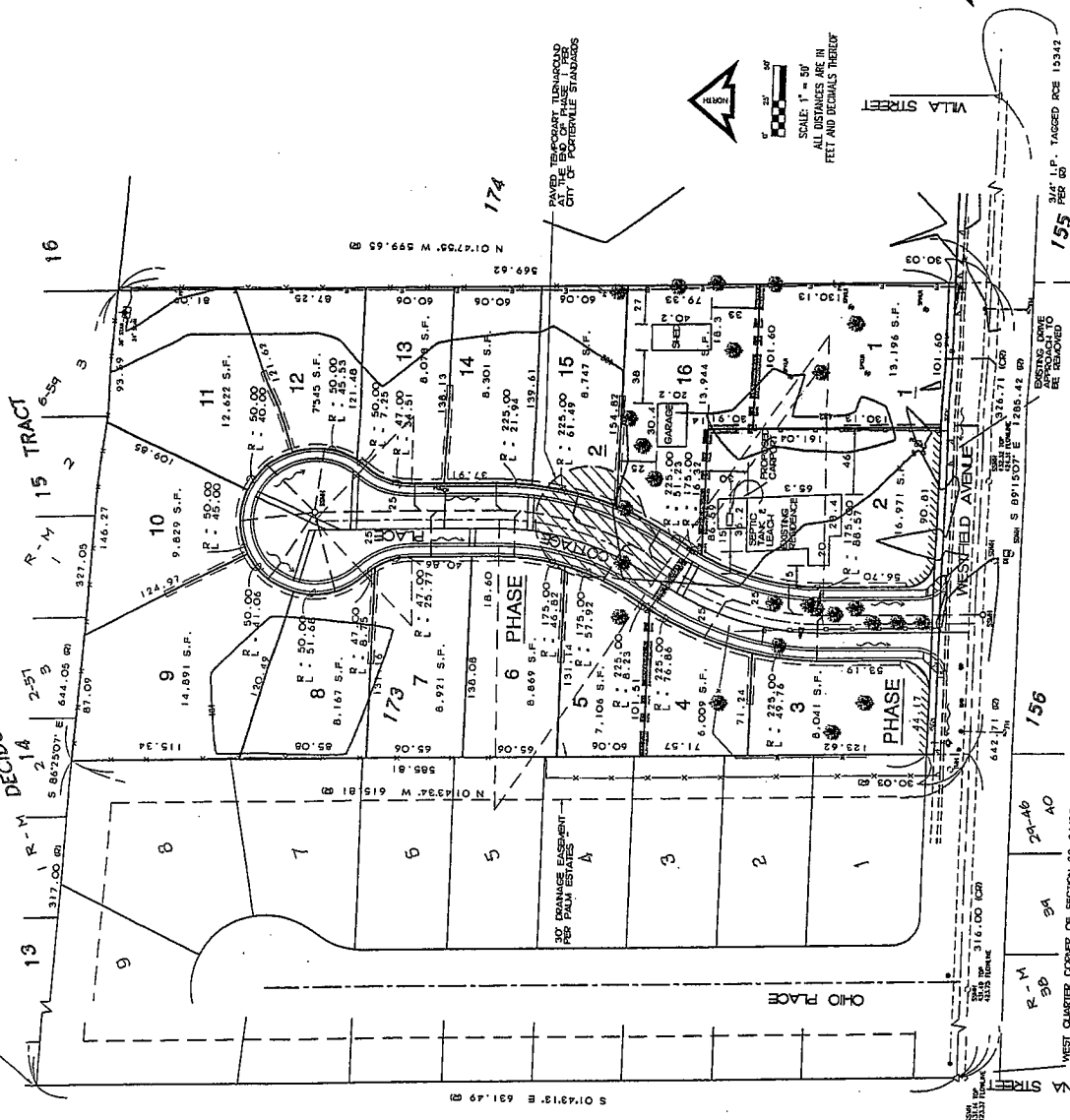
VICINITY MAP
SCALE: 1" = 1 MILE

PROJECT SITE

CITY OF PORTERVILLE
TULARE COUNTY OF, TULARE

Sheet 1 of 2

EXHIBIT B

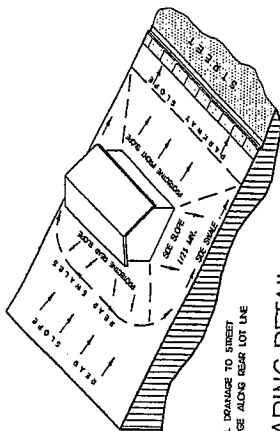


COTTAGE ESTATES

OF A PORTION OF THE SOUTH HALF OF LOT 173 OF POYNER LAND COMPANY'S FIRST SUBDIVISION, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo Base and Meridian, CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR
METCO INVESTMENTS
718 WEST WESTFIELD AVE.
PORTERVILLE, CA 93257
(559) 333-1058

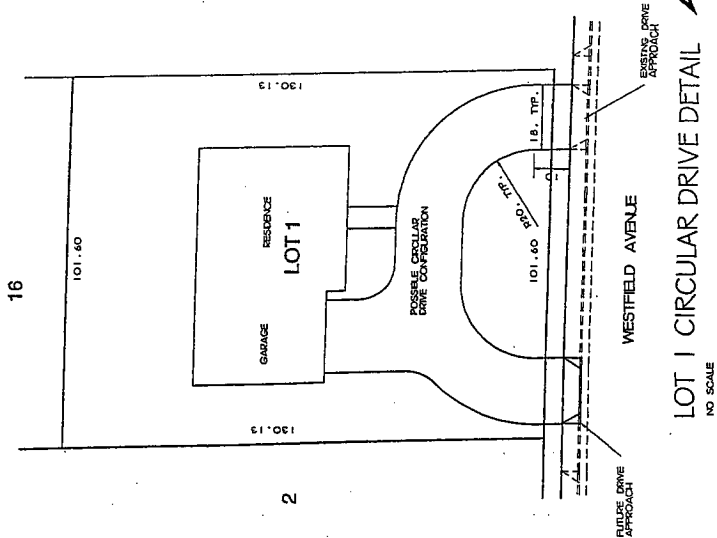
PREPARED BY: **ROBERTS ENGINEERING**
P.O. BOX 908
PORTERVILLE, CA 93257
(959) 784-6326



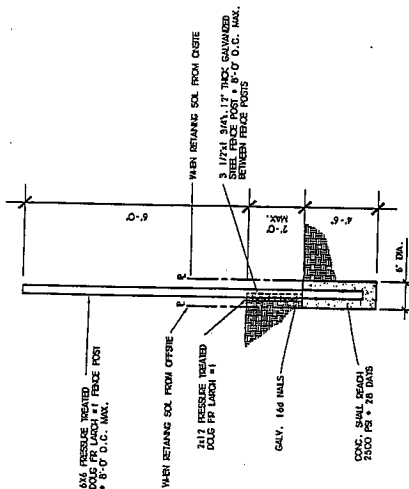
- ALL DRAINAGE TO STREET
- RIDGE ALONG REAR LOT LINE

TYPICAL LOT GRADING DETAIL

NO SCALE



WOOD RETAINING WALL



NOTES
RETAINING WALL LUMBER SHALL BE CALIFORNIA REDWOOD NO. 2 OR PRESSURE TREATED DOUGLAS FIR NO. 1 (F-1200 P.S.I.) OR BETTER, TWO NOM. IN. THICK, 12' MAXIMUM LENGTH. JOINTS SHALL BE 4', 6', 8', 10' OR 12'.
POST SHALL BE PRESSURE TREATED DOUGLAS FIR NO. 1 OR BETTER (F-1200 P.S.I.), 6"X6" MIN. SIZE.
CONCRETE SHALL BE 5 SACKS, 2500 P.S.I. MIN.

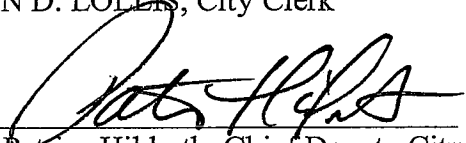
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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

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

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

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 58-2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

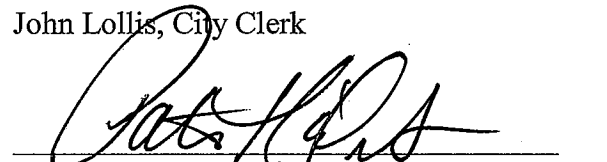
28. The developer/applicant shall construct first phase full street frontage improvements, including all underground utilities, to a line between the northwest corner of Parcel 2 and northeast corner of Parcel 4. Sidewalk installation along Parcel 4 may be deferred to building permit issuance of the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

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

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


Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

LINE TABLE

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

LEGEND

- EXISTING CITY LIMITS
- PROPOSED CITY LIMITS

173 PIONEER LAND COMPANY'S FIRST SUBDIVISION

1 PALM ESTATES

14 DECIDUOUS TRACT

3A MULBERRY MEADOWS ESTATES #4

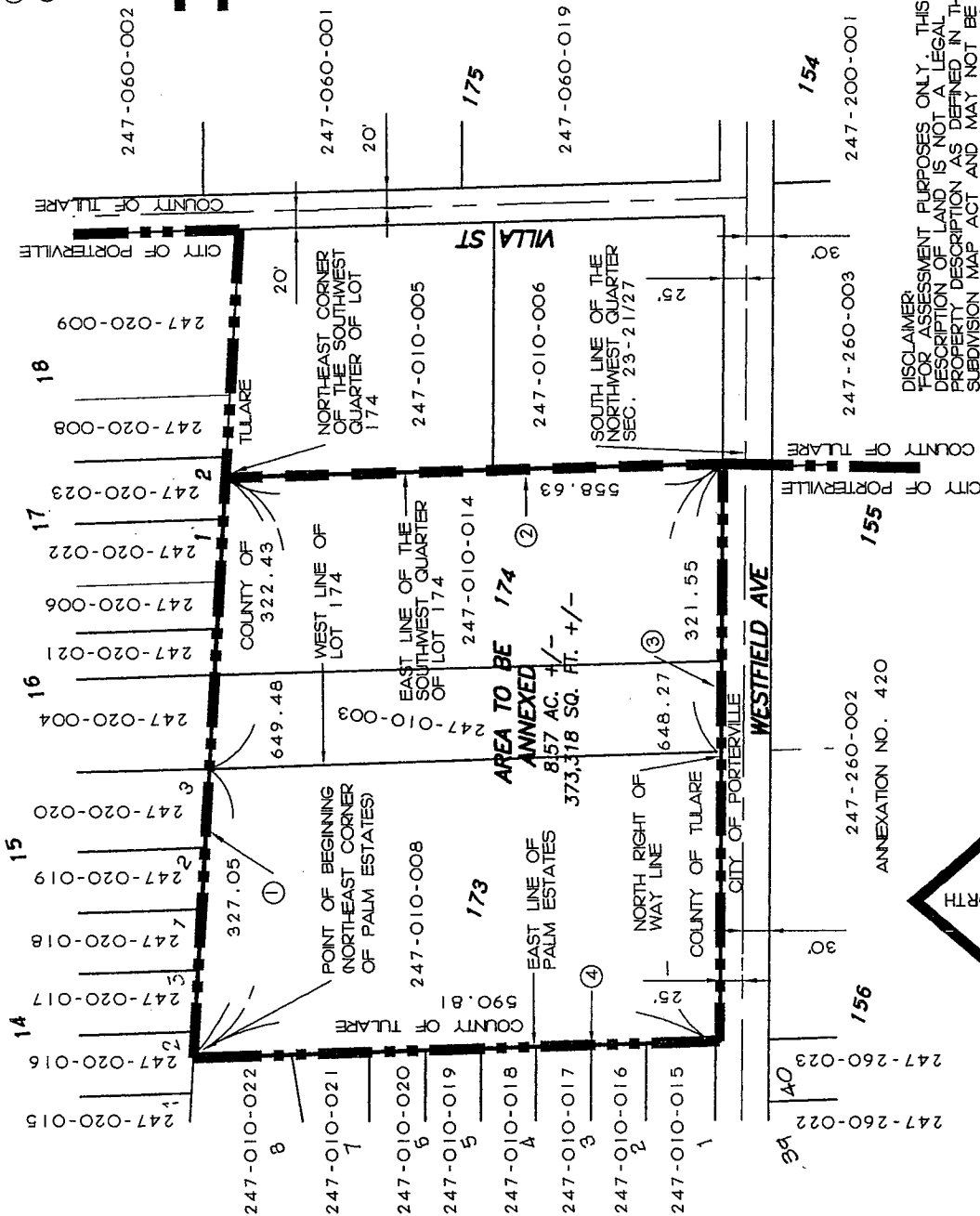
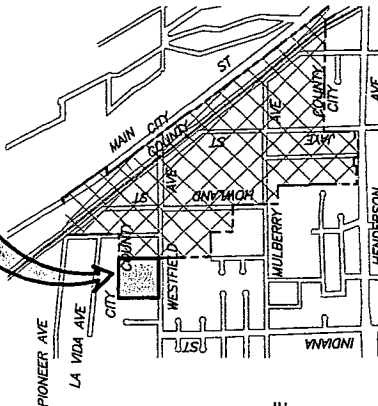
1 PARCEL MAP 157

7 PARCEL MAP 559

1 PARCEL MAP 4463

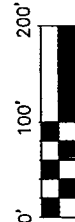
VICINITY MAP

SUBJECT SITE



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

ANNEXATION AREA NO.



SCALE: 1" = 200'

ALL DISTANCES ARE IN
FEET AND DECIMALS THEREOF

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

EXHIBIT A

ANNEXATION NO. _____
CITY OF PORTERVILLE

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

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

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

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

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

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

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



EXHIBIT A

COTTAGE ESTATES

COMPANY'S FIRST SECTION - 1/3 OF PIONEER LAND
QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH,
RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA;

FOR
METCO INVESTMENTS
718 WEST WESTFIELD AVE.
FOOTERVILLE, CA 93257
(559)333-1958

PREPARED BY: ROBERTS ENGINEERING

P.O. BOX 908
PORTERVILLE, CA
(559) 784-6326 93257

MISCELLANEOUS NOTES

1. ZONING AREA 4.32 ACRES
2. ZONING IS P-1-Z17.
3. PROPOSED USE IS SINGLE FAMILY RESIDENCE, LOTS 1 & 16.
4. THE EXISTING USE OF THE LAND IS RESIDENTIAL/AGRIC.
5. ASSESSOR'S PARCEL NUMBER IS 747-010-0040.
6. THERE WILL BE SUPPLIED BY THE CITY OF PORTERVILLE.
7. CONVEYANCE WILL BE PROVIDED BY THE CITY OF PORTERVILLE.
8. CONVEYANCE MUST COMPLY WITH THE CITY OF PORTERVILLE.
9. THE SUBJECT SITE IS WITHIN FLOOD ZONE 1.
10. EXISTING SURFING STRIPS & BEACH LEANS TO BE REMOVED.
11. PROPOSED 15 GALLON STRIPS PER LOT AND 1
12. REVISED MARCH 2009 JULY 2009

LEGEND

4. AMOUNT AS DISCLOSED
CONCERN NOT FOUND OR SET
20. RECORD PER MAP OF PALM ESTATES -
21. CALCULATED FROM (8)
RECORDED IN VOLUME 30 OF MAPS AT PAGE 3, T.C.R.
RECORDED IN VOLUME 3 OF MAPS AT PAGE 34, T.C.R.
LOT NUMBER PER MAP OF PALM ESTATES -
23. LOT NUMBER PER POWER LAND COMPANY'S FIRST SUBDIVISION -

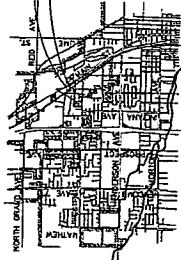
173

- [illegible]

VICINITY MAP
SCALE: 1" = 1 MILE

SCALE 1' = 1 MILE

PROJECT SITE



CITY OF PORTERVILLE
COUNTY OF TULARE

2 OF 2

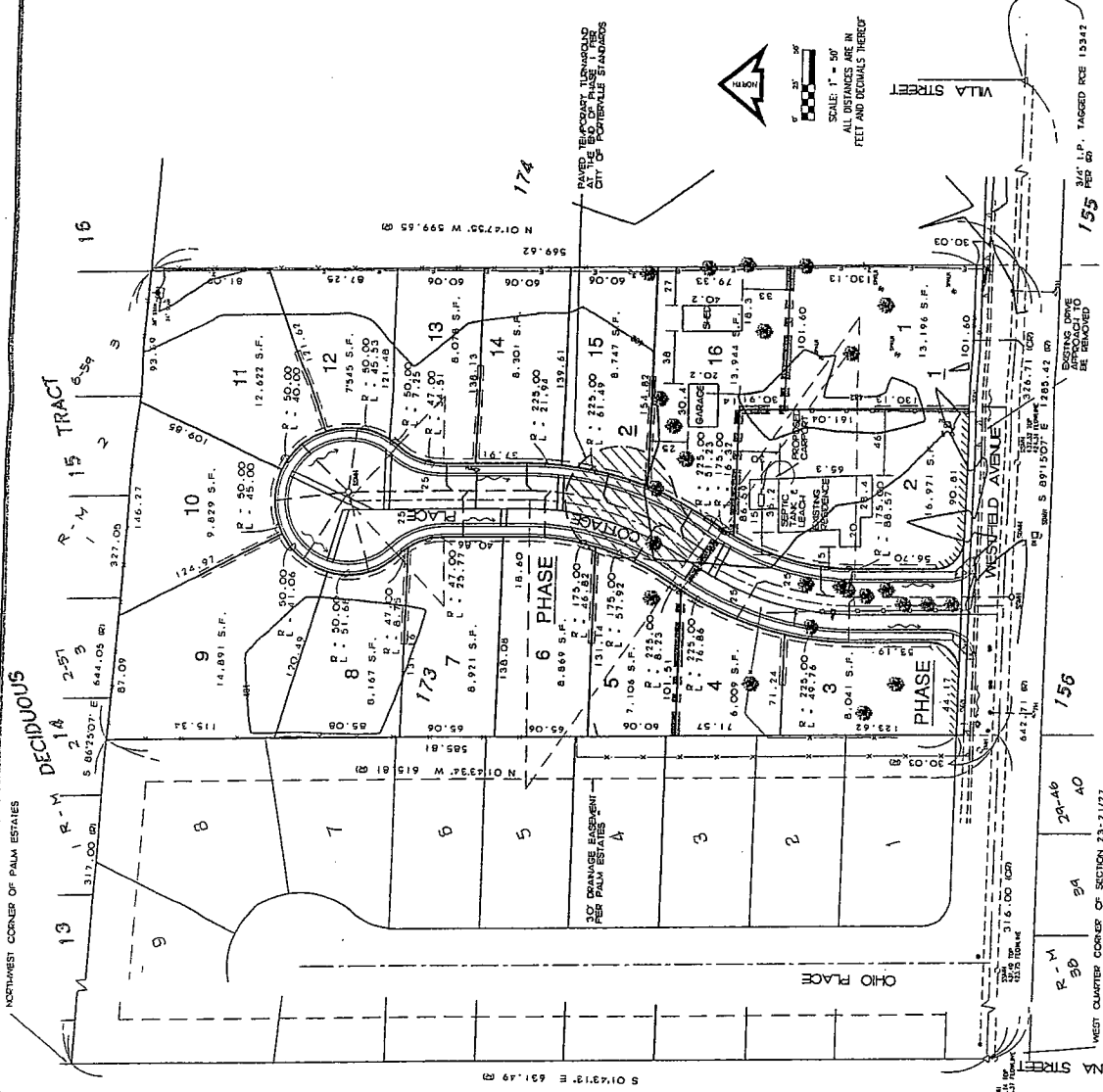
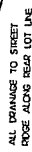


EXHIBIT B

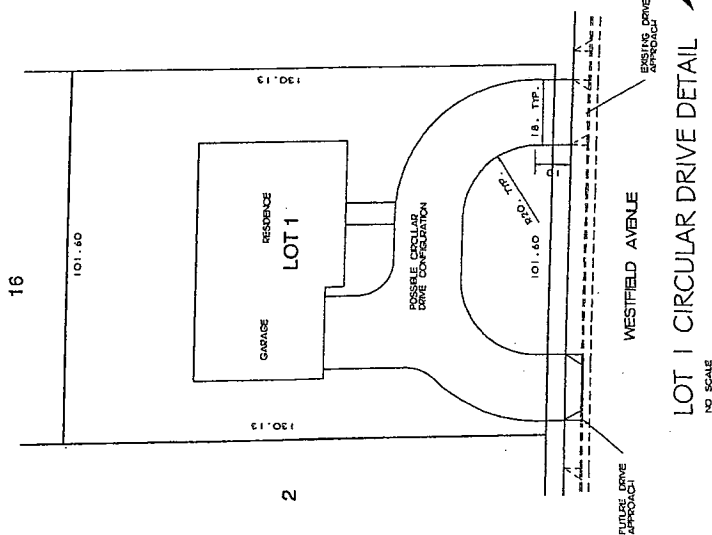
OF A PORTION OF THE SOUTH HALF OF LOT 173 OF PIONEER LAND COMPANY'S FIRST SLEWOMON, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR
METCO INVESTMENTS
718 WEST WESTFIELD AVE.
PORTERVILLE, CA 93257
(559) 333-1950

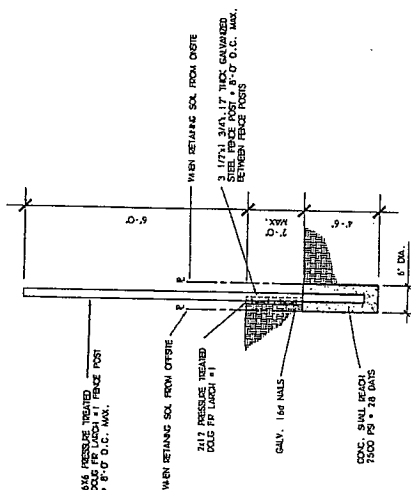
PREPARED BY: **ROBERTS ENGINEERING**
P.O. BOX 908
PORTERVILLE, CA 93257
(559) 784-6376



NO SCALE

[illegible]

WOOD RETAINING WALL



NOTES
CONCRETE WALL LINED WITH CALPOGA REPMOOD NO. 2 OF PRESSURE TREATED DOUGLAS FIR 4" X 6" S.I., OR BETTER; TWO NOSI MR. 10' @ 1 1/2" NOMINAL THICKNESS. WOTBS SHALL BE 4", 6", 8", 10' OR 12".
WOOD SHAL BE PRESSURE TREATED DOUGLAS FIR NO. 1 OF BETTER
P=1700 P.S.I., 6.56 MPN. SIZE.
CONCRETE SHALL BE 5 SACZ, 2500 P.S.I. MR.

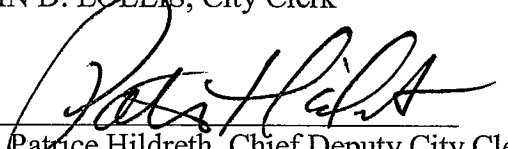
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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

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

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

JOHN D. LOLLIS, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 21-2018

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

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

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

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

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

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

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

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

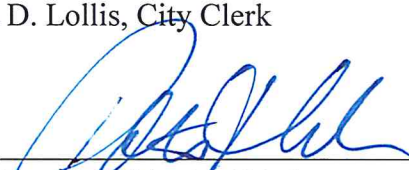
PASSED, APPROVED AND ADOPTED this 1st day of May, 2018.



Brian E. Ward, Mayor Pro Tem

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 May 1, 2018.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. ____-2020

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

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

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

WHEREAS: On May 1, 2018, the City Council approved Resolution 21-2018, approving a 24 month extension of time for the Cottage Estates Tentative Subdivision Map;

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

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

WHEREAS: In September 2018, Assembly Bill 2973 was approved, providing another legislative extension of up to 24 months for maps meeting certain criteria. The subject map meets these criteria, and the applicant has requested that the City Council extend the expiration date of the Cottage Estates Tentative Subdivision Map by an additional 24 months. The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a 24 month extension of time for Cottage Estates Subdivision Map and that the conditions specified in City Council Resolution 57-2010 and 58-2010 shall remain in full force and effect except where the updated General Plan and Development Code would result in changes. Said extension of time shall commence May 19, 2020, and shall expire on May 20, 2022.

PASSED, APPROVED AND ADOPTED this 19th day of May, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: City Easement Conveyance to Southern California Edison

SOURCE: Community Development

COMMENT: On June 4, 2019, the City Council authorized staff to move forward with the battery-electric transit bus charging station facility project. Southern California Edison (SCE) is requesting an easement from the City for the purposes of providing the electrical infrastructure required for the installation of two (2) 200kw charging stations at the Downtown Transit Center, located at 118 N. D Street, and twelve (12) 50kw charging stations at the City of Porterville Corporation Yard, which is located at 555 N. Prospect Street. To complete the necessary utility infrastructure, an easement is required for each location.

The easement provides for the ability to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and internal communication systems, consisting of poles, guys, and anchors, cross arms, wires, underground conduits, cables vaults, manholes, and including above ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, for the purpose of providing electrical power to vehicle charging stations.

The easement will allow SCE to install the appropriate switchgears, transformers, electrical panels, electrical wire, and disconnect switches required for the project. Included with the staff report is a SCE grant of easement document with a plat for each easement, describing and illustrating the location of the proposed electrical service.

RECOMMENDATION: That the City Council:

1. Accept Southern California Edison's request to have the City convey the easements for the electric vehicle charging stations;
2. Adopt the draft Resolution granting an easement to Southern California Edison for APN 251-360-001 and 252-200-066;
3. Authorize the Mayor to sign the Grants of Easements; and
4. Authorize the City Clerk to mail the signed Grants of Easements to SCE for recordation.

ATTACHMENTS:

1. Grant of Easement City of Porterville to SCE APN 252-200-066
2. Grant of Easement City of Porterville to SCE APN 251-360-001
3. Draft Resolution with Exhibits

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RECORDING REQUESTED BY



SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

WHEN RECORDED MAIL TO
SOUTHERN CALIFORNIA EDISON COMPANY
2 INNOVATION WAY, 2nd FLOOR
POMONA, CA 91768

Attn: Title and Real Estate Services

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SCE Doc No.:

**GRANT OF
EASEMENT**
Vehicle Charging Station

<u>DOCUMENTARY TRANSFER TAX \$ NONE (VALUE AND CONSIDERATION LESS THAN \$100.00)</u>		DISTRICT San Joaquin Valley	SERVICE ORDER TD1640497	SERIAL NO.	MAP SIZE
SCE Company SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME		FIM 39-32D-6 APN 252-200-066	APPROVED: GEOMATICS, LAND & INFORMATION MANAGEMENT	BY SLS/CG	DATE 04/20/20

CITY OF PORTERVILLE, a municipal corporation and chartered city, duly organized and existing under and by virtue of the laws of the State of California (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and internal communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, for the purpose of providing electrical power to vehicle charging stations, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

THE NORTHERLY 20.00 FEET OF LOT 5, IN BLOCK 55 OF THE TOWN OF PORTERVILLE, AS PER MAP RECORDED IN BOOK 3, PAGE 18 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor further grants, bargains, sells and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation, and the right to apportion or divide in whatever manner Grantee deems desirable, any one or more, or all, of the easements and rights, including but not limited to all rights of access and ingress and egress granted to the Grantee by this Grant of Easement.

Grantor agrees for itself, its heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the hereinbefore described easement area. The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

Upon written request, Grantee shall relocate its facilities installed hereunder to another mutually approved area on Grantor's property and provided that Grantee has first been given an easement over such new area on terms identical to those set forth herein. Such relocation shall be at Grantor's sole cost and expense. Upon completion of the relocation, Grantee shall execute a quitclaim of this easement on terms reasonably acceptable to Grantor and Grantee.

To the extent Grantor removes the vehicle charging stations, and such removal is not part of a relocation, Grantor may, upon sixty (60) days written notice, terminate this easement. However, in no event will the vehicle charging stations be removed unless a structure is constructed in the parking area. Upon termination, Grantee shall have a limited right to access the property for the purpose of removing its facilities or Grantee may abandon its systems in place. In addition, upon written request, Grantee will execute a quitclaim of this easement on terms reasonably acceptable to Grantee and Grantor.

To the extent Grantee has not commenced the installation of the facilities within one (1) year of the execution date, this easement shall become null and void.

EXECUTED this ____ day of _____, 20 ____.

GRANTOR

CITY OF PORTERVILLE, a municipal corporation and chartered city, duly organized and existing under and by virtue of the laws of the State of California

By _____

Name _____

Title _____

By _____

Name _____

Title _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXECUTED this ____ day of _____, 20 ____.

GRANTEE

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
--

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RECORDING REQUESTED BY



SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

WHEN RECORDED MAIL TO
SOUTHERN CALIFORNIA EDISON COMPANY
2 INNOVATION WAY, 2nd FLOOR
POMONA, CA 91768

Attn: Title and Real Estate Services

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SCE Doc No.:

**GRANT OF
EASEMENT**
Vehicle Charging Station

DOCUMENTARY TRANSFER TAX \$ NONE (VALUE AND CONSIDERATION LESS THAN \$100.00)		DISTRICT San Joaquin Valley	SERVICE ORDER TD1641582	SERIAL NO.	MAP SIZE
SCE Company SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME		FIM 39-31B APN 251-360-001	APPROVED: GEOMATICS, LAND & INFORMATION MANAGEMENT	BY SLS/CG	DATE 04/27/20

CITY OF PORTERVILLE, a municipal corporation and chartered city, duly organized and existing under and by virtue of the laws of the State of California (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and internal communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, for the purpose of providing electrical power to vehicle charging stations, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

VARIOUS STRIPS OF LAND LYING WITHIN PARCEL 1 OF PARCEL MERGER 2013-008, RECORDED JUNE 21, 2013 AS INSTRUMENT NO. 2013-0039534, OF OFFICIAL RECORDS, BEING A PORTION OF LOTS 75 THROUGH 78 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION, AS PER MAP FILED IN BOOK 3, AT PAGE 34 OF MAPS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINES OF SAID STRIPS ARE DESCRIBED AS FOLLOWS:

STRIP #1 (6.00 FEET WIDE)

COMMENCING AT POINT "D", BEING THE NORTHERLY TERMINUS OF THE CENTERLINE OF STRIP #4 DISCRIBED IN THAT CERTAIN GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED APRIL 23, 2019 AS INSTRUMENT NO. 2019-0020186, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG THE NORTHERLY SIDELINE OF SAID STRIP #4, NORTH 72°27'30" WEST 14.50 FEET TO THE NORTHWESTERLY CORNER OF SAID STRIP #4; THENCE ALONG THE WESTERLY SIDELINE OF SAID STRIP #4, SOUTH 17°32'30" WEST 17.50 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 67°00'00" WEST 33.00 FEET; THENCE NORTH 88°50'00" WEST 15.50 FEET; THENCE NORTH 66°27'00" WEST 75.50 FEET; THENCE NORTH 43°20'00" WEST 12.00 FEET; THENCE NORTH 67°00'00" WEST 185.00 FEET; THENCE NORTH 23°05'00" WEST 21.00 FEET TO A POINT OF ENDING, SAID POINT TO BE HEREINAFTER REFERRED TO AS POINT "A".

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE NORTHWESTERLY IN THE SOUTHWESTERLY AND SOUTHEASTERLY SIDELINES OF STRIP #2

DESCRIBED HEREINBELOW, SOUTHEASTERLY IN SAID WESTERLY SIDELINE, AND TO JOIN AT THE ANGLE POINTS.

STRIP #2 (18.00 FEET WIDE)

COMMENCING AT SAID POINT "A"; THENCE NORTH 67°00'00" WEST 7.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 23°00'00" EAST 10.30 FEET TO A POINT TO BE HEREINAFTER REFERRED TO AS POINT "B"; THENCE CONTINUING NORTH 23°00'00" EAST 13.70 FEET TO A POINT OF ENDING.

STRIP #3 (13.00 FEET WIDE)

BEGINNING AT SAID POINT "B"; THENCE NORTH 67°00'00" WEST 70.00 FEET TO A POINT OF ENDING.

EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN STRIP #2 DESCRIBED HEREINABOVE.

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor further grants, bargains, sells and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation, and the right to apportion or divide in whatever manner Grantee deems desirable, any one or more, or all, of the easements and rights, including but not limited to all rights of access and ingress and egress granted to the Grantee by this Grant of Easement.

Grantor agrees for itself, its heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the hereinbefore described easement area. The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

Upon written request, Grantee shall relocate its facilities installed hereunder to another mutually approved area on Grantor's property and provided that Grantee has first been given an easement over such new area on terms identical to those set forth herein. Such relocation shall be at Grantor's sole cost and expense. Upon completion of the relocation, Grantee shall execute a quitclaim of this easement on terms reasonably acceptable to Grantor and Grantee.

To the extent Grantor removes the vehicle charging stations, and such removal is not part of a relocation, Grantor may, upon sixty (60) days written notice, terminate this easement. However, in no event will the vehicle charging stations be removed unless a structure is constructed in the parking area. Upon termination, Grantee shall have a limited right to access the property for the purpose of removing its facilities or Grantee may abandon its systems in place. In addition, upon written request, Grantee will execute a quitclaim of this easement on terms reasonably acceptable to Grantee and Grantor.

To the extent Grantee has not commenced the installation of the facilities within one (1) year of the execution date, this easement shall become null and void.

EXECUTED this ____ day of _____, 20 ____.

GRANTOR

CITY OF PORTERVILLE, a municipal corporation and chartered city, duly organized and existing under and by virtue of the laws of the State of California

By _____

Name _____

Title _____

By _____

Name _____

Title _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
--

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXECUTED this ____ day of _____, 20 ____.

GRANTEE

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
--

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE GRANTING AN EASEMENT ACROSS CITY-OWNED PARCEL 251-360-
001 & 252-200-066 TO SOUTHERN CALIFORNIA EDISON FOR AN ELECTRICAL
SERVICE ASSOCIATED WITH THE INSTALLATION OF VEHICLE CHARGING
STATIONS

BE IT HEREBY RESOLVED, that the City Council of the City of Porterville does hereby grant to Southern California Edison, a corporation, its successors and assigns, an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time overhead and underground electrical supply systems and internal communication systems, consisting of poles, guys, and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers, and concrete pads and other appurtenant fixtures and equipment necessary or useful for vehicle charging stations, in, on, over, under, across and along certain real property in the City of Porterville, County of Tulare, State of California, to wit:

See Exhibits “A”, “B”, “C”, and “D” attached hereto and a part thereof.

BE IT FURTHER RESOLVED that the granting of the easements is hereby approved, with the Mayor authorized to sign all necessary documents, and said easement deed to be recorded in the office of the Tulare County Recorder. The foregoing has been approved by the City Council for the City of Porterville.

PASSED, APPROVED AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

Various strips of land lying within parcel 1 of parcel merger 2013-008, recorder June 21, 2013 as instrument no. 2013-0039534, of official records, being a portion of lots 75 through 78 of Pioneer Land Company's first subdivisn, as per map filed in book 3, at page 34 of maps, both in the office of the county recorder of said county, the centerlines of said strips are described as follows:

Strip #1 (6.00 Feet Wide)

COMMENCING at point "D", being the northerly terminus of the centerline of strip #4 described in that certain grant of easement to Southern California Edison Company, recorder April 23, 2019 as instrument no 2019-0020186, of official records, in the office of said county recorder;

THENCE along the northerly sideline of said strip #4; North 72°27'30" West 14.50 feet to the northwesterly corner of said strip #4;

THENCE along the westerly sideline of said strip #4, South 17°32'30" West 17.50 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 67°00'00" West 33.00 feet;

THENCE North 88°50'00" West 15.50 feet;

THENCE North 66°27'00" West 75.50 feet;

THENCE North 43°20'00" West 12.0 feet;

THENCE North 67°00'00" West 185.00 feet;

THENCE North 23°05'00" West 21.00 feet to a point of ending, said point to be hereinafter referred to as point "A".

The sidelines of said strip are to be prolonged or shortened to terminate Northwesterly in the Southwesterly and Southeasterly sidelines of strip #2 described hereinbelow, Southeasterly in said Westerly sideline, and to join at the angle points.

Strip #2 (18.00 Feet Wide)

COMMENCING at said Point "A";

THENCE North 67°00'00" West 7.00 feet to the **true point of beginning**;

THENCE North 23°00'00" East 10.30 feet to a point to be hereinafter referred to as Point "B";

THENCE continuing North 23°00'00" East 13.70 feet to a point of ending.

Strip #3 (13.00 Feet Wide)

BEGINNING at said Point "B";

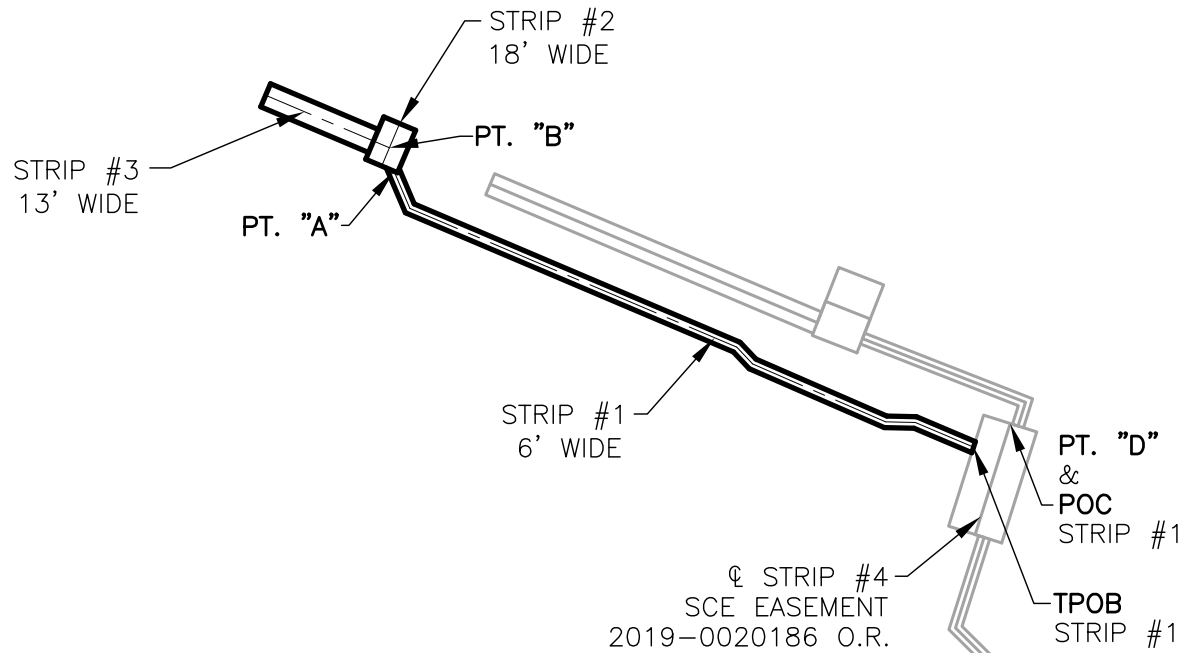
THENCE North 67°00'00" West 70.00 feet to a point of ending.

Excepting therefrom that portion included within strip #2 described hereinabove.

Exhibit B



SCALE: 1"=100'



PARCEL 1
PARCEL MERGER 2013-008
REC. 06/21/2013
INST. NO. 2013-0039534 O.R.

LEGEND

 DENOTES
SCE EASEMENT AREA
POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING

 DENOTES SCE EASEMENT AREA
REC. 04/23/2019
INST. NO. 2019-0020186 O.R.

MORTON
AVENUE

PROSPECT STREET

SE COR. OF
NW 1/4, SEC. 27,
T21S, R27E, M.D.M.

Exhibit "C"

The Northerly 20.00 feet of Lot 5, in Block 55 of the town of Porterville, as per map recorded in Book 3, Page 18 of maps, in the office of the County Recorder of said County.

N.A.P.

Exhibit D

ALLEY

SCE EASEMENT

20.00'

5

6

7

8

55

9

10

HOCKETT STREET



N.T.S.

TOWN OF PORTERVILLE
M.B. 3/18

LEGEND



DENOTES
SCE EASEMENT AREA

N.A.P.

ALLEY



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Department of Finance Population Update

SOURCE: Community Development

COMMENT: The Community Development Department has received a summary report of Porterville's estimated population and housing data prepared by the State Department of Finance (DOF). The DOF prepares these estimates based upon information supplied by the City during the previous year, such as new housing units, demolitions, conversions, annexations and other factors, and comparing figures from the 2019 benchmark or a prior year's estimate. Annually, the Community Development Department reviews these estimates and forwards them to the City Council for review and adoption. After Council adoption, the City submits a request for certification to the State Controller.

On May 20, 2019, Council adopted a population of 60,260. During the past year, the DOF finalized the population to 59,490.

After certification by the State, the January 1, 2020, population estimate of 59,655 for the city of Porterville becomes the basis used to distribute certain State subvention revenues to the City. The 2019 final population estimate was 59,490. This is an increase of .3% or 165 persons.

While the 2020 Census is currently taking place, with COVID-19, self-reporting has been extended until October 31, 2020, with census takers not scheduled to provide surveys until later this year and into 2021. Staff will provide a report of a more accurate population once the Census is complete.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2020, at a population of 59,655.

ATTACHMENTS:

1. Department of Finance Population Update Tables 2019-2020
2. Department of Finance Population Letter 2020

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

**California Department of Finance
Demographic Research Unit**

Report E-1

**Population Estimates for Cities, Counties, and the State
January 1, 2019 and 2020**

Released: May 1, 2020

Table of Contents (links to internal worksheets)

[City and County Population Estimates, January 1, 2019 and 2020](#)

[County and State Population Estimates, January 1, 2019 and 2020](#)

For more information:

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/>

Data Prepared by:

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California Department of Finance
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E-1: City/County Population Estimates with Annual Percent Change
January 1, 2019 and 2020

	Total Population 1/1/2019	Total Population 1/1/2020	Percent Change
State/County/City			
California	39,695,376	39,782,870	0.2
Alameda	1,664,783	1,670,834	0.4
Alameda	81,618	81,312	-0.4
Albany	18,961	18,937	-0.1
Berkeley	122,358	122,580	0.2
Dublin	64,132	65,716	2.5
Emeryville	12,041	12,298	2.1
Fremont	233,404	234,220	0.3
Hayward	160,197	160,311	0.1
Livermore	91,436	91,861	0.5
Newark	48,164	48,966	1.7
Oakland	430,753	433,697	0.7
Piedmont	11,468	11,453	-0.1
Pleasanton	79,392	79,464	0.1
San Leandro	88,296	87,930	-0.4
Union City	73,661	73,637	0.0
Balance of County	148,902	148,452	-0.3
Alpine	1,149	1,142	-0.6
Amador	37,820	37,676	-0.4
Amador	168	166	-1.2
Ione	7,905	8,008	1.3
Jackson	4,844	4,860	0.3
Plymouth	1,006	998	-0.8
Sutter Creek	2,492	2,470	-0.9
Balance of County	21,405	21,174	-1.1
Butte	221,521	210,291	-5.1
Biggs	2,053	1,852	-9.8
Chico	109,688	110,326	0.6
Gridley	7,058	6,402	-9.3
Oroville	21,311	19,440	-8.8
Paradise	4,485	4,631	3.3
Balance of County	76,926	67,640	-12.1
Calaveras	45,085	45,023	-0.1
Angels City	4,095	4,123	0.7
Balance of County	40,990	40,900	-0.2
Colusa	21,990	21,902	-0.4
Colusa	6,227	6,175	-0.8
Williams	5,392	5,426	0.6
Balance of County	10,371	10,301	-0.7
Contra Costa	1,150,621	1,153,561	0.3
Antioch	112,423	112,520	0.1
Brentwood	64,365	65,118	1.2
Clayton	11,347	11,337	-0.1
Concord	130,435	130,143	-0.2

Danville	43,923	43,876	-0.1
El Cerrito	24,852	24,953	0.4
Hercules	25,488	25,530	0.2
Lafayette	25,644	25,604	-0.2
Martinez	37,424	37,106	-0.8
Moraga	16,939	16,946	0.0
Oakley	41,979	42,461	1.1
Orinda	18,911	19,009	0.5
Pinole	19,563	19,505	-0.3
Pittsburg	73,565	74,321	1.0
Pleasant Hill	34,286	34,267	-0.1
Richmond	110,793	111,217	0.4
San Pablo	31,481	31,413	-0.2
San Ramon	82,100	83,118	1.2
Walnut Creek	70,958	70,860	-0.1
Balance of County	174,145	174,257	0.1
Del Norte	27,127	27,298	0.6
Crescent City	6,605	6,673	1.0
Balance of County	20,522	20,625	0.5
El Dorado	190,018	193,227	1.7
Placerville	10,836	10,980	1.3
South Lake Tahoe	22,304	22,525	1.0
Balance of County	156,878	159,722	1.8
Fresno	1,015,195	1,023,358	0.8
Clovis	116,609	119,175	2.2
Coalinga	16,944	17,199	1.5
Firebaugh	7,980	7,981	0.0
Fowler	6,220	6,454	3.8
Fresno	542,012	545,769	0.7
Huron	7,302	7,299	0.0
Kerman	15,767	15,950	1.2
Kingsburg	12,551	12,883	2.6
Mendota	12,278	12,514	1.9
Orange Cove	9,460	9,456	0.0
Parlier	15,658	15,890	1.5
Reedley	25,873	25,917	0.2
Sanger	27,005	27,185	0.7
San Joaquin	4,144	4,142	0.0
Selma	24,402	24,436	0.1
Balance of County	170,990	171,108	0.1
Glenn	28,695	29,400	2.5
Orland	8,113	8,323	2.6
Willows	6,080	6,208	2.1
Balance of County	14,502	14,869	2.5
Humboldt	133,996	133,302	-0.5
Arcata	18,223	17,963	-1.4
Blue Lake	1,285	1,277	-0.6
Eureka	26,820	26,699	-0.5
Ferndale	1,378	1,382	0.3

Fortuna	12,112	12,123	0.1
Rio Dell	3,308	3,287	-0.6
Trinidad	339	337	-0.6
Balance of County	70,531	70,234	-0.4
Imperial	188,821	188,777	0.0
Brawley	27,229	27,349	0.4
Calexico	41,032	40,896	-0.3
Calipatria	7,141	6,843	-4.2
El Centro	45,774	45,657	-0.3
Holtville	6,366	6,359	-0.1
Imperial	19,364	19,907	2.8
Westmorland	2,356	2,346	-0.4
Balance of County	39,559	39,420	-0.4
Inyo	18,572	18,584	0.1
Bishop	3,815	3,821	0.2
Balance of County	14,757	14,763	0.0
Kern	908,405	917,553	1.0
Arvin	21,314	21,677	1.7
Bakersfield	387,236	392,756	1.4
California City	14,423	14,161	-1.8
Delano	52,422	53,032	1.2
Maricopa	1,122	1,127	0.4
McFarland	14,984	14,388	-4.0
Ridgecrest	29,067	29,350	1.0
Shafter	19,849	20,441	3.0
Taft	9,417	8,680	-7.8
Tehachapi	13,054	12,758	-2.3
Wasco	27,548	28,884	4.8
Balance of County	317,969	320,299	0.7
Kings	152,995	153,608	0.4
Avenal	13,214	13,189	-0.2
Corcoran	21,595	21,302	-1.4
Hanford	58,907	59,349	0.8
Lemoore	26,254	26,509	1.0
Balance of County	33,025	33,259	0.7
Lake	64,268	64,040	-0.4
Clearlake	14,363	14,297	-0.5
Lakeport	4,698	4,677	-0.4
Balance of County	45,207	45,066	-0.3
Lassen	29,173	28,833	-1.2
Susanville	14,206	13,717	-3.4
Balance of County	14,967	15,116	1.0
Los Angeles	10,184,378	10,172,951	-0.1
Agoura Hills	20,622	20,566	-0.3
Alhambra	86,793	86,792	0.0
Arcadia	57,262	57,212	-0.1
Artesia	16,534	16,490	-0.3
Avalon	3,939	3,929	-0.3
Azusa	49,537	49,658	0.2

Baldwin Park	76,311	76,252	-0.1
Bell	36,510	36,531	0.1
Bellflower	78,239	78,110	-0.2
Bell Gardens	42,579	42,449	-0.3
Beverly Hills	33,926	33,775	-0.4
Bradbury	1,056	1,052	-0.4
Burbank	105,496	105,861	0.3
Calabasas	24,185	24,193	0.0
Carson	93,153	93,108	0.0
Cerritos	49,995	49,994	0.0
Claremont	35,872	35,807	-0.2
Commerce	12,929	12,868	-0.5
Compton	98,206	98,032	-0.2
Covina	48,683	48,846	0.3
Cudahy	24,227	24,172	-0.2
Culver City	39,493	39,705	0.5
Diamond Bar	57,308	57,177	-0.2
Downey	113,863	113,529	-0.3
Duarte	21,681	21,673	0.0
El Monte	116,563	116,675	0.1
El Segundo	16,812	16,777	-0.2
Gardena	60,892	60,937	0.1
Glendale	204,883	205,331	0.2
Glendora	51,840	52,067	0.4
Hawaiian Gardens	14,685	14,649	-0.2
Hawthorne	87,071	86,903	-0.2
Hermosa Beach	19,641	19,614	-0.1
Hidden Hills	1,862	1,868	0.3
Huntington Park	59,642	59,515	-0.2
Industry	427	427	0.0
Inglewood	112,345	111,971	-0.3
Irwindale	1,443	1,434	-0.6
La Canada Flintridge	20,497	20,461	-0.2
La Habra Heights	5,470	5,461	-0.2
Lakewood	80,168	79,919	-0.3
La Mirada	49,007	48,877	-0.3
Lancaster	161,505	161,699	0.1
La Puente	40,532	40,568	0.1
La Verne	33,289	33,300	0.0
Lawndale	32,879	32,799	-0.2
Lomita	20,614	20,549	-0.3
Long Beach	472,802	472,217	-0.1
Los Angeles	4,013,170	4,010,684	-0.1
Lynwood	71,549	71,269	-0.4
Malibu	11,784	11,720	-0.5
Manhattan Beach	35,419	35,250	-0.5
Maywood	27,988	27,904	-0.3
Monrovia	37,956	37,935	-0.1
Montebello	63,742	63,544	-0.3

Monterey Park	60,943	60,734	-0.3
Norwalk	105,881	105,717	-0.2
Palmdale	157,117	156,737	-0.2
Palos Verdes Estates	13,230	13,190	-0.3
Paramount	55,569	55,461	-0.2
Pasadena	144,686	144,842	0.1
Pico Rivera	63,390	63,374	0.0
Pomona	154,675	154,817	0.1
Rancho Palos Verdes	41,838	41,731	-0.3
Redondo Beach	67,154	66,994	-0.2
Rolling Hills	1,880	1,874	-0.3
Rolling Hills Estates	8,035	8,066	0.4
Rosemead	54,198	54,363	0.3
San Dimas	34,042	33,945	-0.3
San Fernando	24,798	25,207	1.6
San Gabriel	40,194	40,104	-0.2
San Marino	13,106	13,087	-0.1
Santa Clarita	221,703	221,932	0.1
Santa Fe Springs	18,348	18,295	-0.3
Santa Monica	92,480	92,357	-0.1
Sierra Madre	10,843	10,816	-0.2
Signal Hill	11,744	11,712	-0.3
South El Monte	20,792	21,204	2.0
South Gate	97,211	97,003	-0.2
South Pasadena	25,524	25,458	-0.3
Temple City	36,098	36,150	0.1
Torrance	145,922	145,546	-0.3
Vernon	298	297	-0.3
Walnut	29,977	29,929	-0.2
West Covina	106,313	105,999	-0.3
West Hollywood	36,335	36,203	-0.4
Westlake Village	8,227	8,212	-0.2
Whittier	87,073	86,801	-0.3
Balance of County	1,039,878	1,034,689	-0.5
Madera	158,216	158,147	0.0
Chowchilla	18,553	18,196	-1.9
Madera	65,117	65,415	0.5
Balance of County	74,546	74,536	0.0
Marin	262,240	260,831	-0.5
Belvedere	2,139	2,124	-0.7
Corte Madera	10,138	10,114	-0.2
Fairfax	7,443	7,399	-0.6
Larkspur	12,331	12,253	-0.6
Mill Valley	14,743	14,674	-0.5
Novato	54,062	53,702	-0.7
Ross	2,548	2,550	0.1
San Anselmo	12,845	12,757	-0.7
San Rafael	60,207	59,807	-0.7
Sausalito	7,301	7,252	-0.7

Tiburon	9,581	9,540	-0.4
Balance of County	68,902	68,659	-0.4
Mariposa	18,066	18,067	0.0
Mendocino	88,388	87,946	-0.5
Fort Bragg	7,471	7,427	-0.6
Point Arena	441	451	2.3
Ukiah	16,029	16,061	0.2
Willits	5,117	5,072	-0.9
Balance of County	59,330	58,935	-0.7
Merced	280,735	283,521	1.0
Atwater	31,370	31,378	0.0
Dos Palos	5,549	5,546	-0.1
Gustine	5,867	5,875	0.1
Livingston	14,709	15,052	2.3
Los Banos	41,287	41,923	1.5
Merced	86,081	88,120	2.4
Balance of County	95,872	95,627	-0.3
Modoc	9,637	9,570	-0.7
Alturas	2,849	2,826	-0.8
Balance of County	6,788	6,744	-0.6
Mono	13,517	13,464	-0.4
Mammoth Lakes	7,887	7,859	-0.4
Balance of County	5,630	5,605	-0.4
Monterey	441,304	441,143	0.0
Carmel-by-the-Sea	3,939	3,949	0.3
Del Rey Oaks	1,674	1,662	-0.7
Gonzales	8,566	8,506	-0.7
Greenfield	18,109	18,284	1.0
King City	14,540	14,797	1.8
Marina	22,688	22,321	-1.6
Monterey	27,992	28,170	0.6
Pacific Grove	15,360	15,265	-0.6
Salinas	162,353	162,222	-0.1
Sand City	383	385	0.5
Seaside	33,047	33,537	1.5
Soledad	25,745	25,301	-1.7
Balance of County	106,908	106,744	-0.2
Napa	139,970	139,088	-0.6
American Canyon	21,000	20,837	-0.8
Calistoga	5,378	5,348	-0.6
Napa	79,730	79,278	-0.6
St Helena	6,101	6,073	-0.5
Yountville	2,763	2,685	-2.8
Balance of County	24,998	24,867	-0.5
Nevada	97,820	98,114	0.3
Grass Valley	12,851	12,865	0.1
Nevada City	3,160	3,140	-0.6
Truckee	16,136	16,228	0.6
Balance of County	65,673	65,881	0.3

Orange	3,192,987	3,194,332	0.0
Aliso Viejo	49,815	50,044	0.5
Anaheim	356,669	357,325	0.2
Brea	44,879	45,629	1.7
Buena Park	82,422	81,998	-0.5
Costa Mesa	114,634	114,778	0.1
Cypress	48,976	49,272	0.6
Dana Point	33,212	33,146	-0.2
Fountain Valley	56,099	55,878	-0.4
Fullerton	141,931	141,863	0.0
Garden Grove	175,052	174,801	-0.1
Huntington Beach	201,239	201,281	0.0
Irvine	277,462	281,707	1.5
Laguna Beach	22,445	22,343	-0.5
Laguna Hills	31,674	31,508	-0.5
Laguna Niguel	65,363	65,316	-0.1
Laguna Woods	16,329	16,243	-0.5
La Habra	63,319	63,371	0.1
Lake Forest	84,576	84,711	0.2
La Palma	15,572	15,492	-0.5
Los Alamitos	11,576	11,567	-0.1
Mission Viejo	94,766	94,267	-0.5
Newport Beach	85,706	85,780	0.1
Orange	140,410	140,065	-0.2
Placentia	51,750	51,494	-0.5
Rancho Santa Margarita	49,051	48,793	-0.5
San Clemente	64,541	64,581	0.1
San Juan Capistrano	36,149	36,318	0.5
Santa Ana	337,639	335,052	-0.8
Seal Beach	25,080	24,992	-0.4
Stanton	39,097	39,077	-0.1
Tustin	80,491	80,382	-0.1
Villa Park	5,786	5,766	-0.3
Westminster	92,737	92,421	-0.3
Yorba Linda	68,458	68,650	0.3
Balance of County	128,082	128,421	0.3
Placer	395,978	403,711	2.0
Auburn	14,440	14,594	1.1
Colfax	2,121	2,152	1.5
Lincoln	48,679	49,317	1.3
Loomis	6,828	6,888	0.9
Rocklin	68,806	70,350	2.2
Roseville	141,299	145,163	2.7
Balance of County	113,805	115,247	1.3
Plumas	18,242	18,260	0.1
Portola	2,017	2,016	0.0
Balance of County	16,225	16,244	0.1
Riverside	2,422,146	2,442,304	0.8
Banning	31,142	31,125	-0.1

Beaumont	49,630	51,475	3.7
Blythe	19,256	19,255	0.0
Calimesa	8,830	9,329	5.7
Canyon Lake	10,995	11,000	0.0
Cathedral City	53,320	53,580	0.5
Coachella	46,885	47,186	0.6
Corona	166,723	168,248	0.9
Desert Hot Springs	29,683	29,660	-0.1
Eastvale	65,611	66,413	1.2
Hemet	85,159	85,175	0.0
Indian Wells	5,379	5,403	0.4
Indio	90,087	90,751	0.7
Jurupa Valley	106,115	107,083	0.9
Lake Elsinore	63,154	63,453	0.5
La Quinta	40,389	40,660	0.7
Menifee	94,732	97,093	2.5
Moreno Valley	207,181	208,838	0.8
Murrieta	114,193	115,561	1.2
Norco	26,426	27,564	4.3
Palm Desert	52,911	52,986	0.1
Palm Springs	47,296	47,427	0.3
Perris	79,856	80,201	0.4
Rancho Mirage	18,886	19,114	1.2
Riverside	326,427	328,155	0.5
San Jacinto	50,431	51,028	1.2
Temecula	111,879	111,970	0.1
Wildomar	37,126	37,183	0.2
Balance of County	382,444	385,388	0.8
Sacramento	1,541,301	1,555,365	0.9
Citrus Heights	87,731	87,811	0.1
Elk Grove	173,170	176,154	1.7
Folsom	79,171	81,610	3.1
Galt	25,655	25,849	0.8
Isleton	827	828	0.1
Rancho Cordova	77,438	78,381	1.2
Sacramento	505,230	510,931	1.1
Balance of County	592,079	593,801	0.3
San Benito	61,513	62,353	1.4
Hollister	39,998	40,646	1.6
San Juan Bautista	2,098	2,112	0.7
Balance of County	19,417	19,595	0.9
San Bernardino	2,168,964	2,180,537	0.5
Adelanto	35,504	35,663	0.4
Apple Valley	74,140	74,394	0.3
Barstow	24,210	24,268	0.2
Big Bear Lake	5,191	5,206	0.3
Chino	87,594	89,109	1.7
Chino Hills	82,310	82,409	0.1
Colton	53,862	54,118	0.5

Fontana	212,304	213,000	0.3
Grand Terrace	12,362	12,426	0.5
Hesperia	95,509	96,393	0.9
Highland	55,222	55,323	0.2
Loma Linda	24,405	24,535	0.5
Montclair	39,452	39,490	0.1
Needles	5,289	5,248	-0.8
Ontario	180,494	182,871	1.3
Rancho Cucamonga	175,201	175,522	0.2
Redlands	70,700	70,952	0.4
Rialto	104,334	104,553	0.2
San Bernardino	217,642	217,946	0.1
Twentynine Palms	28,478	29,258	2.7
Upland	78,564	78,814	0.3
Victorville	124,642	126,432	1.4
Yucaipa	55,629	55,712	0.1
Yucca Valley	22,205	22,236	0.1
Balance of County	303,721	304,659	0.3
San Diego	3,340,312	3,343,355	0.1
Carlsbad	113,635	114,463	0.7
Chula Vista	271,032	272,202	0.4
Coronado	23,814	21,381	-10.2
Del Mar	4,275	4,268	-0.2
El Cajon	104,104	104,393	0.3
Encinitas	62,096	62,183	0.1
Escondido	152,391	153,008	0.4
Imperial Beach	27,934	28,055	0.4
La Mesa	59,827	59,966	0.2
Lemon Grove	26,426	26,526	0.4
National City	62,254	62,099	-0.2
Oceanside	177,242	177,335	0.1
Poway	49,298	49,338	0.1
San Diego	1,428,600	1,430,489	0.1
San Marcos	96,651	97,209	0.6
Santee	57,780	57,999	0.4
Solana Beach	13,786	13,838	0.4
Vista	102,098	102,928	0.8
Balance of County	507,069	505,675	-0.3
San Francisco	891,021	897,806	0.8
San Joaquin	765,556	773,632	1.1
Escalon	7,442	7,478	0.5
Lathrop	25,401	26,833	5.6
Lodi	67,430	67,930	0.7
Manteca	83,395	84,800	1.7
Ripon	15,688	15,930	1.5
Stockton	317,271	318,522	0.4
Tracy	94,586	95,931	1.4
Balance of County	154,343	156,208	1.2
San Luis Obispo	278,355	277,259	-0.4

Arroyo Grande	17,839	17,687	-0.9
Atascadero	30,348	30,057	-1.0
El Paso de Robles	31,136	31,221	0.3
Grover Beach	13,320	13,214	-0.8
Morro Bay	10,269	10,188	-0.8
Pismo Beach	8,237	8,139	-1.2
San Luis Obispo	45,937	45,920	0.0
Balance of County	121,269	120,833	-0.4
San Mateo	774,231	773,244	-0.1
Atherton	7,044	7,031	-0.2
Belmont	26,983	26,813	-0.6
Brisbane	4,659	4,633	-0.6
Burlingame	30,320	30,118	-0.7
Colma	1,516	1,729	14.1
Daly City	109,710	109,142	-0.5
East Palo Alto	30,979	30,794	-0.6
Foster City	33,211	33,033	-0.5
Half Moon Bay	12,480	12,431	-0.4
Hillsborough	11,421	11,418	0.0
Menlo Park	35,454	35,254	-0.6
Millbrae	22,983	22,832	-0.7
Pacifica	38,579	38,331	-0.6
Portola Valley	4,623	4,607	-0.3
Redwood City	86,139	86,754	0.7
San Bruno	45,542	45,454	-0.2
San Carlos	29,652	30,145	1.7
San Mateo	103,569	103,087	-0.5
South San Francisco	67,221	67,879	1.0
Woodside	5,663	5,676	0.2
Balance of County	66,483	66,083	-0.6
Santa Barbara	450,839	451,840	0.2
Buellton	5,407	5,464	1.1
Carpinteria	13,366	13,335	-0.2
Goleta	31,920	32,223	0.9
Guadalupe	7,769	8,081	4.0
Lompoc	43,849	43,786	-0.1
Santa Barbara	93,108	93,511	0.4
Santa Maria	106,969	107,407	0.4
Solvang	5,575	5,562	-0.2
Balance of County	142,876	142,471	-0.3
Santa Clara	1,954,833	1,961,969	0.4
Campbell	42,168	42,288	0.3
Cupertino	59,504	59,549	0.1
Gilroy	56,854	57,084	0.4
Los Altos	30,881	30,876	0.0
Los Altos Hills	8,394	8,413	0.2
Los Gatos	30,720	31,439	2.3
Milpitas	76,211	77,961	2.3
Monte Sereno	3,586	3,594	0.2

Morgan Hill	45,745	46,454	1.5
Mountain View	81,639	82,272	0.8
Palo Alto	69,109	69,226	0.2
San Jose	1,047,871	1,049,187	0.1
Santa Clara	127,401	129,104	1.3
Saratoga	31,002	31,030	0.1
Sunnyvale	155,766	156,503	0.5
Balance of County	87,982	86,989	-1.1
Santa Cruz	272,501	271,233	-0.5
Capitola	10,130	10,108	-0.2
Santa Cruz	65,241	64,424	-1.3
Scotts Valley	11,646	11,693	0.4
Watsonville	51,672	51,515	-0.3
Balance of County	133,812	133,493	-0.2
Shasta	177,891	178,045	0.1
Anderson	10,604	10,671	0.6
Redding	91,756	91,743	0.0
Shasta Lake	10,593	10,657	0.6
Balance of County	64,938	64,974	0.1
Sierra	3,210	3,201	-0.3
Loyalton	784	781	-0.4
Balance of County	2,426	2,420	-0.2
Siskiyou	44,592	44,461	-0.3
Dorris	1,001	996	-0.5
Dunsmuir	1,641	1,634	-0.4
Etna	747	745	-0.3
Fort Jones	676	673	-0.4
Montague	1,370	1,363	-0.5
Mount Shasta	3,386	3,375	-0.3
Tulelake	914	910	-0.4
Weed	2,762	2,747	-0.5
Yreka	7,832	7,786	-0.6
Balance of County	24,263	24,232	-0.1
Solano	438,832	440,224	0.3
Benicia	27,263	27,175	-0.3
Dixon	19,920	19,972	0.3
Fairfield	116,319	116,981	0.6
Rio Vista	9,594	9,987	4.1
Suisun City	29,211	29,119	-0.3
Vacaville	98,066	98,855	0.8
Vallejo	119,349	119,063	-0.2
Balance of County	19,110	19,072	-0.2
Sonoma	496,947	492,980	-0.8
Cloverdale	9,279	9,213	-0.7
Cotati	7,628	7,533	-1.2
Healdsburg	12,166	12,089	-0.6
Petaluma	62,195	61,873	-0.5
Rohnert Park	43,134	43,069	-0.2
Santa Rosa	175,183	173,628	-0.9

Sebastopol	7,826	7,745	-1.0
Sonoma	11,164	11,050	-1.0
Windsor	28,596	28,248	-1.2
Balance of County	139,776	138,532	-0.9
Stanislaus	554,018	557,709	0.7
Ceres	48,027	48,430	0.8
Hughson	7,232	7,298	0.9
Modesto	220,126	222,335	1.0
Newman	11,860	11,912	0.4
Oakdale	22,838	22,997	0.7
Patterson	22,974	23,074	0.4
Riverbank	24,867	25,030	0.7
Turlock	73,874	74,297	0.6
Waterford	8,806	8,894	1.0
Balance of County	113,414	113,442	0.0
Sutter	102,914	100,750	-2.1
Live Oak	9,164	9,200	0.4
Yuba City	72,005	70,458	-2.1
Balance of County	21,745	21,092	-3.0
Tehama	64,643	65,129	0.8
Corning	7,534	7,620	1.1
Red Bluff	14,166	14,245	0.6
Tehama	442	445	0.7
Balance of County	42,501	42,819	0.7
Trinity	13,637	13,548	-0.7
Tulare	476,588	479,977	0.7
Dinuba	25,689	25,994	1.2
Exeter	11,009	11,030	0.2
Farmersville	11,396	11,399	0.0
Lindsay	13,153	13,154	0.0
Porterville	59,490	59,655	0.3
Tulare	66,457	67,834	2.1
Visalia	137,696	138,649	0.7
Woodlake	7,691	7,773	1.1
Balance of County	144,007	144,489	0.3
Tuolumne	54,532	54,917	0.7
Sonora	4,725	4,717	-0.2
Balance of County	49,807	50,200	0.8
Ventura	846,050	842,886	-0.4
Camarillo	70,024	70,261	0.3
Fillmore	15,680	15,566	-0.7
Moorpark	36,649	36,278	-1.0
Ojai	7,591	7,557	-0.4
Oxnard	206,221	206,352	0.1
Port Hueneme	23,457	23,607	0.6
San Buenaventura	107,021	106,276	-0.7
Santa Paula	30,573	30,389	-0.6
Simi Valley	125,664	125,115	-0.4
Thousand Oaks	127,610	126,484	-0.9

Balance of County	95,560	95,001	-0.6
Yolo	220,896	221,705	0.4
Davis	69,179	69,183	0.0
West Sacramento	53,995	54,328	0.6
Winters	7,169	7,279	1.5
Woodland	60,068	60,742	1.1
Balance of County	30,485	30,173	-1.0
Yuba	77,342	78,887	2.0
Marysville	12,333	12,424	0.7
Wheatland	3,620	3,641	0.6
Balance of County	61,389	62,822	2.3

Department of Finance

Demographic Research Unit

Phone: (916) 323-4086

For more information: <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

Released on May 1, 2020

[About the Data](#)

E-1: State/County Population Estimates with Annual Percent Change

State/County	Total Population 1/1/ 2019	Total Population 1/1/ 2020	Percent Change
California	39,695,376	39,782,870	0.2
Alameda	1,664,783	1,670,834	0.4
Alpine	1,149	1,142	-0.6
Amador	37,820	37,676	-0.4
Butte	221,521	210,291	-5.1
Calaveras	45,085	45,023	-0.1
Colusa	21,990	21,902	-0.4
Contra Costa	1,150,621	1,153,561	0.3
Del Norte	27,127	27,298	0.6
El Dorado	190,018	193,227	1.7
Fresno	1,015,195	1,023,358	0.8
Glenn	28,695	29,400	2.5
Humboldt	133,996	133,302	-0.5
Imperial	188,821	188,777	0.0
Inyo	18,572	18,584	0.1
Kern	908,405	917,553	1.0
Kings	152,995	153,608	0.4
Lake	64,268	64,040	-0.4
Lassen	29,173	28,833	-1.2
Los Angeles	10,184,378	10,172,951	-0.1
Madera	158,216	158,147	0.0
Marin	262,240	260,831	-0.5
Mariposa	18,066	18,067	0.0
Mendocino	88,388	87,946	-0.5
Merced	280,735	283,521	1.0
Modoc	9,637	9,570	-0.7
Mono	13,517	13,464	-0.4
Monterey	441,304	441,143	0.0
Napa	139,970	139,088	-0.6
Nevada	97,820	98,114	0.3
Orange	3,192,987	3,194,332	0.0
Placer	395,978	403,711	2.0
Plumas	18,242	18,260	0.1
Riverside	2,422,146	2,442,304	0.8
Sacramento	1,541,301	1,555,365	0.9
San Benito	61,513	62,353	1.4
San Bernardino	2,168,964	2,180,537	0.5
San Diego	3,340,312	3,343,355	0.1
San Francisco	891,021	897,806	0.8
San Joaquin	765,556	773,632	1.1
San Luis Obispo	278,355	277,259	-0.4
San Mateo	774,231	773,244	-0.1
Santa Barbara	450,839	451,840	0.2
Santa Clara	1,954,833	1,961,969	0.4
Santa Cruz	272,501	271,233	-0.5

Shasta	177,891	178,045	0.1
Sierra	3,210	3,201	-0.3
Siskiyou	44,592	44,461	-0.3
Solano	438,832	440,224	0.3
Sonoma	496,947	492,980	-0.8
Stanislaus	554,018	557,709	0.7
Sutter	102,914	100,750	-2.1
Tehama	64,643	65,129	0.8
Trinity	13,637	13,548	-0.7
Tulare	476,588	479,977	0.7
Tuolumne	54,532	54,917	0.7
Ventura	846,050	842,886	-0.4
Yolo	220,896	221,705	0.4
Yuba	77,342	78,887	2.0

Department of Finance

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For more information: <http://www.dof.ca.gov/research/demographic/re>

Released on May 1, 2020

May 20, 2020

Department of Finance
Demographic Research Unit
915 "L" Street, 8th Floor
Sacramento, CA 95814

To Whom It May Concern:

On May 1, 2020, the City of Porterville received Porterville's estimated population and housing data for 2020 from the State Department of Finance.

On May 19, 2020, the Porterville City Council adopted Porterville's new estimated population of 59,655 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville's January 1, 2020, population as 59,655 by Minute Order No. _____.

Sincerely,

Martha A. Flores
Mayor
City of Porterville



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Resolution Denying Shryne Group, Inc./Authentic Porterville's Appeal of Zoning Administrator Determination 2020-01 (Cannabis RFP Appeal)

SOURCE: Administrative Services

COMMENT: On March 31, 2020, the Zoning Administrator issued a determination to Shryne Group, Inc./Authentic Porterville that its proposal in response to the City's RFP for Cannabis Business Operating Permit for Retail Dispensaries did not meet the submittal requirements due to its failure to register as a plan holder through the Public Purchase webpage.

On April 2, 2020, Shryne Group, Inc./Authentic Porterville filed an appeal of the Zoning Administrator Determination pursuant to Chapter 612 of the Porterville Development Ordinance.

During the City Council's regularly scheduled meeting of April 21, 2020, the City Council conducted a hearing on applicant's appeal in which Mr. Tak Sato presented argument on behalf of Shryne Group, Inc./Authentic Porterville, and City Attorney Julia Lew presented argument on behalf of the City of Porterville. Attorney Wiley R. Driskel of the law firm of Lozano Smith provided special legal counsel to the City Council in this matter. At the conclusion of oral arguments, the City Council voted unanimously to uphold the March 31, 2020 determination of the Zoning Administrator, and directed Special Counsel Driskel to prepare a Resolution of its decision.

RECOMMENDATION: That the City council approve the draft Resolution Denying Shryne Group, Inc./Authentic Porterville's Appeal of Zoning Administrator Determination 2020-01 (Cannabis RFP Appeal).

ATTACHMENTS: 1. Draft Resolution - Appeal Denial

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
DENYING SHRYNE GROUP, INC./AUTHENTIC PORTERVILLE'S APPEAL OF
ZONING ADMINISTRATOR DETERMINATION 2020-01 (CANNABIS RFP APPEAL)**

WHEREAS, on January 23, 2020, the City of Porterville ("City") issued a Request for Proposals ("RFP") for a retail cannabis dispensary business, which may have resulted in selected applicants securing eligibility to apply for a retail dispensary Cannabis Business Operator's Permit ("CBOP"); and

WHEREAS, on or about February 24, 2020, Applicant Shryne Group, Inc. (a.k.a. Authentic Porterville) ("Applicant") physically submitted its application in response to the RFP through its employee, Ellen Wysocki; and

WHEREAS, the RFP clearly stated on page 2, Section II, Summary of Cannabis Request for Proposals, in boldface type; and again on page 14, 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;" and

WHEREAS, the same notice, "No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website," also appeared in boldface type on the City's Public Purchase website, which Applicant claims to have accessed on multiple occasions prior to submitting its application; and

WHEREAS, during the week prior to the final deadline for proper receipt of applications in response to the RFP, a fire destroyed the City's Public Library, resulting in the closure of the adjacent City Hall for over two days; which in turn prompted to City staff to extend the deadline for submission of applications to March 6, 2020; and

WHEREAS, notification of the extension of the application submission deadline was sent on March 4, 2020 via two methods, (1) by email to an interested parties list that the City had continually maintained since it had begun to develop retail cannabis regulations; and (2) by an addendum to the Public Purchase website; and

WHEREAS, in addition to extending the application submission deadline, the March 4, 2020 email and addendum to the Public Purchase website also again reminded applicants, "No proposal shall be received from an applicant who has not registered as a plan holder on the Public Purchase website.;" and

WHEREAS, Applicant's employees Ellen Wysocki and Ryan Nguyen were sent a copy of the aforementioned March 4, 2020 email, as they were on the interested parties email list; yet Applicant's Chief Development Officer, Mr. Tak Sato was not sent the March 4, 2020 email, having not been on the interested parties email list; and

WHEREAS, the City had no knowledge of Mr. Sato's connection to Applicant until March 24, 2020, well after the extended deadline for submission of RFP applications; and

WHEREAS, on March 31, 2020, the Zoning Administrator issued a determination to Applicant that its application to the RFP did not meet the submittal requirements because Applicant failed to follow the express instruction that it must register as a plan holder through the Public Purchase website; and as a result, City staff was unable to open and review said application and the materials were returned to Applicant; and

WHEREAS, on April 2, 2020, Applicant filed an appeal of the Zoning Administrator's March 31, 2020 determination, pursuant to Chapter 612 of the Porterville Development Ordinance; and

WHEREAS, Applicant's appeal argues, *inter alia*, that the City's March 4, 2020 email communication extending the application submission deadline, and repeating its reminder of the applicants' obligation to register as plan holders, did not provide Applicant with proper notice because the RFP provides, "All addenda and correspondence during the application process will be handled electronically through the Public Purchase website;" and

WHEREAS, Applicant's appeal further argues that the March 4, 2020 addendum regarding the extension of the application submission deadline and requirement to register as a plan holder, which was added to the Public Purchase website, also failed to provide Applicant proper notice because it was posted under a new Bid ID number instead of the number that had previously been used since the initiation of the RFP; and

WHEREAS, on April 21, 2020, during its regularly scheduled council meeting, the City Council conducted a hearing on Applicant's appeal pursuant to Section 612.04, subsection (e), of the Porterville Development Ordinance, in which Mr. Sato presented argument on behalf of Applicant and City Attorney Julia Lew, Esq. presented argument on behalf of the City; and

WHEREAS, at the conclusion of the hearing, the City Council voted unanimously to deny Applicant's appeal and to uphold the March 31, 2020 determination of the Zoning Administrator; and

WHEREAS, the City Council has the authority to render a final decision in this matter in accordance with Section 612.04, subsection (f) of the Porterville Development Ordinance;

NOW, THEREFORE, the City Council of the City of Porterville finds and resolves as follows:

1. The City Council finds that the Applicant received adequate notice of the requirement to register as a plan holder on the Public Purchase website, and that failure to do so would preclude Applicant's proposal from being received by the City.

2. It is undisputed that two of Applicant's employees, including Ms. Wysocki, who originally physically submitted the application to the City, and Mr. Nguyen, were on the distribution list for the March 4, 2020 email extending the submittal deadline and again reminding of the plan holder registration requirement.
3. Further, irrespective of whether Applicant had actual notice of the March 4, 2020 email or corresponding website addendum, Applicant clearly had actual notice via the RFP itself, which sets forth the obligation to register as a plan holder in two different sections, one of which is prominently located on page 2 in boldface type, and the other of which is located in the bid submittal instructions. Notification of this obligation also appears in boldface type on the City's Public Purchase website, which Mr. Sato admittedly consulted.
4. Therefore, even if the March 4, 2020 deadline extension had never been issued, Applicant would still have had notice of, and been obligated to abide by, the express instructions set forth in the RFP itself, and on the Public Purchase website, to register as a plan holder.
5. Applicant's failure to register as a plan holder was a material and uncorrectable defect in its application. Without confirming that Applicant was a plan holder, City staff was unable to open and review said application. Additionally, failure to follow the express, clear requirements of the RFP is itself sufficient basis for returning the application. Indeed, other applications were returned to other applicants to the RFP for failure to register as a plan holder, and for other similar failures to comply with the submission requirements.
6. Based on the foregoing findings, Applicant's appeal is DENIED.

PASSED, APPROVED AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 19, 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 May 5, 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. At its meeting on April 21, 2020, the Council conducted a Public Hearing and approved Resolutions of approval of the environmental determination and amendment to the UDB to facilitate annexation.

DDW has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth

Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves fourteen (14) residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

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

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

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

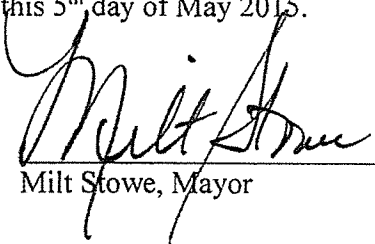
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

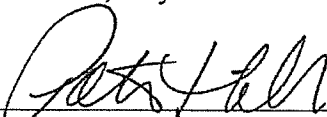
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

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

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

ACCORDINGLY, IT IS AGREED:

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

TULARE COUNTY AGREEMENT NO. 27596

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

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

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

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

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

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

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

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

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

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

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

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

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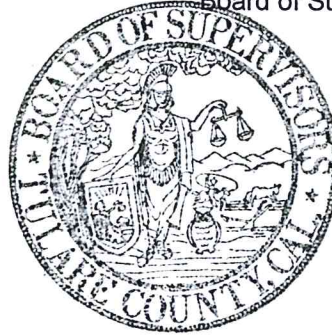
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors



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

By Danisa A. Ybana
Deputy Clerk

Approved as to Form
County Counsel

By M. Grice for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

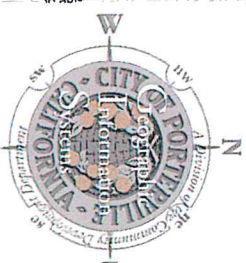
ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'



 East Porterville Project Boundary

Parcels Within Project Boundary Area (1,776)

CityLimits

UDB

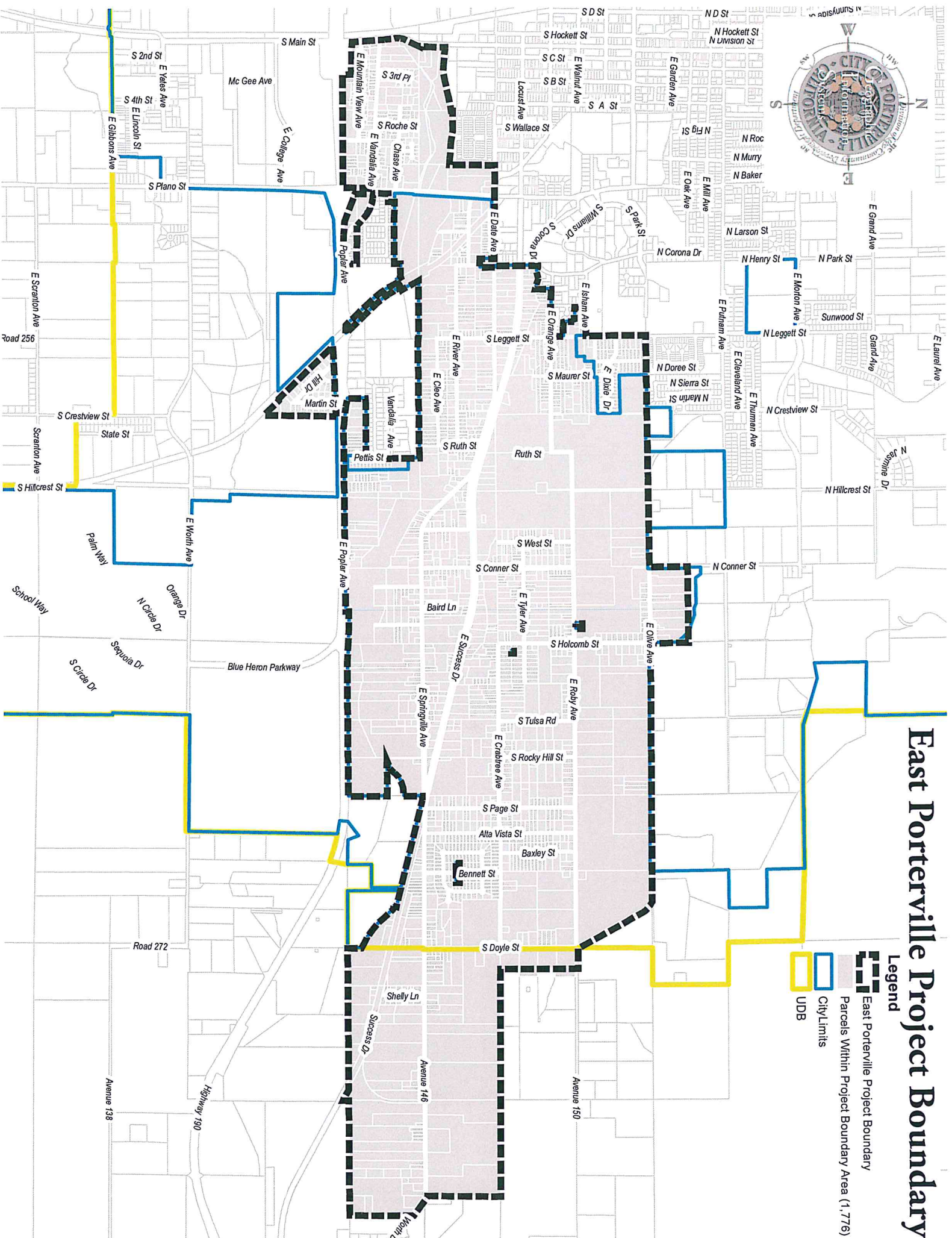


EXHIBIT 'B'

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:

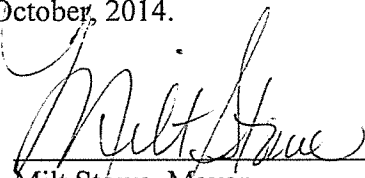
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

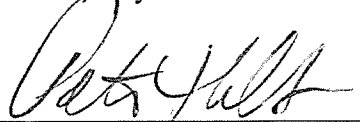
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

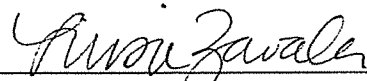
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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 – MAY 19, 2020

SUBJECT: Repeal and Replace Series 400 of the Porterville Development Code, Modify Other Applicable Codes and Adopt the Engineering Standards and Specifications.

SOURCE: Community Development

COMMENT: On May 4, 2010, the City Council adopted the Porterville Development Ordinance (PDO) to replace the Subdivision and Zoning Ordinances. At that time, staff was directed to follow up with a review of any issues or concerns in implementing the code. Since that time, staff has brought forward a variety of amendments to various sections of the PDO; at times the amendments have been substantial enough that an entire Series has been repealed and replaced.

Staff has worked on and off for the past few years with the Porterville Development Ordinance Committee (PDO Committee) which is comprised of a representative of the Building Industry Association, local engineers, architects and developers to identify inconsistencies and ambiguities discovered when implementing the code.

Staff and the PDO Committee have met frequently to progressively review Series 400. Most notably are modifications to clarify responsibilities by the newly formed Engineering and Project Management Department; providing a concise procedure for the filing of Parcel Maps; modifying the prohibition of culs-de-sac, to allow them in residential zone districts at a ratio of 20% of the lots to be served; and adding a requirement as identified in the General Plan to require trails along all watercourses to include adequate line of sight. Attachment 1 is a strikethrough/track changes version of the collaborative effort. Due to the volume of modifications, staff is requesting that Council repeal and replace Series 400 (Chapter 21, Series 400 of the Porterville City Code) with the enclosed Draft Ordinance (Attachment 2).

In addition to the updates proposed for Series 400, staff proposes this opportunity to address other code sections where the Council has provided specific expectations. Based on previous feedback provided by the Council, the draft Ordinance further includes a mechanism to require landscaping adjacent to fences and block walls so that the sidewalk does not directly abut a fence or wall, which tends to create an accumulation of trash and debris. The proposed language would be added to PDO §300.03, Fences and Freestanding Walls, so that when a wall or fence is constructed, a landscape strip would be required between the fence and the sidewalk. The proposed language calls for five (5) feet of landscaping adjacent to local roads and ten (10) feet adjacent to collectors and arterials (Attachment 3). Additionally, staff is requesting Council repeal Ordinance 1563 (Chapter 20, Article 1, Section 20-58 of Porterville City Code) which provided the City Manager or designee the authority to administratively approve requests to encroach into the public rights of way for fencing. This action would also remove a statement in Section 20-1.2 and Section 20-58 of the Municipal Code pertaining to Fence Encroachment Permits, which is in direct conflict with the aforementioned modifications.

As previously mentioned, staff was clarifying within Series 400, the responsibilities by the newly formed Engineering and Project Management Department. With the introduction of

language regarding "Engineering and Project Management," the term will additionally need to be added to Series 700, General Terms. In reviewing Series 700, it was noted that the Community Development Director also was missing from the Series.

The PDO Committee additionally reviewed the set of Engineering Standard Plans, which includes concrete and pavement standards (Attachment 7). While most of the plans update existing documents, Standard P-7, Super Block Connectivity provides the appropriate distance between local roads and collectors along an arterial, which has not been previously regulated.

Pursuant to State and local environmental regulations, the proposed modifications serve to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed Ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

RECOMMENDATION: That the City Council:

1. Approve the draft Ordinance to repeal and replace Series 400 of the Porterville Development Code;
2. Approve the draft Ordinance amending Section 300.03 of the Porterville Development Code;
3. Approve the draft Ordinance to repeal Ordinance 1563;
4. Approve the draft Ordinance amending Section 700.01 and 700.02 of the Porterville Development Code;
5. If approved, waive further reading of the Ordinances, and order to print;
6. Adopt the draft Resolution approving the Engineering Standard Plans and Specifications.

ATTACHMENTS:

1. Series 400 - REDLINE
2. Draft Ordinance Series 400
3. Draft Ordinance Series 300
4. Ordinance 1563 - Fence Encroachments
5. Draft Ordinance to Repeal Ordinance 1563
6. Draft Ordinance Series 700
7. Draft Resolution - Engineering Standard Plans

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Series 400: Land Divisions

Chapter 400 General Provisions

Sections:

400.01	Introductory Provisions
400.02	General Responsibilities
400.03	Appeals
400.04	Grounds for Denial
400.05	Authority to Vary Regulations
400.06	Maps Required

400.01 Introductory Provisions

- (a) **Citation and Authority.** This Series is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the “Subdivision Map Act.”
- (b) **Purpose.** Series 400, Land Divisions, is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, this Series is adopted in order to achieve the following objectives:
 - (1) To aid in the implementation of the General Plan, and elements thereof, as adopted by the City Council.
 - (2) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
 - (3) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.
 - (4) To accommodate new development in a manner which will preserve and enhance the city’s living environment.
 - (5) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.
 - (6) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.
- (c) **Scope.** Series 400, Land Divisions, is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future

amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this Series; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this Series shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this Series shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.

- (d) **Exclusions.** These standards shall not apply to those divisions of land excluded by Section 66412 of the Subdivision Map Act.

400.02 General Responsibilities

- (a) **City Attorney.** The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.
- (b) **City Council.** The City Council shall review and approve, conditionally approved or disapprove tentative and final subdivision maps and parcel maps when the parcel map is in coordination with a discretionary permit and/or multi-application projects. The City Council shall have final jurisdiction in the approval of reversions to acreage, final maps, improvement agreements, and the acceptance by the city of lands and/or improvements as may be proposed for dedication to the city for final maps. The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or disapproval for parcel maps.
- (c) ~~City Engineer or Engineering and Project Management~~**Public Works Director or City Engineer.** The ~~City Engineer or Engineering and Project Management~~**Public Works Director, City Engineer or their designee** shall be responsible for:
- (1) Establishing design and construction details, standards and specifications;
 - (2) Determining if proposed subdivision improvements comply with the provisions of this Series and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Zoning Administrator for tentative subdivision maps and parcel maps.
 - (3) The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance. In the case where signatures are required, it shall be provided by the appropriately authorized individual.
 - (4) Examining and stating that final maps are in substantial conformance with the approved tentative map.
 - (5) The inspection and approval of subdivision improvements.
 - (6) As authorized by ~~On behalf of~~ the City Council, accept the dedication of streets, alleys, including access rights and abutter's rights, drainage easements, ~~elementary school sites~~, parks, and other easements and parcels of land intended for public use.
 - (7) The collection of all required deposits and fees.

- (8) The Engineering and Project Management Director or designee(s) authorized to sign on behalf of the City as the City Engineer or City Surveyor, pursuant to the Professional Engineer's Act (Chapter 7 [commencing with Section 6700] of Division 3 of the Business and Professions Code).
- (d) **Zoning Administrator.** The Zoning Administrator, or designee, shall be responsible for design analysis for conformity with the General Plan and this Ordinance; for the environmental ~~impact~~quality of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.
- (e) **Project Review Committee.** The Project Review Committee shall be responsible for reviewing and commenting on preliminary maps that show the general characteristics of the proposed subdivision.
- (f) **Parcel Map Committee.** The Parcel Map Committee ~~shall be the designated advisory agency for parcel map subdivisions and~~ shall have the authority to approve, conditionally approve, or deny tentative parcel maps. The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices in compliance with adopted policies and ordinances. ~~The Parcel Map Committee shall be the advisory committee to the City Council for tentative parcel maps requiring concurrent processing consistent with Section 601.04(c).~~
- (g) **Subdivider.** The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

400.03 Appeals

- (a) The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the ~~City Engineer~~Engineering and Project Management Director, Zoning Administrator, or Parcel Map Committee consistent with the provisions of Chapter 612, Appeals.
- (b) When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this Series, any interested person may file an appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Chapter 612, Appeals. City Council decisions are final upon adoption of the resolution.

400.04 Grounds for Denial

- (a) A tentative map or parcel map shall be denied approval or conditional approval in the event any one (1) of the following findings is found to prevail by the ~~approving legislative~~ body:
 - (1) That the proposed map is not consistent with applicable general and specific plans.
 - (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - (3) That the site is not physically suitable for the type of development.
 - (4) That the site is not physically suitable for the proposed density of development.

- (5) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (6) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

400.05 Authority to Vary Regulations

- (a) The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this Series as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the Zoning Administrator and ~~Engineering and Project Management~~~~Public Works Director~~ Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:
 - (1) There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
 - (2) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
 - (3) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;
 - (4) That the exception is appropriate for the proper design and/or function of the subdivision; and
 - (5) That the granting of the exception is consistent with the General Plan.

- (b) **Exception to Conditional Use Permit Requirement.** As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots or for minor exceptions as determined by the Zoning Administrator, shall be processed with the tentative map and shall not be subject to a conditional use permit per the above section (a). Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

(1) **Action on Exceptions.** In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.

(2) **Appeals.** When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Chapter 612. City Council decisions are final upon adoption of the resolution.

400.06 Maps Required

- (a) **General.** The necessity for tentative maps (Chapter 402), or vesting tentative maps (Chapter 403), ~~and~~ final maps (Chapter 404), and parcel maps (Chapter 405) shall be governed by the provisions of this Series. A designated remainder lot shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.
- (b) **Final Map.** A tentative or vesting tentative and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the State Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:
- (1) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
 - (2) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
 - (3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
 - (4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter of a quarter section.

- (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
 - (6) The subdivisions described in paragraphs (1), (2), (3), (4) or (5) shall require a parcel map.
- (c) **Parcel Map.** A tentative map, vesting tentative map, and parcel map shall be required for all divisions of land into four (4) or fewer parcels, and for divisions of land into five (5) or more parcels that are classified as a parcel map in subsection (b) above, except that a tentative map and parcel map shall not be required for:
- (1) **Right-of-Way Subdivisions.** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
 - (2) **Conveyances.** Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
 - (3) **Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 406.03, Lot Line Adjustments.

Chapter 401 Preliminary Map

Sections:

- 401.01 Form of Preliminary Map
- 401.02 Project Review Committee

401.01 Form of Preliminary Map

- (a) Prior to the filing of a map, the subdivider ~~may~~shall submit to the Zoning Administrator an application for Project Review Committee and nine (9) copies of a preliminary map to indicate the essential characteristics of the subdivision. ~~The preliminary map shall be of the same size and scale as that required by this Series for tentative maps. The preliminary map shall be eighteen by twenty six inches (18" X 26"), be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100')~~ and shall contain the following minimum information:
- (1) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.
 - (2) Name and address of the owner of record, subdivider and engineer or surveyor.
 - (3) Date, north point and scale showing the general topography contours and features.
 - (4) Approximate location and widths of proposed and existing street rights-of-way.
 - (5) Approximate location, average size, and number of lots.
 - (6) Approximate acreage of proposed tract.
 - (7) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

401.02 Project Review Committee.

- (a) The Zoning Administrator will schedule a meeting of the Project Review Committee, in compliance with Chapter 601.03, with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested.

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Chapter 402 Tentative Maps

Sections:

- 402.01 Map Filing Procedure and Requirements
- 402.02 Form of Map and Content
- 402.03 Expiration of Maps and Extensions of Time

402.01 Map Filing Procedure and Requirements

- (a) The subdivider shall file with the Zoning Administrator ~~nineteen (19)~~ ⁽¹⁰⁹⁾ copies, one (1) photo-ready master (11" X 17" maximum) and one (1) copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this Series, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The Zoning Administrator shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the Zoning Administrator. The Zoning Administrator may refuse to accept a tentative map submittal which fails to comply with the requirements of this Series.

(b) Department Review and Referral

- (1) **Determination of Complete Application.** Not later than thirty (30) days after receipt of an application for a tentative map approval, the Zoning Administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Zoning Administrator's determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. Zoning Administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (2) **Referral.** Within ten (10) days of acceptance of a tentative map of a subdivision, the Zoning Administrator shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the Zoning Administrator a written report of their findings and recommendations thereon. The Zoning Administrator shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Development Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. Such public agencies and utilities include, but are not limited to:
 - a. City Engineer or ~~the Public Works Director~~ Engineering and Project Management Director/City Engineer;
 - b. Chief Building Official;
 - c. Police Department;

- d. Fire Department;
 - e. Field Services ~~Director~~Manager;
 - f. Office of Intergovernmental Management as required by the Government Code;
 - g. Southern California Edison or other affected electric company;
 - h. The Gas Company or other affected gas company;
 - i. Telephone company or other affected phone company;
 - j. Cable TV companies affected;
 - k. School Districts as required by Section 66455.7 of the Map Act;
 - l. Water supplier that is or may become a public water system as required by Section 66455.3 of the Map Act; and
 - m. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.
- (c) **Consideration of Tentative Maps.** The Zoning Administrator shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. The report shall include a recommendation for action, including any requirements or conditions deemed necessary to ensure that the map will comply with the General Plan and any applicable city regulations. The Engineering and Project ManagementPublic Works Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provisions of the Map Act.
- (d) **Notification Procedures for Public Hearings.** Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.
- (e) **Action.** Within the timeframes established in the Permit Streamlining Act, the City Council shall act on the tentative map for subdivisions and the Parcel Map Committee shall act on tentative parcel maps, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council/Parcel Map Committee find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council/Parcel Map Committee finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map.
- (f) **Notice of Action.** Within ten (10) days following the action by the City Council or Parcel Map Committee, as appropriate, the Zoning Administrator shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. Upon approval, the tentative shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative map shall be filed with the Zoning Administrator and the City Engineer.

402.02 Form of Map and Content.

- (a) The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or a licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100'), or as approved by the Zoning Administrator.

The tentative map shall clearly show the following information:

- (1) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
- (2) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
- (3) Partial legal description (1/4 section, township/range).
- (4) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
- (5) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
- (6) The locations, names, and widths, ~~and proposed grade~~ of all streets in the proposed subdivision.
- (7) Radius of each curve (in accordance with Section 407.03, Design and Construction Standards).
- (8) Typical cross sections of any non-standard streets.
- (9) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.
- (10) Contour lines ~~shall be shown with the having the~~ following intervals (Development within the Hillside Zone shall comply with Chapter 501, Hillside Zone Overlay District):
 - a. One (1) foot contour interval for ground slopes between level and five (5) percent.
 - b. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.
- (11) The approximate widths, location and purpose of all existing or proposed easements.
- (12) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.
- (13) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).

- (14) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.
 - (15) Public areas proposed.
 - (16) City limit lines.
 - (17) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
 - (18) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.
 - (19) Show all proposed dedications and irrevocable offers of dedication ~~on the tentative map or to be made by separate instrument.~~
 - (20) The location and sizes of existing and proposed utility lines and structures.
 - (21) The elevation of sewers at the proposed connection.
 - (22) Any other drawings, data or information as deemed necessary by the Zoning Administrator and/or the City Engineer.
 - (23) The Zoning Administrator may waive any of the above tentative map requirements if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified.
- (b) **Owner's Statement and Accompanying Data.** Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information. Any information that is engineering in nature shall be provided by a Civil Engineer.
- (1) Existing use or uses of the property, present zoning, and General Plan designation.
 - (2) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
 - (3) General outline of proposed water system.
 - (4) Provisions for sanitary sewage disposal and general outline of proposed system.
 - (5) Plan for surface drainage and flood control and general outline of proposed system.
 - (6) Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.
 - (7) If developed in increments, maps shall indicate approximate sequence of development.
 - (8) Environmental Information Form.
 - (9) Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.
 - (10) Any other data or reports deemed necessary by the Zoning Administrator and/or the City Engineer.

402.03 Expiration of Maps and Extensions of Time

- (a) **Expiration.** When a timely filing is made prior to expiration, subsequent actions of the City Council or Parcel Map Committee, as appropriate, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Section 66463.5 and 66452.6 of the Map Act, respectively. The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the City Council or Parcel Map Committee, as appropriate, without first processing a new tentative map.
- (b) **Extension.** Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Section 66463.5 and 66452.6 of the Map Act, respectively. Upon application of the subdivider, prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the Parcel Map Committee or by the City Council.
 - (1) **Request for Extension.** Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Zoning Administrator prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee, as appropriate. If the Parcel Map Committee denies a subdivider's application for an extension, the subdivider may appeal, in writing, to the City Council within ten (10) days after the Parcel Map Committee has denied the extension.
 - (2) **Consideration of Extension Request.** Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.
 - (3) **Companion Permits.** When a tentative map is approved or conditionally approved in conjunction with a Conditional Use Permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion Conditional Use Permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by this section.

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Chapter 403 Vesting Tentative Maps

Section:

- 403.01 Vesting Tentative Maps
- 403.02 Vesting of Development Rights

403.01 Vesting Tentative Maps

- (a) **Citation and Authority.** This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).
- (b) **Purpose.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act.
- (c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by this Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.
- (d) **Application.**
 - (1) Whenever a provision of the Map Act, as implemented and supplemented by this Series, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
 - (2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
- (e) **Filing and Processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Series for a tentative map, except as hereinafter provided:
 - (1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “vesting tentative map.”
 - (2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Section 402.02, Form of Map and Content:
 - a. Height, size, and location of buildings.
 - b. Geological studies.
 - c. Architectural plans.
 - d. Any other studies that are normally deferred to the building permit stage.

- (f) **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by 402.03 Expiration of Maps and Extensions of Time for the expiration of the approval or conditional approval of a tentative map.

403.02 Vesting of Development Rights

(a) Review Authority Action

- (1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- (2) Notwithstanding paragraph (1) above, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required, in order to comply with state or federal law.

- (b) **Time Limits and Extensions of Time on Vesting Tentative Maps.** The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided below. If the final map is approved, these rights shall last for the following periods of time:

- (1) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
- (2) The initial time period set forth in paragraph (1) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
- (3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in paragraph (1) above expires.
- (4) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1), (2), and (3) above, the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

(c) Development Inconsistent with Zoning Conditional Approval

- (1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Ordinance, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Ordinance to eliminate the inconsistency. If the change in the Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection (a)(1) above, confer the vested right to proceed with the development in substantial compliance with the change in the Ordinance and the map, as approved.
 - (2) The rights conferred by this subdivision shall be for the time periods set forth in subsection (b) above.
- (d) **Applications Inconsistent with Current Policies.** Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

Porterville Development Ordinance

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Chapter 404 Final Maps

Section:

- 404.01 Filing Final Map
- 404.02 Form of Map and Content
- 404.03 Approvals

404.01 Filing Final Map.

- (a) Within the time limit designated in Section 402.03, Expiration of Maps and Extensions of Time, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final map which shall substantially conform to the approved tentative map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the final map; and the final map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.
 - (1) **Multiple Final Maps.** Multiple final maps may be filed if the subdivider informs the Zoning Administrator in writing of his or her intention to file multiple final maps, at the time the tentative map is filed or, if the Zoning Administrator and the subdivider concur to the filing of multiple final maps after the filing of the tentative map.
 - (2) **Effect of Multiple Final Maps.** The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the requirements to provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.
- (b) The subdivider shall file ~~the original and~~ three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the City Engineer in accordance with this Series, it shall be accompanied by the following documents:
 - (1) **Improvement Plans.** The original ~~tracings of~~ detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this Series, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the City Engineer or Engineering and Project ManagementPublic Works Director for ~~his~~their approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer or Engineering and Project ManagementPublic Works Director. Plan sheets shall be twenty-four inches by thirty-six inches (24" X 36") and a plan and profile drawn

- to a scale of one inch equals fifty feet (1" = 50'), or an appropriate scale previously approved by the City Engineer.
- (2) **Traverse Sheets.** Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.
 - (3) **Design Data.** Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.
 - (4) **Report and Guarantee of Title.** The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.
 - (5) **Preliminary Soils Report.** A preliminary soil report prepared by a ~~qualified civil~~ engineer registered by the State of California, based upon adequate test borings or excavations. ~~The fact that a~~ soil report ~~that~~ has been prepared shall be kept on file for public inspection ~~by the city~~. The preliminary soil report may be waived by the City Engineer or ~~Engineering and Project Management~~~~Public Works~~ Director if adequate existing data is available as to the soil qualities of the soils of the subdivision. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a ~~qualified civil~~ engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the Building Department. If the preliminary soils report indicates the presence of naturally-occurring asbestos, a construction dust management plan shall be prepared.
 - (6) **Utility Statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.
 - (7) **Improvement Agreements.** With final review; all agreements, improvement security required by state law or this Ordinance, and offer(s) of dedication.

404.02 Form of Map and Content

- (a) The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:
- (1) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Statements, certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
 - (2) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
 - (3) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish ~~and the~~ subdivision boundaries.
 - (4) Each lot shall be numbered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.
 - (5) Exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.
 - (6) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.
 - (7) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the

recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

- (b) **Survey Requirement.** At the time of making a survey for final map, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.
- (1) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.
 - (2) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.
 - (3) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.
- (c) **Statements and Acknowledgment.** The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following statements, certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:
- (1) **Statement by parties holding title.** A statement in accordance with the provisions of Section 66436 and 66445 of the Map Act.
 - (2) **Dedication Statement.** A statement in accordance with Section 66439 of the Map Act.
 - (3) **Engineer's or Surveyor's Statement.** A statement in accordance with Section 66441 of the Map Act.
 - (4) **Soil Engineer's Statement.** A statement referring to preliminary soils reports on file with the city in accordance with Section 66434.5 of the Map Act.

- (5) **Statement to be executed.** A statement for execution by each of the following, as applicable:
- a. City Engineer;
 - b. Surveyor;
 - c. Geotechnical Engineer, Engineering Geologist, or Geophysicist;
 - d. Zoning Administrator;
 - e. City Council;
 - f. City Clerk;
 - g. County Board of Supervisors;
 - h. County Recorder;
 - i. Owner.
- (6) **Notation or Reference.** Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

(d) **Information on Final Maps**

- (1) Each ~~lot~~parcel shall be consecutively numbered. Each ~~lot~~parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the ~~lot~~parcel or ~~lots~~parcels being created shall be indicated by a distinctive border ~~applied to the reverse side of the tracings~~. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such ~~lot~~parcel or ~~lots~~parcels, and particularly the relationship to existing surveys.
- (2) The final map shall also contain the following information:
- a. The tentative map number or vesting tentative map number and date of preparation within the Zoning Administrator's Statement;
 - b. The net dimensions of each lot. No ditto marks shall be used.
 - c. The names, locations and right-of-way widths of all abutting public streets.
 - d. The proposed location, purpose and width of all proposed public roads and private access easements.
 - e. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
 - f. Location and widths of easements for public utilities, if required.
 - g. The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the ~~lots~~parcels being created.
 - h. Building setback lines, if applicable.
 - i. A north point and graphic scale.
 - j. Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.

- k. Names ~~and addresses~~ of the subdivider(s)~~owners~~ of the property being divided.

404.03 Approvals

- (a) **Approval by City Engineer.** Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this Series or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and ~~who that he~~ is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, ~~he~~the City Engineer shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therewith has been made, ~~they~~he shall transmit said map to the City Council for approval in the case of a final map.
- (b) **City Council Approval – Final Map.**
- (1) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this Series and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.
 - (2) The Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Series or by law are not completed before the filing of the final map, the Council may enter into an agreement with the subdivider for posting improvement security as provided in this Series. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

Chapter 405 Parcel Maps

Section:

- 405.01 ~~Filing~~**Final Parcel Map**
 405.02 ~~Form and content~~Waiver of Requirements for Parcel Maps

405.01 ~~Filing~~**Final Parcel Map**

- ~~(a) Ten (10) copies of the tentative parcel map and one (1) photo-ready master (11"X17" maximum) shall be filed with the Zoning Administrator.~~
- ~~(b) The tentative parcel map shall be accompanied by an application fee as established by City Council resolution.~~
- ~~(c) The Zoning Administrator may refuse to accept a tentative parcel map which is inaccurate, illegible, incomplete, or which fails to comply with the requirements of this article.~~

~~405.02~~ **Form and Content**

- ~~(a) The subdivider shall cause the tentative parcel map of the land proposed to be subdivided to be prepared by a registered civil engineer authorized to practice surveying or licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative parcel map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100'), unless the Zoning Administrator determines that a different scale will be adequate and appropriate for the tentative map.~~
- ~~(b) The tentative map shall clearly show the following information:~~
 - ~~(1) A key map showing the location of the subject property, adjacent property, subdivisions, streets or roads and other development which would affect the tentative map.~~
 - ~~(2) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.~~
 - ~~(3) Partial legal description (1/4 section, township/range).~~
 - ~~(4) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.~~
 - ~~(5) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.~~
 - ~~(6) The locations, names, widths, and proposed grade of all streets in the proposed subdivision.~~
 - ~~(7) Radius of each curve (in accordance with Section 407.03 Design and Construction Standards).~~

- ~~(8) Typical cross sections of any non-standard streets.~~
- ~~(9) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.~~
- ~~(10) Contour lines shall have the following intervals (Development within the Hillside Zone shall comply with Chapter 501, Hillside Zone Overlay District):~~
 - ~~a. One (1) foot contour interval for ground slopes between level and five (5) percent.~~
 - ~~b. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.~~
- ~~(11) The approximate widths, location and purpose of all existing or proposed easements.~~
- ~~(12) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.~~
- ~~(13) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).~~
- ~~(14) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.~~
- ~~(15) City limit lines.~~
- ~~(16) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.~~
- ~~(17) Location of trees to remain in place and landscaping proposed to remain in public right of way.~~
- ~~(18) Show all proposed dedications and irrevocable offers of dedication on the parcel map or to be made by separate instrument.~~
- ~~(19) The location and sizes of existing and proposed utility lines and structures.~~
- ~~(20) The elevation of sewers at the proposed connection~~
- ~~(c) **Owner's Statement and Accompanying Data.** Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information:~~
 - ~~(1) Existing use or uses of the property, present zoning, and General Plan designation.~~
 - ~~(2) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.~~
 - ~~(3) General outline of proposed water system.~~
 - ~~(4) Provisions for sanitary sewage disposal and general outline of proposed system.~~
 - ~~(5) Plan for surface drainage and flood control and general outline of proposed system.~~

- (6) ~~Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.~~
- (7) ~~Environmental Information Form.~~
- (8) ~~Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.~~
- (9) ~~Any other data or reports deemed necessary by the Zoning Administrator and/or the City Engineer.~~

(d) ~~Transmittal of maps to public agencies and utilities~~

- (1) ~~When the tentative map is received and filed under the provisions of this title, the Zoning Administrator shall, within ten (10) days thereafter, transmit the tentative map to each of the following:~~
 - a. ~~Public Works Director/City Engineer~~
 - b. ~~Chief Building Official~~
 - c. ~~Police Department~~
 - d. ~~Fire Department~~
 - e. ~~Field Services Manager~~
 - f. ~~Office of Intergovernmental Management as required by the Government Code~~
 - g. ~~Southern California Edison or other affected electric company~~
 - h. ~~The Gas Company or other affected gas company~~
 - i. ~~Telephone Company or other affected phone company~~
 - j. ~~Cable TV companies affected~~
 - k. ~~School Districts as required by Section 66455.7 of the Map Act~~
 - l. ~~Affected owner of irrigation ditches or canals, and any other public agency or public utility affected by the subdivision.~~
- (2) ~~Such public utility companies and public utilities shall review the parcel map and transmit any report or recommendations thereon to the Zoning Administrator who shall incorporate them into the report and recommendations to the advisory agency.~~
- (3) ~~The departments of the city to which the map is transmitted shall file with the Zoning Administrator within ten (10) days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department.~~

(e) ~~Consideration of tentative parcel maps.~~ ~~Not later than thirty (30) calendar days after the Zoning Administrator has received an application for a tentative map approval, the Zoning Administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event~~

~~that the application is determined not to be complete, the Zoning Administrator's determination shall specify those parts of the application which are complete and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. The Zoning Administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.~~

- ~~(1) The Parcel Map Committee shall review and approve, conditionally approve or disapprove the tentative parcel map within thirty (30) days after the date of acceptance of a complete application by the Zoning Administrator. Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.~~
- ~~(2) If the Parcel Map Committee determines that the tentative parcel map complies with all of the provisions of this article, General Plan, zoning ordinance, and the Map Act, it shall approve the map.~~
- ~~(3) If the tentative parcel map fails to meet one or more requirements set forth in this article, the Parcel Map Committee may approve the map subject to such conditions as may be necessary to conform to such requirements.~~
- ~~(4) When approving or conditionally approving the tentative parcel map, the Parcel Map Committee shall specify the dedications and improvements to be made by the owner.~~
- ~~(5) Within seven (7) days after the action by the Parcel Map Committee, written notice of the action by the Parcel Map Committee shall be mailed to the applicant.~~
- ~~(6) Upon approval of the tentative parcel map by the Parcel Map Committee, the tentative parcel map shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative parcel map shall be filed with the Zoning Administrator and the City Engineer.~~
- ~~(f) **Appeals.** Tentative parcel map decisions by the Parcel Map Committee are subject to the provisions of Section 400.03 Appeals.~~
- ~~(g) **Time limits and extensions of time on tentative parcel maps.** Findings, time limits and extensions of time for tentative parcel maps shall be the same as provided for by of this Series.~~
- ~~(h) **Improvements.** Pursuant to the provisions of the Map Act, the subdivider shall install, construct and/or provide all on- or off-site improvements as required by the Parcel Map Committee; and such improvements shall be in conformance with all applicable provisions of 407.02, Improvements of this Series.~~
- ~~(i) **Right of way dedications.** Pursuant to the Map Act, the subdivider shall provide such dedication of right of way or easements as may be required by the Parcel Map Committee.~~
- ~~**Final parcel maps.** Within the time limit designated in 402.03, Expiration of Maps and Extensions of Time of this Series, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the~~

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execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.

(a) _____

Survey requirement. In all cases where a parcel map is required, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

(b) _____

405.03 — Final Parcel Map

(j) ~~(a)~~ **Information on final parcel map.** Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border ~~applied to the reverse side of the tracings~~. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.

(c) _____

~~(k)~~(d) ~~(b)~~ The final parcel map shall also contain the following information:

- (1) The tentative parcel map number or vesting parcel map number, resolution number, ~~and date of preparation~~ printed on the upper right hand corner of the face sheet.
- (2) The net dimensions of each lot. No ditto marks shall be used.
- (3) The names, locations and right-of way widths of all abutting public streets.
- (4) The proposed location, purpose, and width of all proposed public roads and private access easements.
- (5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
- (6) Location and widths of easements for public utilities, if required.
- (7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.

- (8) Building setback lines, if applicable.
- (9) A north point and graphic scale.
- (10) Location of vicinity map at a minimum scale of one (1) inch equals one (1) mile.
Names and addresses of the owners of the property being divided.

~~(4)(e)~~ **Required statements.**

- (1) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.
- (2) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.
- (3) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.
- (4) A statement of execution by the City Engineer which complies with Section 66450 of the Map Act.
- ~~(5)~~ A statement of execution by the Zoning Administrator on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.
- ~~(5)(6)~~ A statement by the City Surveyor which complies with Section 66450 of the Map Act.
- ~~(6)(7)~~ Additional information to be filed or recorded with the final parcel map as required in accordance with Section 66434.2 of the Map Act.

405.024 Waiver of Requirements for Parcel Maps

- (a) The requirement for a parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this Ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No parcel map will be required for tentative maps approved under this section.
- (b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Zoning Administrator and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.

Chapter 406 Reversions, Mergers, and Lot Line Adjustments

Sections:

- 406.01 Reversion to Acreage
- 406.02 Mergers
- 406.03 Lot Line Adjustments

406.01 Reversion to Acreage

- (a) **Purpose.** The purpose of this section is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.
- (b) **Initiation of Proceedings.** Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.
- (c) **Contents of Petition.** The petition shall be in a form prescribed by the Zoning Administrator and shall contain the following:
 - (1) Adequate evidence of title to the real property within the subdivision.
 - (2) Sufficient data to enable the legislative body to make all of the determinations and findings required by this Series, including a three hundred (300) foot radius map and property owners list.
 - (3) A ~~reversion to acreage~~final map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
 - (4) Such other pertinent information as may be required by the Zoning Administrator and City Engineer.
- (d) **Public Hearing.** A public hearing shall be held on the proposed reversion to acreage. Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.
- (e) **Required Findings.** Subdivided real property may be reverted to acreage and a ~~reversion to acreage~~final map approved for recordation only if the ~~City Council~~Parcel Map Committee finds that:
 - (1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.
 - (2) Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or

- b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - c. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.
- (f) **Conditions of Approval.** As conditions of reversion, the following shall be required:
 - (1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.
 - (2) Retention of all previously paid fees if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.
 - (3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.
- (g) **Effective Date.** Reversion shall be effective upon the ~~final~~ map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.
- (h) **Deposits and Securities.** When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this Series.

406.02 Mergers

- (a) **Required Mergers.** Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this Series enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the city may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:
 - (1) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.
 - (2) With respect to any affected parcel, one (1) or more of the following conditions exists:
 - a. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.

- d. Does not meet slope stability standards.
- e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
- f. Its development would create health or safety hazards.
- g. Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(b) **City Initiated Merger.** Notification of Intention to Merge. Prior to recording a notice of merger, the Zoning Administrator shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

- (1) **Request for Hearing.** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Zoning Administrator a request for a hearing on determination of status.
- (2) **Procedure for Hearing.** Upon receiving a request for a hearing on determination of status, the Zoning Administrator shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the Zoning Administrator and the property owner.
- (3) **Procedure for Determination Following Hearing.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in paragraphs (1) and (2) above. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.
- (4) **Determination When No Hearing is Requested.** If, within the thirty (30) day period specified in paragraph (1) above, the owner does not file a request for a hearing, the Zoning Administrator may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by paragraph (2) above.
- (5) **Notice of Intention for Nonmerger.** If, in accordance with paragraph (3) or (4) above, the Zoning Administrator or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of

intention to determine status, and shall mail a clearance letter to the current owner of record.

- (c) **Property Owner Initiated Merger of Contiguous Parcels.** Pursuant to Government Code Section 66499.20, ~~3-34~~, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

- (1) The property owner shall file an application for merger with the Zoning Administrator, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall ~~be in the form and contain the information required of a tentative map together with~~ a legal description of the merged parcel and additional information as requested by the Zoning Administrator.
 - a. The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.
 - b. The merger shall be evidenced by recording a certificate of compliance ~~which lists the parcel numbers affected and that~~ is signed by the Zoning Administrator and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. ~~The certificate of compliance shall be recorded against each parcel that is merged.~~

- (d) **Certificate of Compliance**

- (1) Any person owning real property may request, and the Zoning Administrator and City Engineer shall determine, whether such real property complies with the provisions of the Map Act and of this Series. Upon making such a determination, the Zoning Administrator and City Engineer shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this Series. The applicant shall pay the processing fee established by resolution of the City Council. ~~The Zoning Administrator may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.~~
- (2) If the Zoning Administrator and City Engineer ~~determines~~ that such real property does not comply with the provisions of the Map Act or of this Series, ~~they~~ he may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time ~~the current owner of record acquired the property and which had been established at such time by the Map Act or this Series.~~ Upon making such a determination and establishing such conditions, the Zoning Administrator and City Engineer shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and

implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

406.03 Lot Line Adjustments

- (a) **Lot Line Adjustment.** Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Zoning Administrator or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:
- (1) Applications for lot line adjustments shall be filed with the Zoning Administrator and shall be in the form and contain the information required of a tentative map together with legal descriptions of each parcel.
 - (2) The property owner(s) or agent shall file an application for a lot line adjustment with the city, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.
 - (3) The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this Ordinance and applicable state law. Criteria to be considered includes, but is not limited to, standards relating to lot width and depth and minimum lot area.
 - (4) The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a city resolution signed by the Zoning Administrator and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.
- ~~(b) The City Engineer shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of subsection (a) above. Any improvements that are required to be installed or constructed shall be constructed pursuant to the requirements of this chapter.~~

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Chapter 407 Dedications, Reservations and Improvements

Sections:

- 407.01 Dedications
- 407.02 Improvements
- 407.03 Design and Construction Standards

407.01 Dedications

- (a) **Purpose.** The purpose of this chapter is to establish the dedications and reservations that the city may impose on a subdivider as a condition for approval of a tentative map.
- (b) **Required Dedications.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets, alleys, including access rights and abutter's rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use according to the standards listed below. ~~In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.~~
 - (1) **Streets.** The subdivider shall dedicate land for streets according to adopted City Standards. Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer in accordance with the following:
 - a. Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property.
 - b. Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and shall be designed to accommodate the orderly development of adjacent undeveloped property. ~~that when the other portion of the street is constructed by development, the subdivider shall be required to overlay the existing partial street with pavement (making for a smooth transition at the center and a smoother traveled way).~~ No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.
 - c. ~~When there are lots fronting on the p~~Partial street ~~the dedications and improvements~~ shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.
 - (2) **Waiver of Direct Access Right.** The ~~City Engineer or Engineering and Project Management~~Public Works Director may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.
 - (3) **Public Easements.** The subdivider shall dedicate easements of ~~at least~~ ten (10) feet in width for public utility, sanitary sewer, water, and drainage purposes on each

- side of rear lot lines, along side lot lines, and in planting strips wherever necessary. Easements of different width may be required, based on the ~~Public Works Director~~Engineering and Project Management Director's determination.
- (4) **Drainage Facilities.** In accordance with Government Code Section 66483, the city, as appropriate and as permitted by law, shall require payment of fees for purposes of defraying the costs of constructing master planned drainage facilities if any part of the land division is located within a master planned drainage area. ~~If the subdivider installs planned drainage facilities, fees shall be reduced accordingly.~~ Fees required pursuant to this section and associated with residential, commercial, and/or industrial developments shall be paid consistent with the provisions of Section 66007 of the California Government Code.
- (5) **Bicycle Paths.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.
- (6) **Bridges and Major Thoroughfares.** If a land division or any portion thereof lies within an area of benefit established in accordance with this Ordinance or any other city ordinance adopted in accordance with Section 66484 of the Subdivision Map Act, the subdivider shall pay to the city the apportioned fees applicable to that portion of the land division lying within such area of benefit, in accordance with the requirements of subparagraph d below.
- a. *Considerations In Lieu of Fees.* The City Council may allow any subdivider to furnish a consideration in lieu of payment of the fees mentioned in the preceding paragraph, if the Council finds that such consideration has a value not less than the fees that would otherwise be payable. The form of consideration in lieu of fees may include, but shall not be limited to, any of the following or a combination thereof:
1. Construction of all or part of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
 2. Dedication or conveyance of all or part of the site or right-of-way required for major construction of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
- b. *Value In Excess of Fees.* If the City Council finds that the consideration in lieu of fees has a value in excess of the amount of fees that would be otherwise payable, the Council may enter into an agreement with the party furnishing such consideration for reimbursement of the amount of such excess from moneys, then in or which may later accrue to, the fund into which such party would have been required to pay fees but for such consideration in lieu of fees, and to reimburse such party from such fund in accordance with such agreement.
- c. *Requirement to Construct Facilities.* The city shall require a subdivider to construct any necessary bridge facilities, major thoroughfares, parts

thereof, or contribute to bridge facility or major thoroughfare costs if the City Council finds that:

1. The subdivider's cost or contribution would not exceed the cost of a local facility in lieu of such bridges or major thoroughfares; or
 2. A proceeding has been commenced for establishing an area of benefit for such bridge project or major thoroughfare project and has been abandoned by reason of majority protest, and that there is a reasonable probability that use of a local facility in lieu of such bridge would by reason of traffic, including but not limited to traffic which may be generated by such land division, constitute a hazard to public safety.
- d. *Establishing Area of Benefit.* In accordance with Section 66484(d) of the California Government Code, An area of benefit as referred to in this section shall be established in the following manner:
1. The City Council shall hold a public hearing for each area of benefit to be established. Notice of such hearing shall be given in accordance with Government Code Section 65091. Such notice shall contain preliminary information related to the boundaries of the proposed area of benefit, the estimated cost of the bridge project or major thoroughfare project, as the case may be, the proposed allocation to the area of benefit, and the proposed method of fee appointment. Such notice shall also state the date, time and place of the public hearing, and that written protests may be filed as provided in this section.
 2. Owners of property within the proposed area of benefit may file written protests with the City Clerk at any time prior to the date and time fixed for such public hearing. Any protest may be withdrawn by the owner of the land making the protest by a request in writing filed with the City Clerk at any time prior to conclusions of such public hearing.
 3. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, against establishment of such area of benefit or against the proposed improvements or acquisitions, is not withdrawn prior to the conclusion of the hearing, then the proceedings shall be abandoned. In such event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for establishment of an area of benefit for the same improvements or acquisitions.
 4. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, is not withdrawn prior to the conclusion of the hearing, against only a portion of the proposed improvement or acquisition, then the proceedings shall be abandoned with respect to the proposed improvement or acquisition that has been protested against. In such

event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for the establishment of an area of benefit for the improvement or acquisition so protested against. Nothing in this subsection shall be deemed to prohibit the Council, within such one (1) year period, from commencing or carrying on new proceedings for the establishment of an area of benefit for the part of the improvement or acquisition protested, if it finds by the affirmative vote of at least four-fifths (4/5) of its members, that the owners of more than one-half (.5) of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

5. At such public hearing, the City Council shall determine whether to establish such area of benefit, and if so, shall adopt a resolution prescribing the boundaries of the area of benefit, stating the cost, whether actual or estimated, a fair method of allocation of costs to the area of benefit, and a fair apportionment of fees. A certified copy of such resolution shall be filed for record with the county recorder.
6. In case of a requirement for any bridge, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan, which identifies railways, freeways, streams or canyons for which bridge crossings are required, and that the bridge or each bridge for which such area of benefit is established is one necessary to satisfy such bridge crossing requirement in such element or provisions of the general plan.
7. In case of a requirement for any major thoroughfare, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan that identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, and that the major thoroughfare or section thereof for which such area of benefit is established is one so identified in such circulation element.
8. The resolution adopted by the City Council shall require that the apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of any final map or any parcel map or a condition to issuing a building permit thereon, consistent with the provisions of Section 53077.5 of the Government Code.
9. The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at such hearing.

10. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the City Council shall make provisions for payment of the share of improvement costs apportioned to such lands from other sources.
 11. In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land that abuts the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.
 12. In case of major thoroughfares, the payment of fees shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of establishment of the zone of benefit.
 13. In the case of a planned bridge facility, the payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area of benefit or is an addition to an existing bridge facility serving such area at the time of establishment of the zone of benefit. No fees contributed shall be expended to reimburse the cost of construction of any bridge existing at the time of establishment of the zone of benefit.
- e. *Planned Bridge Facility Fund.* A planned bridge facility fund shall be established for a bridge project within an area of benefit, or if the area of benefit is one in which more than one (1) bridge is required to be constructed, a fund shall be established covering all such bridge projects. Fees paid pursuant to this section on account of a bridge or bridges within an area of benefit shall be deposited into the fund for such area.
- f. *Planned Major Thoroughfare Fund.* A planned major thoroughfare fund shall be established for each planned major thoroughfare project and each particular area of benefit which it benefits. Fees paid pursuant to this section on account of a major thoroughfare project within an area of benefit shall be deposited into the fund for such area.
- g. *Expenditure of Bridge and Major Thoroughfare Facility Funds.* Moneys in such funds shall be expended solely for the construction of the improvement project serving the area to be benefited as follows:
1. To reimburse the city for costs advanced or incurred by it for construction of such improvement project or any portion thereof; and
 2. To reimburse any subdivider for the agreed portion of his or her costs of construction of such improvement project, or portion thereof, in accordance with a reimbursement agreement entered into with the city, as mentioned in subparagraph b above.
 3. In the event that monies in such funds are insufficient to accomplish all of the purposes that this section lists, such monies in the fund shall be apportioned to each such purpose on a pro rata basis.

- h. *Project Completion.* After completion of all bridge facility projects for which a planned bridge facility fund has been established or all major thoroughfare projects for which a planned major thoroughfare fund has been established, or in the event of abandonment of any such project, and after reimbursement of the city and each subdivider entitled thereto under a reimbursement agreement, as mentioned in subparagraph b above, the City Council shall determine by resolution the amount of the surplus, if any, remaining in any such funds or as may accumulate in such funds from time to time. The City Council shall order any such surplus refunded as follows:
 - 1. There shall be refunded to the current owners of property for which a fee was previously collected the balance of such monies in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular area of benefit. For the purposes of this paragraph, the term "property for which a fee was previously collected" shall be deemed to include land within any land division with respect to which such fees were paid as a condition to its approval and any building with respect to which such fees were paid as a condition to issuing a building permit therefor. For purposes of this paragraph, the term "fee collected" shall include, in the case of a subdivider who has entered into a reimbursement agreement with the city, the aggregate amount of cash fees and the value of the consideration in lieu of fees furnished by such subdivider.
 - 2. Where property for which a fee was previously collected has subsequently been subdivided into more than one (1) lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.
 - 3. There shall be transferred to the city general fund any remaining portion of the surplus that has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of adoption of the resolution declaring a surplus.
 - 4. For the purposes of this paragraph, the term "fee collected" or any variation thereof, shall also be deemed to include the amount of fees that would have been payable by a subdivider but for furnishing consideration in lieu of fees.
- i. *Advances and Voluntary Contributions.* The City Council may authorize advancement of money from the city general fund or from the road fund to pay the cost of constructing any bridge project or major thoroughfare project and may reimburse such fund or funds for such advances from the planned bridge facility fund or the planned major thoroughfare fund established to finance the construction of such improvements.

1. Nothing in this section shall be deemed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to an area of benefit.
 2. Nothing in this section shall be deemed to preclude the subdivider from volunteering to construct a bridge or major thoroughfare or part thereof, or to contribute to the cost thereof, in excess of the cost of a local facility, nor to preclude the city from participating in such construction or carrying out such construction using money so contributed.
- (7) **Transit Facilities.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.
- (8) **Railroad and Grade Crossings.** The City Council or the Parcel Map Committee shall review proposed subdivision plans with respect to existing railroad crossings and proposed or likely grade separations or other such facilities and shall require such changes as may be necessary to ensure that the design and improvement of the subdivision does not interfere with such future grade separations or other measures. The subdivider shall dedicate or make an irrevocable offer for dedication of the rights-of-way required for any grade separation or similar improvement that the General Plan Circulation Element proposes.
- (9) **Solar Access Easements.** At such time as the city has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accord with any standards for solar access adopted by the City Council.
- (10) **Parkland.** As a condition of approval of a tentative map, the city shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the city multiplied by the total park area within the city's planning area at the time of filing of the tentative but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:
- a. The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
 - b. Total population of the city shall be as reported in the most recent available federal census;

- c. Current park acreage shall be the amount of neighborhood and community park acreage identified in the General Plan or any more recent records, maps, or reports.
- (11) **Elementary School Sites.** As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one (1) or more subdivisions within one (1) or more school districts maintaining an elementary school may be required to dedicate to the school district or districts such lands as the district shall deem necessary for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate elementary school service.
- a. **Procedure.** The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the city the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.
 - b. **Payments to Subdivider.** The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:
 - 1. **Improvement Costs.** The cost of any improvements to the dedicated land since acquisition by the subdivider;
 - 2. **Assessed Taxes.** The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
 - 3. **Other Costs.** Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
 - c. **Exceptions.** The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.
- (c) **Acceptance of Dedications.** At the time the city approves a final map or parcel map, the city shall also accept subject to improvement, or reject, any offer of dedication. The Council or the Engineering and Project Management Director~~City Engineer~~, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. The City Clerk shall certify or state on the map the city's action.
- (1) **Offers of Dedication.** If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the Council or the Engineering and Project Management Director~~City Engineer~~ may, by resolution at any later date and without any further action by the subdivider, rescind the city's action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of

land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.

- (2) **Termination of Offers.** Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

- (d) **Recording Dedications.** The city shall record a certificate with the county recorder for any dedication in fee for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. The certificate shall be attached to the map and shall contain all of the following:

- (1) The name and address of the subdivider dedicating the property.
- (2) A legal description of the real property being dedicated.
- (3) A statement that the city shall reconvey the property to the subdivider if the city makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

- (e) **Reservations**

- (1) **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.
- (2) **Standards for Reservation.**
 - a. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
 - b. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.
 - c. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
 - d. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible. The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.
- (3) **Procedure.** The city shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after

- completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement.
- (4) **Payment.** The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.
- (5) **Termination.** If the city does not enter into ~~a binding~~the agreement ~~required~~, the reservation of such area shall automatically terminate.

407.02 Improvements

- (a) **General Requirements.** The subdivider shall install improvements in accord with the general requirements set forth in this chapter; provided, however, the ~~City Engineer or Public Works Director~~Engineering and Project Management Director may require changes in typical sections and details if unusual conditions arise to warrant such changes.
- (b) **Standard Specifications.** All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, Caltrans Standard Specifications for street structural section components, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.
- (c) **Improvement Plans.** Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer or Engineering and Project Management Director. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. After construction is completed, the subdivider's engineer shall show all changes made on the original set of plans and provide them to the city marked "as built plans."
- (d) **Improvement Construction Inspection and Supervision.** All improvements shall be inspected and approved by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director or ~~its~~his authorized representative. The subdivider shall be responsible for the actions of ~~its~~his contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.
- (e) **Plan Check and Inspection Fees.** Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city ~~including the cost of recording maps~~. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.

(f) **Required Improvements Enumerated.** The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the ~~City Engineer or Public Works Director~~Engineering and Project Management Director. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

- (1) **Underground Utilities.** All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission. Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.
- (2) **Streets.** All streets shall be graded and surfaced to cross sections and grades approved the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.
- (3) **Structures.** Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.
- (4) **Grading and Drainage.** Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.
- (5) **Sidewalks, Curbs, Gutters and Driveway Approaches.** Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.
- (6) **Sanitary Sewers.** Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director. No septic tanks or cesspools shall be permitted.
- (7) **Storm Drains.** Storm water sewers shall be installed as required by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.
- (8) **Water Supply.** Each unit or lot within the subdivision shall be served by an approved public domestic water system.

- (9) **Fire Flow and Fire Hydrants.** As provided in the California Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief.
- a. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting California Fire Code requirements for "Access Roadways for Fire Apparatus". Such fire protection facilities including all surface access roads shall be installed and made serviceable by the subdivider prior to the time of construction.
 - b. When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Fire Chief.
 - c. Design, locations, and layout of water mains and fire hydrants shall be approved by the Engineering and Project Management Director~~City Engineer~~ and the Fire Chief, and shall be installed by the subdivider.
 - ~~d. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to the fire department apparatus by access roadways meeting California Fire Code requirements for Access Roadways for Fire Apparatus. Such fire protection facilities, including all surface access roads, shall be installed and made serviceable by the subdivider prior to the time of construction.~~
- (10) **Subdivision Trees.** Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the ~~City Director~~ Director of Parks and Leisure Services, all in general accord with the requirements of the Porterville Municipal Code.
- a. At least one (1) tree shall be planted on each residential lot. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.
 - b. The subdivider shall be required to plant street trees at thirty-five (35) feet on center along all parkways (including median island parkways and parkway strips located between the sidewalk and back of curb) within and/or bordering the subdivision.
- (11) **Street Signs.** Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.
- (12) **Street Lights.** Street lights shall be installed by the subdivider at locations designated by the City Engineer.

- (13) **Railroad Crossings.** Provisions shall be made for any and all active rail lines~~railroad crossings~~ necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.
- (14) **Lot Corners.** The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe eighteen (18) ~~twenty-four (24)~~ inches long, with the surveyor or engineer's marker thereon.
- (15) **Benchmarks.** The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to North American Vertical Datum of 1988.
- (16) **Temporary Drainage Reservoir lots.** Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the ~~City Engineer or Public Works Director~~Engineering and Project Management Director and the ~~Director of Parks and Leisure Services~~Director.
- (17) **Others.** Other improvements deemed necessary by the City Council for the public health, safety or welfare.

(g) **Agreement for Installation of Improvements.** Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the city, specifying a period of time, agreeable to the ~~City Engineer or Public Works Director~~Engineering and Project Management Director, which shall be not greater than one (1) year, within which ~~he shall complete~~ all improvement work shall be completed to the satisfaction of the ~~City Engineer or Public Works Director~~Engineering and Project Management Director, and providing that if the subdivider shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director or ~~designee or his authorized representative~~ and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

- (1) For the construction of the improvements in units.
- (2) For an extension of time under conditions therein specified.
- (3) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.
- (4) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this chapter; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the ~~City Engineer or Public Works Director~~Engineering and Project Management Director.

- (5) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.
 - (6) The subdivider to give the city twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days.
- (h) **Construction of Improvements Absent Subdivision Agreement.** If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 407.02(g), Agreement for Installation of Improvements, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city. Such agreements may also provide for:
- (1) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.
 - (2) The subdivider to give the City twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days.
- (i) **Improvement Security**
- (1) **Security.** The subdivider shall file with the agreement required by the provisions of subsections (g) and (h) above, to assure his full and faithful performance thereof, a bond or security for such sum as the Engineering and Project Management Director~~City Engineer~~ deems sufficient to cover the cost of the improvements.
 - (2) **Security, Form, and Amount.** Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of one hundred (100) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the city. In lieu of a one hundred (100) percent performance bond and one hundred (100) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred and ten (110) percent of the cost of the work estimated by the ~~City Engineer or Public Works Director~~Engineering and Project Management Director. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:

- a. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.
 - b. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the Engineering and Project Management Director~~City Engineer~~ until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.
 - c. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.
- (3) **Completion of Work by City.** In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Series and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.

(j) **Supplemental Improvements**

- (1) **Required.** The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.
- (2) **Improvement Security.** When constructing off-site improvements, the subdivider shall file a bond or security in accordance with subsection (i) above for such sum as the City Engineer deems sufficient to cover the cost of the improvements to assure his full and faithful performance thereof.
- (3) **Reimbursement Agreement.** The city shall enter into an agreement for reimbursement to the subdivider. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements or in the case of Master Plan facilities, the subdivider is entitled to one hundred (100) percent of the reimburse cost.

- (4) **Non-Master Plan Reimbursement Procedures.** The subdivider shall submit a written request, along with supporting documentation to the Engineering and Project Management Director~~City Engineer within 45 days of completion of the improvements~~. To pay the cost of such reimbursement, the City Council may at its discretion:
- Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
 - Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements.
- (5) **Master Plan Reimbursement Procedures.** Upon the expiration of thirty (30) days from the date of the notice of completion, ~~and upon full occupancy of the development or phased development~~, money ~~shall~~may be disbursed from the master plan facilities construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the Engineering and Project Management Director~~City Engineer~~. The developer shall submit all documentation necessary to support final payment within ninety (90) days ~~of full occupancy of the filing of the notice of completion~~development or phased development. Failure to do so ~~may~~shall void developer's right to request reimbursements.

(k) **Utility Fees and Off-Site Charges**

- The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable Council resolution or ordinance.
- Engineering plan checking, inspection fees, final map review fee, ~~acreage fees~~ and off-site charges, i.e., street signs, ~~subdivision trees~~, stop signs, pavement markings, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

407.03 Design and Construction Standards

(a) **Streets and Highways**

- The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.
- Streets and highways not otherwise designated on the Circulation Element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.
 - Major arterial/major thoroughfare rights-of-way shall not be less than one hundred sixteen (116) feet in width.

- b. Minor arterial/~~minor thoroughfare~~ rights-of-way shall not be less than ninety-four (94) feet in width.
 - c. Collectors without on-street parking rights-of-way shall not be less than fifty-~~four~~three (543) feet in width.
 - d. Collectors with median and without on-street parking rights-of-way shall not be less than sixty-five (65) feet in width.
 - e. Collectors with on-street parking rights-of-way shall not be less than sixty-~~eight~~seven (687) feet in width.
 - f. Local residential rights-of-way shall not be less than ~~fifty-six~~forty-seven (4756) feet in width.
 - g. Local commercial street rights-of-way shall not be less than sixty (60) feet in width.
 - h. Cul-de-sac or other dead-end street (~~that will not provide future access~~) serving less than ten (10) homes shall not be less than forty-seven (47) feet in width.
- (3) **Relationship to Existing Streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision and be designed to maximize access points to existing local and collector streets.
- (4) **Center Lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.
- (5) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the ~~Engineering and Project Management Director~~City Engineer.
- (6) **Corner Cut-Offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.
- (7) **Cul-de-Sac or Dead-End Streets.** Cul-de-sac or dead-end street shall be no more than six hundred (600) feet in length and shall have a turnaround having a minimum radius of 47 feet, measured to the property line, and minimum of forty (40) feet to curb face unless the ~~Engineering and Project Management Director~~City Engineer determines that such turnaround is not necessary.
- a. ~~Cul-de-sac and dead-end streets in the residential zone districts may be permissible at a ratio of twenty (20) percent of lots to be served. When included in a land division, cul-de-sac streets shall be developed in such a manner as to provide bicycle and pedestrian pass-through to another street or cul-de-sac. shall be prohibited in R districts except where necessary to give access to or permit satisfactory future development of adjoining land. A cul-de-sac may be approved subject to these requirements for unusual shaped parcels to maximize development potential. Dead end streets may be allowed to permit satisfactory future development of adjacent un- or under-developed property. If culs-de-sac and dead-end~~

~~streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and main streets.~~

- b. Culs-de-sac and dead end streets shall be avoided in all other districts. If culs-de-sac and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and ~~main-city~~ streets.
- (8) **Curve Radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.
- (9) **Frontage Streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not take access to/from arterial or collector streets.
- (10) **Private Roads and Alleys.** Private roads and alleys shall not be permitted unless a Conditional Use Permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards. Private roads and alleys shall also comply with Section 408.01(e) Warranty and Reserves.
- (11) **Grades of Streets.** Streets shall not be less than 0.2 percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the ~~Engineering and Project Management Director~~City Engineer determines that a grade less than 0.2 percent, or in excess of seven (7) percent, is necessary.
- (12) **Fire Hydrants.** The position of any street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.
- (13) **Access on Arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.
- (14) **Access on Collectors.** The use of a collector as primary direct access to individual single-family residential lots shall not be allowed. When the rear or side of any lot borders a collector, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said collector to said lot.
 - a. **Exception:** Access to collectors may be allowed for parcel maps on lands that cannot be divided further. The infill lots shall have a single or shared driveway that is designed and constructed in such a way that it prevents vehicles from backing onto the public rights of way.

(b) **Alleys**

- (1) ~~A developer may propose, or~~ the City Council may require, alleys, for any ~~one~~ ~~(1)~~ of the following reasons, ~~may require alleys~~ (if alleys are required, they shall be constructed to city standards):
 - a. Unusual size, shape or topographical character of the property to be subdivided.
 - b. The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way.
 - c. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
 - d. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.
- (2) Residential alleys shall have a minimum dedicated width of twenty (20) feet.
- (3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.
- (4) A twenty (20) foot corner diagonal right-of-way cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the city design standards.
- (5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.
- (6) Dead-end alleys shall be prohibited.

(c) **Pedestrian Ways**

- (1) Pedestrian ways ten (10) feet or more in width may be required:
 - a. Through the middle of blocks that are more than six hundred (600) feet in length;
 - b. To connect culs-de-sac;
 - c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - d. To provide access to trails or bikeways shown in the General Plan.
- (2) The subdivider shall install paving, lighting, landscaping, and fences as approved by the City Council or Parcel Map Committee unless otherwise waived.

(d) **Bikeways.** Bikeways shall be required in all locations shown in the General Plan or as approved by the City Council or Parcel Map Committee. Bikeway width, paving, landscaping, fencing, and signs shall be as approved by the City Council or Parcel Map Committee.

(d)(c) **Trails.** Trails shall be developed in all areas identified in the General Plan, and along all watercourses as shown in the General Plan Land Use Diagram. Where trails are

incorporated in a project design, adequate line of sight and building orientation shall be provided to ensure that no more than thirty (30) percent of the length of the trail is not visible from the front yard setback of an adjacent parcel, with no segment of the trail greater than 180 feet not visible from the front yard setback of an adjacent parcel.

(e)(f) **Street Names**

- (1) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.
- (2) Names of through streets in a north-south alignment shall be followed by the designation “street,” and the names of through streets in an east-west alignment shall be followed by the designation “avenue.”
- (3) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either “place,” “way” or “drive,” and cul-de-sac streets in an east-west alignment shall be followed by the designations of either “lane,” “circle” or “court.”

(f)(g) **Blocks**

- (1) **Block Length.** Blocks shall not exceed six hundred (600) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Blocks longer than six hundred (600) feet in length shall provide mid-block pedestrian crossings so that there is no more than six hundred (600) feet of continuous block without a pedestrian crossing. Blocks in the Hillside Zone Overlay zone are exempt from the block length limitations and requirement for mid-block crossings.
- (2) **Block Width.** The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this chapter, unless the conditions justify or make necessary a variation from this requirement, such as development adjacent to an arterial.

~~(g)~~(h) **Lots**

- (1) **Lot Width.** Each residential lot or parcel shall have frontage width of not less than that required by this Ordinance except as approved by the City Council as provided for in Section 400.052(b), Authority to Vary Regulations~~Modification Requirements~~.
- (2) **Lot Depth.** Lot depths shall not exceed two and one-half (2.5) times the proposed lot width except where existing topography makes such dimensions infeasible.
- (3) **Lot Area.** The area of all lots shall comply with the requirements of this Ordinance relative to each particular zoning district.
- (4) **Lot Frontage.** Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the Parcel Map Committee or City Council, topographic or unusual physical conditions justify a deviation from this rule.
- (5) **Flag Lot.** Residential flag lots may be permitted with a Parcel Map, if it meets the standard requirements for lot width and lot depth. In measuring lot depth for a flag lot, the un-developable access strip shall not count toward lot depth, nor shall it be considered in calculating the depth to width ratio described in subsection (2) Lot Depth, above.
- (6) **Side Lines.** The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.
- (7) **Lot Numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.
- (8) **Division of Lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.
- (9) **Suitability of Lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be non-buildable~~uninhabitable~~ shall be indicated on the final map.
- (10) **Land Remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

~~(h)~~(i) **Access Limitation Strips**

- (1) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.
- (2) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

~~(i)~~(j) **Landscaping and Lighting Maintenance Districts.** Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code §22500 et. Seq.) to

address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the City Attorney. If a Landscaping and Lighting Maintenance District, Benefit Assessment District, or similar district is required, the following standards apply:

- (1) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:
 - a. A petition on a form provided by the city requesting to have the subdivision placed in a district at the time the final map is approved by the city.
 - b. Completed and approved landscaping and lighting improvement plans, and legal description.
- (2) The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.
- (3) Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.

(+)(k) **Waiver of Right to Protest District Formation.** Prior to final map approval, each subdivider shall record a document waiving their right to protest a new assessment or an assessment increase equal to or less than a CPI adjustment for a city-wide Landscaping and Lighting Maintenance District or other maintenance district when at least fifty percent plus one (50% + 1) ~~fifty-one (51) percent~~ of the city is already in such district under the provisions of Government Code Section 53753.

(+)(l) **Grading and Erosion Control.** Every map approved pursuant to this Series shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in ~~Appendix J of the~~ California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the ~~City Engineer or Public Works Director~~ Engineering and Project Management Director, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

(+)(m) **Protection of Natural Features and Trees**

- (1) **Natural Features.** Significant rock outcroppings and other unusual land forms shall be shown and identified on the tentative map and on improvement and landscape plans. Such features shall be preserved as required by the Parcel Map Committee or City Council.

(2) **Trees.**

- a. All existing trees six (6) inches in diameter or over shall be shown on the tentative map with a notation as to the size, species and dripline. Trees that are part of an agricultural crop may be shown as the outer extent of the planting with a notation as to the species and average tree size and dripline.
- b. Existing trees six (6) inches or over in diameter may be required to be preserved. In cases where tree preservation is required, all grading and necessary tree trimming shall be conducted in accordance with an arborist's recommendations for tree preservation.
- c. Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the City Engineer and the Zoning Administrator.

~~(m)~~(n) **Storm Water Management Plan.** Every map approved pursuant to this Series shall be conditioned to comply with the requirements of the City's Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

~~(m)~~(o) **Watercourses**

- (1) In accordance with Sections 66478.1 through 66478.10 inclusive of the Subdivision Map Act, if the land division will front upon a public waterway, river, or stream, as defined in Section 66478.4(c), access routes and easements along the bank shall be provided as follows:
 - a. The land division shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the Parcel Map Committee or City Council in accordance with Section 66478.5 of the California Government Code;
 - b. The land division shall provide for a dedication of a public easement along a portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the City Council in accordance with Section 66478.5 of the California Government Code; and
 - c. The Parcel Map Committee or City Council shall determine the governmental entity to which such access route or easement shall be dedicated, and all dedications shall be in accordance with Section 66478.6 of the California Government Code.
- (2) In accordance with Section 66478.12 of the California Government Code, if the land division will front upon any lake or reservoir that is owned in part or entirely by any public agency, including but not limited to the United States, State of California, or the City of Porterville, the land division shall be provided with or have available reasonable access by fee or easement from public highways to the water of the lake or reservoir upon which the land division borders either within the land division or a reasonable distance from the land division, as determined by the City Council or the Parcel Map Committee, as appropriate, in accordance with

- said statute. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.
- (3) If a land division is traversed by a river, stream, or creek, the subdivider shall leave such river, stream, or creek in its natural condition whenever practical. Sufficient right-of-way shall be dedicated to the city or other public entity and improved for flood control purposes as necessary to accommodate flows of water that would be generated by a flood of one hundred (100) year frequency. In the event that a land division is to front upon a river, stream, or creek, the provisions of this paragraph shall apply to that portion of the bank thereof bordering or lying within the proposed land division. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.
 - (4) The City Council may disapprove a tentative map because of flood hazard and inundation, and/or require protective improvements to be constructed as a condition precedent to approval of the map.

(p) **Drainage Reservoirs**

- (1) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the ~~City Engineer or Public Works Director~~ Engineering and Project Management Director that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the maintenance district created for the benefit of the subdivision.
- (2) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be ~~granted~~ dedicated to the city as an easement.
- (3) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the city in fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

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Chapter 408 Common Interest Developments (Condominiums)

Sections:

- 408.01 New Residential Condominiums
- 408.02 Residential Condominium Conversions
- 408.03 New Commercial and Industrial Condominiums
- 408.04 Commercial and Industrial Condominium Conversions

408.01 New Residential Condominiums

- (a) **Purpose.** The ownership of residential condominiums is distinguished by a sharing of responsibility that is not common to most other types of residential development. As a result, the purpose of this Series is to establish criteria for the construction of new residential condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.
- (b) **Applicability.** The regulations set forth in this Series shall apply to the construction of new residential condominiums.
- (c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium applications.
- (d) **Application and Fees.** The applicant of a proposed condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:
 - (1) **Development Plan.** Schematic development plans with dimensions, consisting of at least a site plan, parking plan, typical floor plan, and building elevations showing natural and proposed grades;
 - (2) **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;
 - (3) **Department of Real Estate Application.** A copy of the project application submitted to the State of California's Department of Real Estate for a subdivision public report;
 - (4) ~~Conditions, Covenants, Conditions and Restrictions.~~ The proposed ~~conditions,~~ covenants, ~~conditions~~ and restrictions (CC&Rs); and
 - (5) **Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.
- (e) **Warranty and Reserves.**
 - (1) **Warranty for Improvements.** The subdivider shall provide to the Homeowners' Association and/or purchaser a one (1) year warranty on all physical improvements required under this Ordinance.

- (2) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.
- (f) **Covenants, Conditions, and Restrictions.** Project covenants, ~~conditions~~, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.
- (1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
 - (2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners' Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners' Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
 - (3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
 - (4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners' Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners' Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners' Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners' Association assumes control of the project, or at that time renegotiate any such contracts.
- (8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

408.02 Residential Condominium Conversions

- (a) **Purpose.** The purpose of this Series is to establish criteria for the conversion of existing multiple-family rental housing to condominiums and to reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion.
- (b) **Applicability.** The regulations set forth in this Series shall apply to the conversion of existing multiple-family rental housing to condominiums. This Series shall not apply to a "limited-equity housing cooperative" as defined in Section 11003.4 of the California Business and Professional Code.
- (c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium conversion applications.
- (d) **Application and Fees.** The applicant of a proposed condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:
 - (1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:
 - a. **Structural Condition of Elements.** A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon

which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the California Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

- b. Pest Control. A report from a licensed structural pest control operator, ~~approved by the city~~, on each structure and each unit within the structure.
- c. Soil Conditions. A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
- d. Repairs and Improvements. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

~~(2)~~ **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs).

~~(3)~~ **Demographic Characteristics.** Specific information concerning the demographic characteristics of the project, including but not limited to the following:

- a. ~~Square footage and number of rooms in each unit;~~
- b. ~~Rental rate history for each type of unit for previous five (5) years;~~
- c. ~~Monthly vacancy rate for each month during preceding two (2) years;~~
- d. ~~Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;~~
- e. ~~Proposed sale price of units;~~
- f. ~~Proposed homeowners' association fee;~~
- g. ~~Financing available; and~~
- ~~h. (2) Names and addresses of all tenants.~~

~~(4)~~ **(3) Notice of Intent to Convert.** Signed copies from each tenant of Notice of Intent to Convert, as specified in subsection (g) below. The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

~~(5)~~ **(4) Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.

(e) **Filing and Processing**

- (1) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by

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- any interested persons. The report shall be referenced in the subdivision report to the review authority.
- (2) **Submittal of Budget.** Prior to final map approval, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period, or such time as is required by the Department of Real Estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.
 - (3) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by subsection (d) above prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the homeowners' association upon its formation.
 - (4) **Final Information Submitted.** No later than six (6) months from the date the subdivider closes escrow on the first sale of a unit, the subdivider shall submit the following information to the Community Development Department:
 - a. Name, address and phone number of Homeowners' Association;
 - b. Actual sale price of units;
 - c. Actual Homeowners' Association fee;
 - d. Number of prior tenants who purchased units; and
 - e. Number of units purchased with intent to be used as rentals.
- (f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this Series. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of ~~deficiencies violations~~ shall ~~accompany be specified in~~ the tentative map staff report ~~and presented to the~~ City Council, as the case may be. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required.
- (1) **Modification of Development Standards.** The base district development standard requirements of Series 200, Base Districts, may be modified by the City Council based on findings that the quality of life accommodated by the project will not be compromised and that residents will benefit from other amenities that are located in close proximity to the project site.
 - (2) **Warranty for Improvements.** The subdivider shall provide to the Homeowners' Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
 - (3) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term

reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

- (g) **Tenant Provisions.** Notices to tenants shall be provided as required in Section 66427.1 of the Subdivision Map Act. All written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. In addition, at least three (3) days before any hearing or action on a proposed tentative map for a conversion, the Community Development Department shall provide a copy of the staff report to the subdivider and to each tenant of the property.
- (1) **Notice of Intent.** A notice of intent to convert shall be delivered by the Subdivider to each tenant at least sixty (60) days prior to filing of the tentative map. The form of the notice shall be in the form outlined in Section 66452.9 of the Subdivision Map Act and approved by the Zoning Administrator.
 - (2) **Notice of Public Report.** Each tenant shall receive ten (10) days' written notice that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.
 - (3) **Notice of Final Map Approval.** Each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion.
 - (4) **Tenant's Right to Purchase.** Any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - (5) **Vacation of Units.** Each tenant not in default under the obligations of the rental agreement or lease under which ~~they/he/she~~ occupy ~~their/ies~~ ~~his/her~~ unit shall be given one hundred eighty (180) days' written notice of intention to convert ~~their/his or her~~ unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - (6) **No Increase in Rents.** The rents charged tenants at the time when a completed tentative map application was accepted by the Community Development Department shall not be increased for two (2) years from that acceptance time, or until the unit is sold or the subdivision is denied, withdrawn or reverted to acreage. The increase in rent on a unit which has been vacated after receipt of the application by the Community Development Department shall not be subject to control.
 - (7) **Notice to New Tenants.** At least thirty (30) days prior to the filing of the tentative map, the subdivider shall give notice of the filing of the map to each person applying after such date for rental of a unit immediately prior to acceptance of any rent or deposit. The notice shall be in the form outlined in Section 66452.8(b) of the Subdivision Map Act and shall advise the prospective tenant that notice will be

provided at least one hundred eighty (180) days prior to the actual conversion. If the subdivider fails to give notice in accordance with this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two (2) times monthly rent for moving expenses.

- (h) **Covenants, Conditions, and Restrictions.** Project covenants, ~~conditions~~, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.
- (1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
 - (2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners' Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners' Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
 - (3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
 - (4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners' Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
 - (6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners' Association shall have a ~~right to enter~~ **easement for entry** upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
 - (7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners' Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners' Association assumes control of the project, or at that time renegotiate any such contracts.
 - (8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.
- (i) **Required Findings.** In addition to any other findings that this Subdivision Ordinance requires, the City Council shall not approve a final map for conversion unless it finds that each tenant has been given and received notice in compliance with the requirements of Section 66427.1 of the Subdivision Map Act.

408.03 New Commercial and Industrial Condominiums

- (a) **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this Series is to establish criteria for the construction of new commercial and industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.
- (b) **Applicability.** The regulations set forth in this Series shall apply to the construction of new commercial and industrial condominiums.
- (c) If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this section and Section 408.01, New Residential Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.
- (d) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium applications.
- (e) **Application and Fees.** The applicant of a proposed commercial or industrial condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

- (1) **Development Plan.** A development plan of the project including location and sizes of structures, exterior elevations, parking layout, and access areas;
 - (2) **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;
 - (3) **Reserve Fund Study.** A reserve study showing the amount which must be set aside as long-term reserves for capital and maintenance replacement.
 - (4) ~~Conditions, Covenants, Conditions and Restrictions.~~ The proposed ~~conditions,~~ covenants, conditions and restrictions (CC&Rs); and
 - (5) **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.
- (f) **Development Standards.** In addition to the development standards contained in the applicable zoning district that permit commercial and industrial condominiums, the following development standards shall apply:
- (1) **Sound Transmission.**
 - a. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 - b. **Noise Standards.** Common walls and floors between dwelling units shall comply with the California Building Code provisions governing noise resistance for newly constructed common wall and floors.
- (g) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville ~~or its contracted solid waste and recycling collector(s)~~ specifications for trash enclosures.
- (h) **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.
- (i) **Warranty for Improvements.** The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
- (j) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.
- (k) **Covenants, Conditions, and Restrictions.** Project covenants, ~~conditions~~des, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition

to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

- (1) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (2) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.
- (3) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (4) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Condominium Association shall have ~~the right to enter an easement for entry~~ upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (5) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.
- (6) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

408.04 Commercial and Industrial Condominium Conversions

- (a) **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to commercial or industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

- (b) **Applicability.** The regulations set forth in this section shall apply to the conversion of existing buildings into commercial or industrial condominiums.

If a commercial or industrial condominium conversion is proposed in combination with a residential condominium, the requirements of this section and Section 408.03, New Commercial and Industrial Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.

- (c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium conversion applications.

- (d) **Application and Fees.** The applicant of a proposed commercial or industrial condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

- (1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

- a. **Structural Condition of Elements.** A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the California Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
- b. **Pest Control.** A report from a licensed structural pest control operator, ~~approved by the city,~~ on each structure and each unit within the structure.
- c. **Soil Conditions.** A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
- d. **Repairs and Improvements.** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

- (2) **Notice to Tenants.** Evidence of written notice provided to each tenant explaining that the owner intends to apply to the city for a condominium conversion. The notice to tenants must be sent at least one hundred and eighty (180) days~~six (6)~~

~~months~~ before the application is submitted to the city, and further notice must be given to any tenant who occupies the building after the original notice was sent.

- (3) **Plot Plan.** A plot plan of the project including location and sizes of structures, square footage of each building and unit, exterior elevations, parking layout, and access areas;
- (4) **Budget.** A proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of similar condominium complexes. The management firm shall submit a statement of professional qualifications.
- (5) ~~Conditions, Covenants, Conditions and Restrictions.~~ The proposed ~~conditions,~~ covenants, conditions and restrictions (CC&Rs); and
- (6) **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.

(e) **Filing and Processing**

- (1) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.
- (2) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by Section 408.04(d), Application and Fees, prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the condominium association upon its formation.

- (f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this section. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of ~~deficiencies violations~~ shall ~~accompany be specified in~~ the tentative map staff report and presented to the City Council. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required. In addition to the requirements required in other sections of the Municipal Code, the conversion shall comply with the following requirements:

- (1) **Sound Transmission.**
 - a. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration

- or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
- b. **Noise Standards.** The structure shall conform to all interior and exterior sound transmission standards of the Municipal Code. In such cases where present standards cannot reasonably be met, the applicant may be required to notify potential buyers of the noise deficiency currently existing within these units.
- (2) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville ~~or its contracted solid waste and recycling collector(s)~~ specifications for trash enclosures.
- (3) **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.
- (4) **Warranty for Improvements.** The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
- (5) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.
- (g) **Covenants, Conditions, and Restrictions.** Project covenants, ~~conditionscodes~~, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.
- (1) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (2) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (3) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (4) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Condominium Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (5) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.
- (6) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

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Chapter 409 Amendments and Enforcement

Sections:

- 409.01 Correction and Amendments of Maps
- 409.02 Enforcement and Judicial Review

409.01 Correction and Amendment of Maps

- (a) **Applicability.** The city may approve corrections and amendments to the following maps:

(1) ***Tentative Maps***

- a. ***Minor Changes.*** Minor changes in an approved tentative map may be approved by the Zoning Administrator and City Engineer upon application by the subdivider or on the city's own initiative provided that:
 - 1. No lots, units or building sites or structures are added;
 - 2. Changes are consistent with the intent and spirit of the original tentative map approval; and
 - 3. There are no resulting violations of the Municipal Code.
- b. ***Substantive Changes.*** Amendments of an approved tentative map for a subdivision that, in the opinion of the Zoning Administrator and City Engineer are not minor, shall be presented to the City Council for approval subject to the procedures for processing a tentative map set forth in Chapter 402, Tentative Maps. The Zoning Administrator and City Engineer may approve substantive changes to an approved tentative parcel map in the same manner set forth in Chapter 405, Parcel Maps.
- c. ***Effect of Amendments.*** Any approved amendment shall not alter the expiration date of the tentative map.

(2) ***Final Map/Parcel Map.*** Amendments to a final map or parcel map may be made in any of the following instances without providing public notice:

- a. To correct an error in any course or distance shown on the map.
- b. To show any course or distance that was omitted from the map.
- c. To correct an error in the description of the real property shown on the map.
- d. To indicate monuments set after the death, disability, replacement or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- e. To show the proper location of any monument that has been changed in location, or character, or that was originally shown at the wrong location or incorrectly as to its character.
- f. To correct any additional information filed or recorded as part of the final map in accordance with Section 66434.2 of the Subdivision Map Act, if the correction does not impose any additional burden on the present owners of

the property and does not alter any right, title, or interest in the property reflected on the recorded map.

- g. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right. Errors and omissions may include, but not be limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map.
- h. To make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary and:
 - 1. The modifications do not impose any additional burden on the owners of the property;
 - 2. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - 3. The city finds that the map as modified does not meet the findings in Section 400.04, Grounds for Denial.

(b) **Form and Contents.** Amendments to ~~either tentative or~~ final maps or parcel maps may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor. The form and contents of the amending maps shall conform to the applicable requirements of this Series. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

(c) **Review and Approval**

- (1) **General Review.** The amending map or certificate of correction shall be submitted to the City Engineer for review and approval, accompanied by the required fee. The City Engineer shall examine the amending map or certificate of correction and, if the only changes are those set forth in subsection (a) above, the City Engineer shall certify to this fact on the amending map or certificate of correction.
- (2) **Certificate of Correction.** The City Engineer shall have twenty (20) days to examine the certificate of correction for compliance with subsections (a) (b) above, endorse a statement on it of his or her examination and certification, and present it to the County Recorder for recordation. If the City Engineer determines that the certificate of correction fails to comply with this section, the City Engineer shall return the certificate to the applicant with a written statement of the changes necessary. The City Engineer shall have ten (10) days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

(d) **Filing with the County Recorder.** The amending map or certificate of correction certified by the City Engineer shall be filed or recorded in the office of the Tulare County Recorder. ~~in which the original map was filed.~~ Upon such filing or recordation, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown

on the amending map or certificate of correction in the general index and map index, respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

409.02 Enforcement and Judicial Review

- (a) **Purpose.** This section establishes procedures the City will use to enforce the requirements of this Series, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.
- (b) **Prohibition.**
 - (1) **No Sale or Lease Until Final Maps or Parcel Maps Are in Full Compliance.** No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction of any building for sale, lease or financing except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by this Series or the Subdivision Map Act, until a map, in full compliance with the provisions of this Series and the Subdivision Map Act, has been filed with the Tulare County Recorder.
 - (2) **No Conveyances Made by Parcel Number Until Final Maps or Parcel Maps are Filed.** Conveyances of any part of a division of real property for which a final map or parcel map is required shall not be made by parcel number, letter or other designation, unless and until the final map or parcel map has been filed for record with the Tulare County Recorder.
 - (3) **Exceptions.**
 - a. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
 - b. Paragraphs (1) and (2) above shall not prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where the sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final or parcel map.
 - c. This section shall not, in any way, modify or affect the provisions of Section 11018.2 of the Business and Professions Code.
- (c) **Remedies**
 - (1) **Voidable Sale.** Any deed of conveyance, sale or contract to sell real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting

to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

- (2) **Action in Superior Court.** Any grantee, or successor in interest, of real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.
- (3) **Exceptions.**
 - a. *Certificate of Compliance.* The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed in accordance with subsection (e) below, or identified in a recorded final map, from and after the date of recording.
 - b. *Other Provisions of Law.* The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.
- (4) **Limitation Period.** For purposes of this section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of this Series or the Subdivision Map Act, shall be tolled for any time period during which there is no constructive notice of the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease, or financing document with the County Recorder.

(d) **Effect on City Permits and Approvals**

- (1) **No Issuance of Permit or Approval.** The city shall not issue a permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.
- (2) **Imposing Additional Conditions.** If the city issues a permit or grants approval for the development of any real property illegally subdivided, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property, and that had been established at such time by this Series. If the applicant was the owner of record at the time of the initial violation, the city may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with subsection (e) below, only those conditions stipulated in that certificate shall be applicable.

~~(2)~~(3) The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by the Municipal Code in effect at the time of the improvement, or with respect to improvements that have been completed in reliance upon a permit or grant of approval for development, shall constitute "real property which has been approved for development," for purposes of the Subdivision Map Act, and upon request by the person owning the real property or a vendee of such persons pursuant to a contract of sale, the local agency shall issue a certificate of compliance for the affect real property.

- (e) **Certificate of Compliance.** Any person owning real property or in contract of sale of the real property may request the Zoning Administrator to determine whether such property complies with the provisions of this Series and the Subdivision Map Act. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described.
- (1) **Form and Contents.** An application for a determination of compliance shall be submitted to the Community Development Department together with a plat map, required fee, and such information the city deems necessary, including, but not limited to:
- a. The name or names of owners of the parcel.
 - b. The assessor parcel number or numbers of the parcel.
 - c. The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - d. The legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - e. A notice stating: "This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval."
 - f. Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance.
- (2) **Determination of Compliance.** If the Zoning Administrator determines that the real property complies with this Series and the Subdivision Map Act, the Zoning Administrator shall forward a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with this Series and the Subdivision Map Act.
- (3) **Determination of Non-Compliance.** If the Zoning Administrator determines that the real property does not comply with the provisions of this Series or the

Subdivision Map Act, the Zoning Administrator ~~may~~shall issue a conditional certificate of compliance by imposing any conditions that would have been applicable to the division of land at the time the applicant acquired ~~their~~his or her interest and that had been established at that time by this Series and the Subdivision Map Act.

- (4) **Recording the Certificate.** Upon making a determination and establishing the conditions, the Zoning Administrator shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until a permit or other grant of approval for development of the property is issued.

(f) **Notice of Violation**

- (1) **Notice of Intention.** If the Zoning Administrator has knowledge that real property has been divided in violation of the provisions of this Series or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owner, describe the violation, and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Zoning Administrator why a notice of violation should not be recorded.
- (2) **Determination by the Zoning Administrator.** The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner fails to notify the Zoning Administrator objecting to the recording of the notice of violation, the Zoning Administrator shall record it. If, after the owner presents evidence, the Zoning Administrator determines that the property has in fact been illegally divided, the Zoning Administrator shall record the notice of violation. If, after the owner presents evidence, the Zoning Administrator determines that there has been no violation, the Zoning Administrator shall mail a clearance letter to the owner.
- (3) **Notice of Violation.** The notice of violation, when recorded, shall be constructive notice of the violation to all successors in interest in the property.

- (g) **Penalties.** A violation of this Series by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one (1) year or in the state prison, by a fine not exceeding \$10,000, or by both fine and imprisonment. Every other violation of this Series is a misdemeanor.

- (h) **Judicial Action.** Any action or proceeding to attack, review, set aside, void or annul the decision of the ~~Engineering and Project Management Director~~City Engineer, Zoning Administrator, or City Council concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be

maintained by any person unless the action or proceeding is commenced and service of summons effected within ninety (90) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

- (i) **Other Legal Action.** This Series does not bar any legal, equitable or summary remedy to which the city or other public agency, or any person, firm or corporation may otherwise be entitled, and the city or other public agency, or any person, firm or corporation may file a suit in the superior court of Tulare County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this Series or the Subdivision Map Act.

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Series 400: Land Divisions

Chapter 400 General Provisions

Sections:

400.01	Introductory Provisions
400.02	General Responsibilities
400.03	Appeals
400.04	Grounds for Denial
400.05	Authority to Vary Regulations
400.06	Maps Required

400.01 Introductory Provisions

- (a) **Citation and Authority.** This Series is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the “Subdivision Map Act.”
- (b) **Purpose.** Series 400, Land Divisions, is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically, this Series is adopted in order to achieve the following objectives:
- (1) To aid in the implementation of the General Plan, and elements thereof, as adopted by the City Council.
 - (2) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
 - (3) To provide streets of adequate capacity for the anticipated traffic which would utilize them, and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system.
 - (4) To accommodate new development in a manner which will preserve and enhance the city’s living environment.
 - (5) To provide for water supply, sewage disposal, storm drainage, and other utilities and facilities which are required by conditions of an urban environment.
 - (6) To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider, rather than by property owners of the city at large.
- (c)

Scope. Series 400, Land Divisions, is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the State of California, and any future

amendments thereto, and repeals all other regulations of the City of Porterville in conflict with this Series; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations contained in this Series shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City of Porterville. The provisions of this Series shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the State of California, as now in effect or hereinafter amended.

Exclusions. These standards shall not apply to those divisions of land excluded by Section 66412 of the Subdivision Map Act.

(d) **400.02 General Responsibilities**

City Attorney. The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.

- (a) **City Council.** The City Council shall review and approve, conditionally approve or disapprove tentative and final subdivision maps and parcel maps when the parcel map is in coordination with a discretionary permit and/or multi-application projects. The City Council shall have final jurisdiction in the approval of reversions to acreage, final maps, improvement agreements, and the acceptance by the city of lands and/or improvements as may be proposed for dedication to the city for final maps. The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or disapproval for parcel maps.

- (c) **Engineering and Project Management Director or City Engineer.** The Engineering and Project Management Director, City Engineer or their designee shall be responsible for:

- (1) Establishing design and construction details, standards and specifications;
- (2) Determining if proposed subdivision improvements comply with the provisions of this Series and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Zoning Administrator for tentative subdivision maps and parcel maps.
- (3) The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance. In the case where signatures are required, it shall be provided by the appropriately authorized individual.
- (4) Examining and stating that final maps are in substantial conformance with the approved tentative map.
- (5) The inspection and approval of subdivision improvements.
- (6) As authorized by the City Council, accept the dedication of streets, alleys, including access rights and abutter's rights, drainage easements, parks, and other easements and parcels of land intended for public use.
- (7) The collection of all required deposits and fees.

- (8) The Engineering and Project Management Director or designee(s) authorized to sign on behalf of the City as the City Engineer or City Surveyor, pursuant to the Professional Engineer's Act (Chapter 7 [commencing with Section 6700] of Division 3 of the Business and Professions Code).

Zoning Administrator. The Zoning Administrator, or designee, shall be responsible for design analysis for conformity with the General Plan and this Ordinance; for the environmental impact of the subdivision design; and for the expedient processing of subdivision maps, parcel maps, and reports, as provided herein.

- (d) **Project Review Committee.** The Project Review Committee shall be responsible for reviewing and commenting on preliminary maps that show the general characteristics of the proposed subdivision.
- (e) **Parcel Map Committee.** The Parcel Map Committee shall have the authority to approve, conditionally approve, or deny tentative parcel maps. The Parcel Map Committee may impose conditions upon a tentative map, as appropriate, to determine compliance with general engineering or surveying practices in compliance with adopted policies and ordinances. The Parcel Map Committee shall be the advisory committee to the City Council for tentative parcel maps requiring concurrent processing consistent with Section 601.04(c).
- (f)
- (g) **Subdivider.** The subdivider shall prepare maps consistent with the standards contained herein, and design public improvements consistent with the public improvement standards of the City of Porterville. The subdivider shall process said maps in accordance with the regulations set forth herein.

400.03 Appeals

- (a) The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the Engineering and Project Management Director, Zoning Administrator, or Parcel Map Committee consistent with the provisions of Chapter 612, Appeals.
- (b)
- (a) When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this Series, any interested person may file an appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Chapter 612, Appeals. City Council decisions are final upon adoption of the resolution.

400.04 Grounds for Denial

A tentative map or parcel map shall be denied approval or conditional approval in the event any one (1) of the following findings is found to prevail by the approving body:

- (1) That the proposed map is not consistent with applicable general and specific plans.
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (3) That the site is not physically suitable for the type of development.
- (4) That the site is not physically suitable for the proposed density of development.

- (5) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (6) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

400.05 Authority to Vary Regulations

- (a) The Parcel Map Committee/City Council, with respect to tentative parcel maps and tentative subdivision maps, respectively, can modify any of the requirements and regulations set forth in this Series as it pertains to lot design, subject to the approval of a conditional use permit. Variation of regulations is applicable when there are natural features such as topographic constraints and soils conditions that may warrant modified standards. Application for any such modification shall be made in writing by the subdivider in the form of a conditional use permit application, stating fully the grounds of the application and the facts relied upon by the subdivider. Such application shall be filed with the tentative map of the proposed land division. If in the opinion of the Zoning Administrator and Engineering and Project Management Director/City Engineer the on- and/or off-site improvements, phasing and/or type of improvements necessitate it, a development agreement may be required between the City and the subdivider. In order for the property referred to in the application to come within the provisions of this section, it shall be necessary that the City Council or Parcel Map Committee find the following facts with respect thereto:

- (1) There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Series provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
- (2) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- (3) That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated;
- (4) That the exception is appropriate for the proper design and/or function of the subdivision; and
- (5) That the granting of the exception is consistent with the General Plan.

- (b) **Exception to Conditional Use Permit Requirement.** As it pertains to tentative parcel maps and tentative subdivision maps, exceptions to regulations pertaining to lot depth, reverse corner lots, street length and width, and double frontage lots or for minor exceptions as determined by the Zoning Administrator, shall be processed with the tentative map and shall not be subject to a conditional use permit per the above section (a). Exceptions from additional subdivision design standards and/or standards pertaining to the lot design within particular zones shall be subject to the approval of a conditional use permit.

- (1) **Action on Exceptions.** In the event that the proposed exceptions represent more than exceptions from lot depth, reverse corner lots, street length, and double frontage lots, the City Council shall approve, conditionally approve or disapprove the application for a conditional use permit pertaining to a tentative map in a public hearing held concurrently with the proposed tentative map. The Parcel Map Committee shall consider the exceptions not subject to a conditional use permit during the public hearing at which it considers the tentative parcel map.
- (2) **Appeals.** When the Parcel Map Committee has acted on an application for an exception, in accordance with the provisions of this article, any interested person may appeal to the City Clerk pursuant to the procedures and within the time limits set forth in Chapter 612. City Council decisions are final upon adoption of the resolution.

400.06 Maps Required

- (a) **General.** The necessity for tentative maps (Chapter 402), or vesting tentative maps (Chapter 403), final maps (Chapter 404), and parcel maps (Chapter 405) shall be governed by the provisions of this Series. A designated remainder lot shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.
- (b)

Final Map. A tentative or vesting tentative and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the State Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

- (1) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- (2) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- (3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or
- (4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter of a quarter section.

- (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
- (6) The subdivisions described in paragraphs (1), (2), (3), (4) or (5) shall require a parcel map.

Parcel Map. A tentative map, vesting tentative map, and parcel map shall be required for all divisions of land into four (4) or fewer parcels, and for divisions of land into five (5) or more parcels that are classified as a parcel map in subsection (b) above, except that a tentative map and parcel map shall not be required for:

(c)

- (1) **Right-of-Way Subdivisions.** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
- (2) **Conveyances.** Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
- (3) **Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 406.03, Lot Line Adjustments.

Chapter 401 Preliminary Map

Sections:

- 401.01 Form of Preliminary Map
- 401.02 Project Review Committee

401.01 Form of Preliminary Map

- (a) Prior to the filing of a map, the subdivider may submit to the Zoning Administrator an application for Project Review Committee and nine (9) copies of a preliminary map to indicate the essential characteristics of the subdivision. The preliminary map shall be of the same size and scale as that required by this Series for tentative maps, and shall contain the following minimum information:

- (1) Key map showing adjacent property, subdivisions and roads or streets, proposed street in the subdivision, and other development that would affect the subdivision.
- (2) Name and address of the owner of record, subdivider and engineer or surveyor.
- (3) Date, north point and scale showing the general topography contours and features.
- (4) Approximate location and widths of proposed and existing street rights-of-way.
- (5) Approximate location, average size, and number of lots.
- (6) Approximate acreage of proposed tract.
- (7) The intended land use and information on utilities, sanitary sewers, drainage, water and other improvements.

(a) 401.02 Project Review Committee.

The Zoning Administrator will schedule a meeting of the Project Review Committee, in compliance with Chapter 601.03, with the subdivider on the preliminary map. The Project Review Committee will make such general recommendations to the subdivider as shall seem proper regarding such preliminary map and shall recommend consultations by the subdivider with such other public or private agencies as it shall designate. The Project Review Committee shall furnish written copies of its recommendations to the subdivider and to all other public or private agencies which may be interested.

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Chapter 402 Tentative Maps

Sections:

- 402.01 Map Filing Procedure and Requirements
- 402.02 Form of Map and Content
- 402.03 Expiration of Maps and Extensions of Time

402.01 Map Filing Procedure and Requirements

The subdivider shall file with the Zoning Administrator nine (9) copies, one (1) photo-ready master (11" X 17" maximum) and one (1) copy of the owner's statement (if not included on the tentative map), all in accordance with the requirement of this Series, of each proposed subdivision. Said tentative map shall be accompanied with filing fees per resolution adopted by the City Council. The Zoning Administrator shall indicate upon all copies of the tentative map and accompanying data the date of filing, which shall be the date on which all required maps, masters, and accompanying data are deposited in the office of the Zoning Administrator. The Zoning Administrator may refuse to accept a tentative map submittal which fails to comply with the requirements of this Series.

Department Review and Referral

- (1) ***Determination of Complete Application.*** Not later than thirty (30) days after receipt of an application for a tentative map approval, the Zoning Administrator shall determine in writing whether such application is complete, and shall immediately transmit such determination to the applicant for the tentative map. In the event that the application is determined not to be complete, the Zoning Administrator's determination shall identify those parts of the application which are complete, and shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete. Zoning Administrator may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (2) ***Referral.*** Within ten (10) days of acceptance of a tentative map of a subdivision, the Zoning Administrator shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within fifteen (15) days after distribution of the tentative map, forward to the Zoning Administrator a written report of their findings and recommendations thereon. The Zoning Administrator shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan, the Development Ordinance, and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. Such public agencies and utilities include, but are not limited to:
 - a. City Engineer or the Engineering and Project Management Director;
 - b. Chief Building Official;
 - c. Police Department;

- d. Fire Department;
- e. Field Services Director;
- f. Office of Intergovernmental Management as required by the Government Code;
- g. Southern California Edison or other affected electric company;
- h. The Gas Company or other affected gas company;
- i. Telephone company or other affected phone company;
- j. Cable TV companies affected;
- k. School Districts as required by Section 66455.7 of the Map Act;
- l. Water supplier that is or may become a public water system as required by Section 66455.3 of the Map Act; and
- m. Affected owner of irrigation ditches or canals, and any other public agency or public utility affect by the subdivision.

(c) **Consideration of Tentative Maps.** The Zoning Administrator shall prepare a written report on the conformity of the tentative map to the provisions of the General Plan and all other applicable requirements of this and other ordinances and regulations of the City of Porterville. The report shall include a recommendation for action, including any requirements or conditions deemed necessary to ensure that the map will comply with the General Plan and any applicable city regulations. The Engineering and Project Management Director/City Engineer shall prepare a written report of recommendations on the tentative map in relation to the public improvement requirements of this chapter and the provisions of the Map Act.

(d) **Notification Procedures for Public Hearings.** Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.

(e) **Action.** Within the timeframes established in the Permit Streamlining Act, the City Council shall act on the tentative map for subdivisions and the Parcel Map Committee shall act on tentative parcel maps, unless an extension is agreed upon by the subdivider as provided for in the Permit Streamlining Act. If the City Council/Parcel Map Committee find that the proposed map complies with the requirements of this chapter and the Map Act, it shall approve the map. If the City Council/Parcel Map Committee finds that the proposed map does not meet the requirements of this chapter and the Map Act, it shall conditionally approve or disapprove such map.

(f) **Notice of Action.** Within ten (10) days following the action by the City Council or Parcel Map Committee, as appropriate, the Zoning Administrator shall transmit a letter containing the record pertaining to such action to the party submitting the tentative map. Upon approval, the tentative shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the map. Copies of the approved tentative map shall be filed with the Zoning Administrator and the City Engineer.

402.02 Form of Map and Content.

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a registered civil engineer or a licensed land surveyor. The size of each sheet shall be eighteen by twenty-six inches (18" X 26"). The tentative map shall be legibly drawn, in pencil or ink, and shall use a decimal or an engineer's scale of not less than one inch equals one hundred feet (1" = 100'), or as approved by the Zoning Administrator.

(a)

The tentative map shall clearly show the following information:

- (1) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
- (2) Names, addresses, and phone numbers of record owner(s), subdivider, and engineer or surveyor.
- (3) Partial legal description (1/4 section, township/range).
- (4) The tentative map shall include enough sheets to show details at the scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
- (5) Location, names, present right-of-way and physical dimension, and approximate grades of adjacent roads, streets, highways or ways, names and dimensions of abutting subdivisions and properties.
- (6) The locations, names, and widths of all streets in the proposed subdivision.
- (7) Radius of each curve (in accordance with Section 407.03, Design and Construction Standards).
- (8) Typical cross sections of any non-standard streets.
- (9) The outline of any existing buildings and their locations in relation to existing or proposed street and lot lines. The location of existing wells and sewage disposal facilities and the proposed disposition of same.
- (10) Contour lines shall be shown with the following intervals (Development within the Hillside Zone shall comply with Chapter 501, Hillside Zone Overlay District):
 - a. One (1) foot contour interval for ground slopes between level and five (5) percent.
 - b. Five (5) foot contour intervals for ground slopes exceeding five (5) percent.
- (11) The approximate widths, location and purpose of all existing or proposed easements.
- (12) Approximate lot layout and approximate dimensions of each lot, and each to be numbered.
- (13) The area of the subdivision in gross area and net area (excluding streets and other proposed public uses).
- (14) Approximate location of all areas subject to inundation or storm water overflow and the location, width, grade and direction of flow of all watercourses and the location of all floodplain lines.

- (15) Public areas proposed.
- (16) City limit lines.
- (17) Vicinity map showing the proposed subdivision and surrounding streets within one-fourth (1/4) mile radius of the proposed subdivision.
- (18) Location of trees to remain in place and landscaping proposed to remain in public right-of-way.
- (19) Show all proposed dedications and irrevocable offers of dedication.
- (20) The location and sizes of existing and proposed utility lines and structures.
- (21) The elevation of sewers at the proposed connection.
- (22) Any other drawings, data or information as deemed necessary by the Zoning Administrator and/or the City Engineer.
- (23) The Zoning Administrator may waive any of the above tentative map requirements if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified.

(b) **Owner's Statement and Accompanying Data.** Additional information relating to the subdivision which may not practicably be shown on the tentative map shall be contained in similar supplemental maps or written owner's statement which shall accompany the tentative map and include the following information. Any information that is engineering in nature shall be provided by a Civil Engineer.

- (1) Existing use or uses of the property, present zoning, and General Plan designation.
- (2) Proposed uses of the property indicating respective proportion of the total area of the subdivision represented by each.
- (3) General outline of proposed water system.
- (4) Provisions for sanitary sewage disposal and general outline of proposed system.
- (5) Plan for surface drainage and flood control and general outline of proposed system.
- (6) Proposed street improvements for sidewalk, curb and gutter, and paving of public ways, as required, indicating approximate location and dimensions of the proposed system.
- (7) If developed in increments, maps shall indicate approximate sequence of development.
- (8) Environmental Information Form.
- (9) Additional data and information, including fees, as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.
- (10) Any other data or reports deemed necessary by the Zoning Administrator and/or the City Engineer.

402.03 Expiration of Maps and Extensions of Time

(a) **Expiration.** When a timely filing is made prior to expiration, subsequent actions of the City Council or Parcel Map Committee, as appropriate, including, but not limited to, processing, approval, and recordation, may lawfully occur after the date of expiration of the tentative map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section. The effective life of an approved tentative parcel map or tentative subdivision map shall comply with the provisions of Section 66463.5 and 66452.6 of the Map Act, respectively. The expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the City Council or Parcel Map Committee, as appropriate, without first processing a new tentative map.

(b) **Extension.** Extensions for tentative parcel maps and tentative subdivision maps may be granted pursuant to the provisions of Section 66463.5 and 66452.6 of the Map Act, respectively. Upon application of the subdivider, prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the Parcel Map Committee or by the City Council.

- (1) **Request for Extension.** Prior to the expiration of an approved or conditionally approved tentative map, upon receipt of a written application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. A written application to extend an approved or conditionally approved tentative map shall be submitted to the Zoning Administrator prior to expiration of the tentative map, who shall forward such to the City Council or Parcel Map Committee, as appropriate. If the Parcel Map Committee denies a subdivider's application for an extension, the subdivider may appeal, in writing, to the City Council within ten (10) days after the Parcel Map Committee has denied the extension.
- (2) **Consideration of Extension Request.** Consideration of an application for an extension of time shall be limited to the mandatory findings of significance contained in the original Parcel Map Committee conditions or City Council resolution which approved or conditionally approved the tentative map. If it can be reasonably demonstrated that any one (1) of the original mandatory findings of significance used to justify approval or conditional approval of the tentative map, as specified in the original resolution has changed to the extent it can be considered a cause for denial, then such request for extension may be denied.
- (3) **Companion Permits.** When a tentative map is approved or conditionally approved in conjunction with a Conditional Use Permit or other discretionary permit, such permit shall expire at the same time as the tentative map unless the permit states a different expiration date approved by the City Council. Extensions of time of tentative maps approved with companion Conditional Use Permits or other discretionary permits may also include extensions of time for such companion permits to exceed the maximum appropriate time limit permitted by this section.

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Chapter 403 Vesting Tentative Maps

Section:

- 403.01 Vesting Tentative Maps
- 403.02 Vesting of Development Rights

403.01 Vesting Tentative Maps

Citation and Authority. This section is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the vesting tentative map statute).

- (a) **Purpose.** It is the purpose of this section to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act.
- (b)

- (c) **Consistency.** No land shall be subdivided and developed pursuant to the vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan, or not permitted by this Ordinance or other applicable provisions of the Municipal Code, which were in effect at the time the vesting tentative map was approved or conditionally approved.

- (d) **Application.**

- (1) Whenever a provision of the Map Act, as implemented and supplemented by this Series, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
- (2) If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
- (e)

Filing and Processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Series for a tentative map, except as hereinafter provided:

- (1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “vesting tentative map.”
- (2) At the time a vesting tentative map is filed, a subdivider may be required to supply the following information in addition to the requirements set forth in Section 402.02, Form of Map and Content:
 - a. Height, size, and location of buildings.
 - b. Geological studies.
 - c. Architectural plans.
 - d. Any other studies that are normally deferred to the building permit stage.

Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by 402.03 Expiration of Maps and Extensions of Time for the expiration of the approval or conditional approval of a tentative map.

(f) **403.02 Vesting of Development Rights**

Review Authority Action

- (a) (1) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- (2) Notwithstanding paragraph (1) above, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
- a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required, in order to comply with state or federal law.

- (b) **Time Limits and Extensions of Time on Vesting Tentative Maps.** The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided below. If the final map is approved, these rights shall last for the following periods of time:

- (1) An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
- (2) The initial time period set forth in paragraph (1) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
- (3) A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in paragraph (1) above expires.
- (c) (4) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (1), (2), and (3) above, the rights referred to herein shall continue until the expiration of that period, or any extension of that permit.

Development Inconsistent with Zoning Conditional Approval

- (1) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Ordinance, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider/applicant obtaining the necessary change in the Ordinance to eliminate the inconsistency. If the change in the Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection (a)(1) above, confer the vested right to proceed with the development in substantial compliance with the change in the Ordinance and the map, as approved.
- (2) The rights conferred by this subdivision shall be for the time periods set forth in subsection (b) above.

Applications Inconsistent with Current Policies. Notwithstanding any provision of this section, the applicant may seek approvals or permits for development which depart from the ordinances, policies and standards and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(d)

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Chapter 404 Final Maps

Section:

- 404.01 Filing Final Map
- 404.02 Form of Map and Content
- 404.03 Approvals

404.01 Filing Final Map.

- Within the time limit designated in Section 402.03, Expiration of Maps and Extensions of Time, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges,
- (a) the applicant may file with the City Engineer, who shall approve, a final map which shall substantially conform to the approved tentative map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the final map; and the final map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.
- (1) **Multiple Final Maps.** Multiple final maps may be filed if the subdivider informs the Zoning Administrator in writing of his or her intention to file multiple final maps, at the time the tentative map is filed or, if the Zoning Administrator and the subdivider concur to the filing of multiple final maps after the filing of the tentative map.
- (2) **Effect of Multiple Final Maps.** The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the requirements to provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.
- (b)

The subdivider shall file three (3) copies of the final map and required accompanying data with the City Engineer. The said final map shall be accompanied by filing fees as specified in the comprehensive fee schedule. When a final map is submitted to the City Engineer in accordance with this Series, it shall be accompanied by the following documents:

- (1) **Improvement Plans.** The original detailed plans, cross sections and profiles of all improvements proposed to be installed as required by the provisions of this Series, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street, right-of-way, easement or parcel of land dedicated by the map or previously dedicated, including the estimated cost thereof, shall be filed with the City Engineer or Engineering and Project Management Director for their approval and signature. All such plans shall be prepared in accordance with the requirements of the City Engineer or Engineering and Project Management Director. Plan sheets shall be twenty-four inches by thirty-six inches (24" X 36") and a plan and profile drawn to a scale of one inch equals fifty feet (1" = 50'), or an appropriate scale previously approved by the City Engineer.

- (2) **Traverse Sheets.** Calculation and traverse sheets in a form approved by the City Engineer giving bearings and distances, coordinates, error of closure and areas within the boundary of the subdivision and blocks and lots therein shown on the final map.
- (3) **Design Data.** Design data, assumptions and computations for proper analysis in accordance with sound engineering practice.
- (4) **Report and Guarantee of Title.** The final map shall be accompanied by a current (within six (6) months of the final map filing date) report prepared by a duly authorized title company naming the persons whose consent is necessary for the preparation and recordation of such map, and for dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons wherein named are all the persons necessary to give clear title to such subdivision. At the time of recording said map, following approval by the City Council, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that the persons consenting to the preparation and recordation of such map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to such subdivision and to the dedications shown thereon. The report should also include a statement of explanation of why any right-of-way or easement holders across the subdivision need not sign the map if they are not included as needed to pass a clear title.
- (5) **Preliminary Soils Report.** A preliminary soil report prepared by a qualified engineer registered by the State of California, based upon adequate test borings or excavations. The soil report that has been prepared shall be kept on file for public inspection. The preliminary soil report may be waived by the City Engineer or Engineering and Project Management Director if adequate existing data is available as to the soil qualities of the soils of the subdivision. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required, prepared by a qualified engineer registered by the State of California. The soil investigation shall recommend corrective action intended to prevent structural damage to each dwelling proposed to be constructed on expansive or unstable soil. The report shall be filed with the Building Department. If the preliminary soils report indicates the presence of naturally-occurring asbestos, a construction dust management plan shall be prepared.
- (6) **Utility Statements.** Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.
- (7) **Improvement Agreements.** With final review; all agreements, improvement security required by state law or this Ordinance, and offer(s) of dedication.

404.02 Form of Map and Content

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

- (a) (1) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Statements, certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (2) The size of each sheet shall be eighteen inches by twenty-six inches (18" X 26") inches or four hundred sixty by six hundred sixty (460 X 660) millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or twenty-five (25) millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
- (3) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- (4) Each lot shall be numbered. Each street shall be named or otherwise designated. The subdivision name/number shall be shown together with the description of the real property being subdivided.
- (5) Exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.
- (6) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.
- (7) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the

recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

(b) **Survey Requirement.** At the time of making a survey for final map, the engineer or surveyor shall set sufficient durable monuments to conform with City Standards so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

- (1) The monuments shall be approved by the City Engineer and shall be per City Standards. Any monument or bench mark, as required by this section, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. The monuments shall be set at each corner and angle point in the exterior and interior boundaries (lot corners) of the subdivision, except wherein such monuments already exist in their proper positions. Monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and end of curves, angle points or as otherwise directed by the City Engineer.
- (2) Interior monuments need not be set at the time of the map is recorded, if the engineer or surveyor certifies on the map that monuments will be set on or before a specified date, and if the subdivider furnishes to the city security guaranteeing payment of the cost of setting such monuments in accordance with Section 66496 of the Map Act.
- (c) (3) Within five (5) days after the final setting of monuments has been completed, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer that the final monuments have been set in accordance with Section 66497 of the Map Act.

Statements and Acknowledgment. The title sheet of the map, below the title, shall show the name of the engineer or surveyor together with the date of the survey, the scale of the map and the number of sheets. The following statements, certificates, acknowledgments and description shall appear on the title sheet of final maps, and such statements may be combined where appropriate:

- (1) **Statement by parties holding title.** A statement in accordance with the provisions of Section 66436 and 66445 of the Map Act.
- (2) **Dedication Statement.** A statement in accordance with Section 66439 of the Map Act.
- (3) **Engineer's or Surveyor's Statement.** A statement in accordance with Section 66441 of the Map Act.
- (4) **Soil Engineer's Statement.** A statement referring to preliminary soils reports on file with the city in accordance with Section 66434.5 of the Map Act.

- (5) **Statement to be executed.** A statement for execution by each of the following, as applicable:
- a. City Engineer;
 - b. Surveyor;
 - c. Geotechnical Engineer, Engineering Geologist, or Geophysicist;
 - d. Zoning Administrator;
 - e. City Council;
 - f. City Clerk;
 - g. County Board of Supervisors;
 - h. County Recorder;
 - i. Owner.
- (6) **Notation or Reference.** Notation or reference to survey and map information required pursuant to Section 66434.2 of the Map Act.

Information on Final Maps

(d)

- (1) Each lot shall be consecutively numbered. Each lot shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the lot or lots being created shall be indicated by a distinctive border. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such lot or lots, and particularly the relationship to existing surveys.
- (2) The final map shall also contain the following information:
- a. The tentative map number or vesting tentative map number and date of preparation within the Zoning Administrator's Statement
 - b. The net dimensions of each lot. No ditto marks shall be used.
 - c. The names, locations and right-of-way widths of all abutting public streets.
 - d. The proposed location, purpose and width of all proposed public roads and private access easements.
 - e. The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.
 - f. Location and widths of easements for public utilities, if required.
 - g. The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the lots being created.
 - h. Building setback lines, if applicable.
 - i. A north point and graphic scale.
 - j. Location or vicinity map at a minimum scale of one (1) inch equals one (1) mile.
 - k. Names of the subdivider(s) of the property being divided.

404.03 Approvals

- (a) **Approval by City Engineer.** Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of this Series or any other ordinance and the Map Act applicable at the time the application for the tentative map is deemed complete, and who is satisfied that the map is technically correct. If the City Engineer shall determine the final map is not in full conformity with the tentative map, the City Engineer shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity therewith has been made, they shall transmit said map to the City Council for approval in the case of a final map.

City Council Approval – Final Map.

- (b)
- (1) The City Council shall, at the meeting at which it receives the final map for approval, or at its next regular meeting after the meeting at which it received the map, approve the map if it conforms to all the requirements of this Series and the Map Act applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder.
 - (2) The Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Series or by law are not completed before the filing of the final map, the Council may enter into an agreement with the subdivider for posting improvement security as provided in this Series. The City Engineer, upon the approval of the final map by the City Council, shall transmit the map to the Clerk of the Board of Supervisors, who shall record same.

Chapter 405 Parcel Maps

Section:

- 405.01 Final Parcel Map
- 405.02 Waiver of Requirements for Parcel Maps

405.01 Final Parcel Map

- Final parcel maps.** Within the time limit designated in 402.03, Expiration of Maps and Extensions of Time of this Series, and upon the accomplishment of all dedication by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore and the payment of all applicable fees and charges, the applicant may file with the City Engineer, who shall approve, a final parcel map which shall substantially conform to the approved tentative parcel map and all applicable provisions of the Map Act. The appropriate statements as provided by the applicant in accordance with the provisions of the Map Act, shall be signed by the City Engineer upon the parcel map; and the final parcel map shall be transmitted to the Clerk of the County Board of Supervisors for ultimate transmittal to the county recorder.
- (a)
- Survey requirement.** In all cases where a parcel map is required, the parcel map shall be based on a field survey of the land conducted in accordance with the Land Surveyor's Act of the State of California. All new lot corners shall be monumented and based on a field survey. At the discretion of the City Engineer, a parcel map may be compiled from recorded or filed data when sufficient recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable to retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.
- (b)
- (c)
- Information on final parcel map.** Each parcel shall be consecutively numbered. Each parcel shall have its area shown to the nearest one-hundredth (1/100) of an acre or nearest square foot. The exterior boundary of the land included within the parcel or parcels being created shall be indicated by a distinctive border. Such border shall not interfere with the legibility of figures or other data. The map shall show the definite location of such parcel or parcels, and particularly the relationship to existing surveys.
- (d)

The final parcel map shall also contain the following information:

- (1) The tentative parcel map number or vesting parcel map number, resolution number printed on the upper right hand corner of the face sheet.
- (2) The net dimensions of each lot. No ditto marks shall be used.
- (3) The names, locations and right-of way widths of all abutting public streets.
- (4) The proposed location, purpose, and width of all proposed public roads and private access easements.
- (5) The boundaries of any private easement, whether an easement or record or a prescriptive easement, shall be shown by means of a dotted line; and the name of the person owning the easement shall be shown on the map.

- (6) Location and widths of easements for public utilities, if required.
- (7) The location and widths of watercourses and areas subject to inundation, and location of selected flood lines within the parcels being created.
- (8) Building setback lines, if applicable.
- (9) A north point and graphic scale.
- (10) Location of vicinity map at a minimum scale of one (1) inch equals one (1) mile.
Names and addresses of the owners of the property being divided.

Required statements.

- (e)
- (1) All required dedications of rights-of-way or easements shall be certified on the final parcel map by appropriate statements in accordance with Section 66447 of the Map Act.
 - (2) All parties having any record title interest in the real property subdivided shall sign a statement on the final parcel map in accordance with Subsections 66436 and 66445 of the Map Act.
 - (3) A statement of the registered civil engineer or licensed land surveyor who prepared the survey and the parcel map in compliance with Section 66449 of the Map Act.
 - (4) A statement of execution by the City Engineer which complies with Section 66450 of the Map Act.
 - (5) A statement of execution by the Zoning Administrator on behalf of the Parcel Map Committee certifying that the final parcel map conforms to the approved tentative parcel map.
 - (6) A statement by the City Surveyor which complies with Section 66450 of the Map Act.
 - (7) Additional information to be filed or recorded with the final parcel map as required in accordance with Section 66434.2 of the Map Act.

405.02 Waiver of Requirements for Parcel Maps

- (a) The requirement for a parcel map may be waived if a finding is made by the Parcel Map Committee that the proposed division of land complies with all requirements of this Ordinance as to area, improvement and design, drainage control, street dedications and improvements, sewer and water supply availability and environmental protection. No parcel map will be required for tentative maps approved under this section.
- (b) Approval of an application for a waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Map Act. When approval has been given to an application for a waiver of the requirement of a parcel map, the Zoning Administrator and City Engineer shall issue a resolution approving the waived parcel map, and shall cause said resolution to be filed with the county recorder.

Chapter 406 Reversions, Mergers, and Lot Line Adjustments

Sections:

406.01	Reversion to Acreage
406.02	Mergers
406.03	Lot Line Adjustments

406.01 Reversion to Acreage

Purpose. The purpose of this section is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.

- (a) **Initiation of Proceedings.** Proceedings for reversion to acreage may be initiated by the Parcel Map Committee on its own motion or by petition of all of the owners of record of the real property within the subdivision.

- (b) **Contents of Petition.** The petition shall be in a form prescribed by the Zoning Administrator and shall contain the following:

- (c)
- (1) Adequate evidence of title to the real property within the subdivision.
 - (2) Sufficient data to enable the legislative body to make all of the determinations and findings required by this Series, including a three hundred (300) foot radius map and property owners list.
 - (3) A reversion to acreage map which delineates dedications which will not be vacated and dedications which are a condition to reversion if applicable and which sufficiently describes all property to be reverted to acreage.
 - (4) Such other pertinent information as may be required by the Zoning Administrator and City Engineer.
- (d)

- (e) **Public Hearing.** A public hearing shall be held on the proposed reversion to acreage. Notice of the time and place of any public hearing shall be given in conformance with the provisions of Section 601.05, Public Notification.

Required Findings. Subdivided real property may be reverted to acreage and a reversion to acreage map approved for recordation only if the City Council finds that:

- (1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes if applicable. Such determination regarding dedicated public streets shall be made by the City Council in accordance with Division 9, Part 3 of the Streets and Highways Code of the State of California.
- (2) Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or

- b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
- c. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

Conditions of Approval. As conditions of reversion, the following shall be required:

- (f) (1) Dedications or offers of dedication necessary for the purposes specified by city ordinance following reversion.
- (2) Retention of all previously paid fees if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.
- (3) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Ordinance adopted pursuant thereto.

(g) **Effective Date.** Reversion shall be effective upon the map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(h) **Deposits and Securities.** When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to applicable city ordinance, including the stipulations of this Series.

406.02 Mergers

(a) **Required Mergers.** Two (2) or more contiguous parcels or units of land which have been subdivided under the provisions of the Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto, or which were not subject to such provisions at the time of their creation, shall not merge simply by virtue of the fact such contiguous parcels or units are held by the same owner. No further proceeding under the provisions of the Map Act or this Series enacted pursuant thereto shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, except, however, the city may provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all of the following requirements are satisfied:

- (1) At least one (1) of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.
- (2) With respect to any affected parcel, one (1) or more of the following conditions exists:
 - a. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.

- d. Does not meet slope stability standards.
- e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
- f. Its development would create health or safety hazards.
- g. Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

City Initiated Merger. Notification of Intention to Merge. Prior to recording a notice of merger, the Zoning Administrator shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the Tulare County Recorder on the date that notice is mailed to the property owner.

(b)

- (1) ***Request for Hearing.*** At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Zoning Administrator a request for a hearing on determination of status.
- (2) ***Procedure for Hearing.*** Upon receiving a request for a hearing on determination of status, the Zoning Administrator shall fix a time, date and place for a hearing to be conducted by the City Council, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the Zoning Administrator and the property owner.
- (3) ***Procedure for Determination Following Hearing.*** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance. At the conclusion of the hearing, the City Council shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in paragraphs (1) and (2) above. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.
- (4) ***Determination When No Hearing is Requested.*** If, within the thirty (30) day period specified in paragraph (1) above, the owner does not file a request for a hearing, the Zoning Administrator may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded with the Tulare County Recorder which specifies the names of the property owners and particularly describes the real property in question no later than ninety (90) days following the mailing of the notice required by paragraph (2) above.
- (5) ***Notice of Intention for Nonmerger.*** If, in accordance with paragraph (3) or (4) above, the Zoning Administrator or City Council determines that the subject property shall not be merged, it shall cause to be recorded a release of the notice of

intention to determine status, and shall mail a clearance letter to the current owner of record.

Property Owner Initiated Merger of Contiguous Parcels. Pursuant to Government Code Section 66499.20.3, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

- (c)
 - (1) The property owner shall file an application for merger with the Zoning Administrator, submit evidence of title to all parcels to be affected, submit a proposed certificate of compliance, and pay the processing fee established by resolution of the City Council. Mergers shall contain a legal description of the merged parcel and additional information as requested by the Zoning Administrator.
 - a. The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.
 - b. The merger shall be evidenced by recording a certificate of compliance that is signed by the Zoning Administrator and City Engineer. The certificate of compliance shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements.

(d) **Certificate of Compliance**

- (1) Any person owning real property may request, and the Zoning Administrator and City Engineer shall determine, whether such real property complies with the provisions of the Map Act and of this Series. Upon making such a determination, the Zoning Administrator and City Engineer shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this Series. The applicant shall pay the processing fee established by resolution of the City Council
- (2) If the Zoning Administrator and City Engineer determine that such real property does not comply with the provisions of the Map Act or of this Series, they may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time. Upon making such a determination and establishing such conditions, the Zoning Administrator and City Engineer shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the city.

406.03 Lot Line Adjustments

- (a) **Lot Line Adjustment.** Pursuant to Government Code Section 66412(d), a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer and Zoning Administrator or authorized representatives without the approval and filing of a parcel map. Such lot line adjustments shall be accomplished in accordance with the following procedures:
- (1) Applications for lot line adjustments shall be filed with the Zoning Administrator and shall be in the form and contain the information required of a tentative map together with legal descriptions of each parcel.
 - (2) The property owner(s) or agent shall file an application for a lot line adjustment with the city, submit evidence of title to all parcels to be affected, submit a proposed lot line adjustment map and legal description, and pay the processing fee established by resolution of the City Council.
 - (3) The Zoning Administrator and City Engineer shall consider and approve the application if it is found that the parcels created by the lot line adjustment will conform to the requirements of this Ordinance and applicable state law. Criteria to be considered includes, but is not limited to, standards relating to lot width and depth and minimum lot area.
 - (4) The lot line adjustment shall be evidenced by recording a deed describing each affected parcel and a city resolution signed by the Zoning Administrator and City Engineer. The deed and resolution shall be recorded concurrently with any easement deed regarding the relocation or elimination of applicable easements.

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Chapter 407 Dedications, Reservations and Improvements

Sections:

407.01	Dedications
407.02	Improvements
407.03	Design and Construction Standards

407.01 Dedications

Purpose. The purpose of this chapter is to establish the dedications and reservations that the city may impose on a subdivider as a condition for approval of a tentative map.

- (a) **Required Dedications.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets, alleys, including access rights and abutter's rights, drainage easements, elementary school sites, parks, and other easements and parcels of land intended for public use according to the standards listed below.
- (b)
 - (1) **Streets.** The subdivider shall dedicate land for streets according to adopted City Standards. Partial streets shall be discouraged in developments except in those situations where warranted and when approved by the City Engineer in accordance with the following:
 - a. Where a full pavement street is constructed along the perimeter of a subdivision, the subdivider be compensated for this construction by reimbursement agreement between the subdivider, the city and the adjoining property owner when development occurs on his property.
 - b. Where a partial street configuration is allowed, the outside edge shall be a thickened design approved by the City Engineer, and shall be designed to accommodate the orderly development of adjacent undeveloped property. No parking signs shall be posted by the subdivider if there are no lots fronting on the partial street.
 - c. Partial street dedications and improvements shall be wide enough to permit two (2) lanes of traffic and on-street parking on one (1) side.
 - (2) **Waiver of Direct Access Right.** The Engineering and Project Management Director may require that offers of dedication of streets include a waiver of direct access rights from any property shown on the final map as abutting thereon.
 - (3) **Public Easements.** The subdivider shall dedicate easements of ten (10) feet in width for public utility, sanitary sewer, water, and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary. Easements of different width may be required, based on the Engineering and Project Management Director's determination.
 - (4) **Drainage Facilities.** In accordance with Government Code Section 66483, the city, as appropriate and as permitted by law, shall require payment of fees for purposes of defraying the costs of constructing master planned drainage facilities if any part of the land division is located within a master planned drainage area. Fees required

pursuant to this section and associated with residential, commercial, and/or industrial developments shall be paid consistent with the provisions of Section 66007 of the California Government Code.

- (5) ***Bicycle Paths.*** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.
- (6) ***Bridges and Major Thoroughfares.*** If a land division or any portion thereof lies within an area of benefit established in accordance with this Ordinance or any other city ordinance adopted in accordance with Section 66484 of the Subdivision Map Act, the subdivider shall pay to the city the apportioned fees applicable to that portion of the land division lying within such area of benefit, in accordance with the requirements of subparagraph d below.
 - a. ***Considerations In Lieu of Fees.*** The City Council may allow any subdivider to furnish a consideration in lieu of payment of the fees mentioned in the preceding paragraph, if the Council finds that such consideration has a value not less than the fees that would otherwise be payable. The form of consideration in lieu of fees may include, but shall not be limited to, any of the following or a combination thereof:
 1. Construction of all or part of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
 2. Dedication or conveyance of all or part of the site or right-of-way required for major construction of a bridge project or major thoroughfare project, as the case may be, for which the area of benefit was established.
 - b. ***Value In Excess of Fees.*** If the City Council finds that the consideration in lieu of fees has a value in excess of the amount of fees that would be otherwise payable, the Council may enter into an agreement with the party furnishing such consideration for reimbursement of the amount of such excess from moneys, then in or which may later accrue to, the fund into which such party would have been required to pay fees but for such consideration in lieu of fees, and to reimburse such party from such fund in accordance with such agreement.
 - c. ***Requirement to Construct Facilities.*** The city shall require a subdivider to construct any necessary bridge facilities, major thoroughfares, parts thereof, or contribute to bridge facility or major thoroughfare costs if the City Council finds that:
 1. The subdivider's cost or contribution would not exceed the cost of a local facility in lieu of such bridges or major thoroughfares; or
 2. A proceeding has been commenced for establishing an area of benefit for such bridge project or major thoroughfare project and has been abandoned by reason of majority protest, and that there is a reasonable probability that use of a local facility in lieu of such

bridge would by reason of traffic, including but not limited to traffic which may be generated by such land division, constitute a hazard to public safety.

d. *Establishing Area of Benefit.* In accordance with Section 66484(d) of the California Government Code, an area of benefit as referred to in this section shall be established in the following manner:

1. The City Council shall hold a public hearing for each area of benefit to be established. Notice of such hearing shall be given in accordance with Government Code Section 65091. Such notice shall contain preliminary information related to the boundaries of the proposed area of benefit, the estimated cost of the bridge project or major thoroughfare project, as the case may be, the proposed allocation to the area of benefit, and the proposed method of fee appointment. Such notice shall also state the date, time and place of the public hearing, and that written protests may be filed as provided in this section.
2. Owners of property within the proposed area of benefit may file written protests with the City Clerk at any time prior to the date and time fixed for such public hearing. Any protest may be withdrawn by the owner of the land making the protest by a request in writing filed with the City Clerk at any time prior to conclusions of such public hearing.
3. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, against establishment of such area of benefit or against the proposed improvements or acquisitions, is not withdrawn prior to the conclusion of the hearing, then the proceedings shall be abandoned. In such event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for establishment of an area of benefit for the same improvements or acquisitions.
4. If a written protest by the owners of more than one-half (.5) of the area of the property to be benefited by the improvement, is not withdrawn prior to the conclusion of the hearing, against only a portion of the proposed improvement or acquisition, then the proceedings shall be abandoned with respect to the proposed improvement or acquisition that has been protested against. In such event, the City Council shall not, for at least one (1) year from the date of such hearing, commence or carry on any proceedings for the establishment of an area of benefit for the improvement or acquisition so protested against. Nothing in this subsection shall be deemed to prohibit the Council, within such one (1) year period, from commencing or carrying on new proceedings for the establishment of an area of benefit for the part of the improvement or acquisition protested, if it finds by the affirmative vote of at least

four-fifths (4/5) of its members, that the owners of more than one-half (.5) of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

5. At such public hearing, the City Council shall determine whether to establish such area of benefit, and if so, shall adopt a resolution prescribing the boundaries of the area of benefit, stating the cost, whether actual or estimated, a fair method of allocation of costs to the area of benefit, and a fair apportionment of fees. A certified copy of such resolution shall be filed for record with the county recorder.
6. In case of a requirement for any bridge, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan, which identifies railways, freeways, streams or canyons for which bridge crossings are required, and that the bridge or each bridge for which such area of benefit is established is one necessary to satisfy such bridge crossing requirement in such element or provisions of the general plan.
7. In case of a requirement for any major thoroughfare, the City Council shall find that, prior to said public hearing, the city has adopted at least thirty (30) days prior to the filing of any tentative map, a circulation element as part of the General Plan that identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, and that the major thoroughfare or section thereof for which such area of benefit is established is one so identified in such circulation element.
8. The resolution adopted by the City Council shall require that the apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of any final map or any parcel map or a condition to issuing a building permit thereon, consistent with the provisions of Section 53077.5 of the Government Code.
9. The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at such hearing.
10. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the City Council shall make provisions for payment of the share of improvement costs apportioned to such lands from other sources.
11. In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land that abuts

the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

12. In case of major thoroughfares, the payment of fees shall not be required unless the major thoroughfare is in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of establishment of the zone of benefit.
 13. In the case of a planned bridge facility, the payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area of benefit or is an addition to an existing bridge facility serving such area at the time of establishment of the zone of benefit. No fees contributed shall be expended to reimburse the cost of construction of any bridge existing at the time of establishment of the zone of benefit.
- e. *Planned Bridge Facility Fund.* A planned bridge facility fund shall be established for a bridge project within an area of benefit, or if the area of benefit is one in which more than one (1) bridge is required to be constructed, a fund shall be established covering all such bridge projects. Fees paid pursuant to this section on account of a bridge or bridges within an area of benefit shall be deposited into the fund for such area.
- f. *Planned Major Thoroughfare Fund.* A planned major thoroughfare fund shall be established for each planned major thoroughfare project and each particular area of benefit which it benefits. Fees paid pursuant to this section on account of a major thoroughfare project within an area of benefit shall be deposited into the fund for such area.
- g. *Expenditure of Bridge and Major Thoroughfare Facility Funds.* Moneys in such funds shall be expended solely for the construction of the improvement project serving the area to be benefited as follows:
1. To reimburse the city for costs advanced or incurred by it for construction of such improvement project or any portion thereof; and
 2. To reimburse any subdivider for the agreed portion of his or her costs of construction of such improvement project, or portion thereof, in accordance with a reimbursement agreement entered into with the city, as mentioned in subparagraph b above.
 3. In the event that monies in such funds are insufficient to accomplish all of the purposes that this section lists, such monies in the fund shall be apportioned to each such purpose on a pro rata basis.
- h. *Project Completion.* After completion of all bridge facility projects for which a planned bridge facility fund has been established or all major thoroughfare projects for which a planned major thoroughfare fund has been established, or in the event of abandonment of any such project, and after reimbursement of the city and each subdivider entitled thereto under a reimbursement agreement, as mentioned in subparagraph b above, the

City Council shall determine by resolution the amount of the surplus, if any, remaining in any such funds or as may accumulate in such funds from time to time. The City Council shall order any such surplus refunded as follows:

1. There shall be refunded to the current owners of property for which a fee was previously collected the balance of such monies in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular area of benefit. For the purposes of this paragraph, the term "property for which a fee was previously collected" shall be deemed to include land within any land division with respect to which such fees were paid as a condition to its approval and any building with respect to which such fees were paid as a condition to issuing a building permit therefor. For purposes of this paragraph, the term "fee collected" shall include, in the case of a subdivider who has entered into a reimbursement agreement with the city, the aggregate amount of cash fees and the value of the consideration in lieu of fees furnished by such subdivider.
 2. Where property for which a fee was previously collected has subsequently been subdivided into more than one (1) lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected.
 3. There shall be transferred to the city general fund any remaining portion of the surplus that has not been paid to or claimed by the persons entitled thereto within two (2) years from the date of adoption of the resolution declaring a surplus.
 4. For the purposes of this paragraph, the term "fee collected" or any variation thereof, shall also be deemed to include the amount of fees that would have been payable by a subdivider but for furnishing consideration in lieu of fees.
- i. *Advances and Voluntary Contributions.* The City Council may authorize advancement of money from the city general fund or from the road fund to pay the cost of constructing any bridge project or major thoroughfare project and may reimburse such fund or funds for such advances from the planned bridge facility fund or the planned major thoroughfare fund established to finance the construction of such improvements.
1. Nothing in this section shall be deemed to preclude the city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to an area of benefit.
 2. Nothing in this section shall be deemed to preclude the subdivider from volunteering to construct a bridge or major thoroughfare or part thereof, or to contribute to the cost thereof, in excess of the

cost of a local facility, nor to preclude the city from participating in such construction or carrying out such construction using money so contributed.

- (7) **Transit Facilities.** When required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.
- (8) **Railroad and Grade Crossings.** The City Council or the Parcel Map Committee shall review proposed subdivision plans with respect to existing railroad crossings and proposed or likely grade separations or other such facilities and shall require such changes as may be necessary to ensure that the design and improvement of the subdivision does not interfere with such future grade separations or other measures. The subdivider shall dedicate or make an irrevocable offer for dedication of the rights-of-way required for any grade separation or similar improvement that the General Plan Circulation Element proposes.
- (9) **Solar Access Easements.** At such time as the city has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system. The dimensions and locations of such easements shall be in accord with any standards for solar access adopted by the City Council.
- (10) **Parkland.** As a condition of approval of a tentative map, the city shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the city multiplied by the total park area within the city's planning area at the time of filing of the tentative but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision, calculated as follows:
 - a. The ultimate population of the subdivision is based upon the approved residential density and the average household size for the type of unit;
 - b. Total population of the city shall be as reported in the most recent available federal census;
 - c. Current park acreage shall be the amount of neighborhood and community park acreage identified in the General Plan or any more recent records, maps, or reports.
- (11) **Elementary School Sites.** As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one (1) or more subdivisions within one (1) or more school districts maintaining an elementary

school may be required to dedicate to the school district or districts such lands as the district shall deem necessary for the purpose of constructing elementary schools necessary to assure the residents of the subdivision adequate elementary school service.

- a. *Procedure.* The requirement of dedication shall be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the city the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.
- b. *Payments to Subdivider.* The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:
 1. Improvement Costs. The cost of any improvements to the dedicated land since acquisition by the subdivider;
 2. Assessed Taxes. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
 3. Other Costs. Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
- c. *Exceptions.* The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

(c)

Acceptance of Dedications. At the time the city approves a final map or parcel map, the city shall also accept subject to improvement, or reject, any offer of dedication. The Council or the Engineering and Project Management Director, on behalf of the City Council pursuant to Section 1806 (c) of the Streets and Highways Code, may accept said dedications. The City Clerk shall certify or state on the map the city's action.

- (1) **Offers of Dedication.** If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer shall remain open and the Council or the Engineering and Project Management Director may, by resolution at any later date and without any further action by the subdivider, rescind the city's action and accept and open the streets, paths, alleys or storm drain easements for public use which acceptance shall be recorded in the office of the county recorder. Dedications and acceptance or rejection of parcels of land for elementary school sites, public utility and other easements on parcels of land not previously specified shall be in accordance with the provisions of the Map Act.
- (2) **Termination of Offers.** Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

Recording Dedications. The city shall record a certificate with the county recorder for any dedication in fee for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. The certificate shall be attached to the map and shall contain all of the following:

- (d)
 - (1) The name and address of the subdivider dedicating the property.
 - (2) A legal description of the real property being dedicated.
 - (3) A statement that the city shall reconvey the property to the subdivider if the city makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

Reservations

- (e)
 - (1) **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.
 - (2) **Standards for Reservation.**
 - a. Such requirement is based upon an adopted specific plan or an adopted General Plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.
 - b. The ordinance has been in effect for a period of at least thirty (30) days prior to the filing of the tentative map.
 - c. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
 - d. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible. The reservation area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.
 - (3) **Procedure.** The city shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two (2) years after completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement.
 - (4) **Payment.** The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

- (5) **Termination.** If the city does not enter into a binding agreement, the reservation of such area shall automatically terminate.

407.02 Improvements

General Requirements. The subdivider shall install improvements in accord with the general requirements set forth in this chapter; provided, however, the Engineering and Project Management Director may require changes in typical sections and details if unusual conditions arise to warrant such changes.

- (a) **Standard Specifications.** All improvements shall conform to the requirements contained in the City of Porterville Standard Plans and Specifications, Standard Specifications for Public Works Construction, Caltrans Standard Specifications for street structural section components, and Work Area Traffic Control Handbook, as all of same now exist or are subsequently amended. Copies shall be maintained on file in the office of the City Clerk and the Engineering and Project Management Director.

- (c) **Improvement Plans.** Construction of improvements shall not commence until calculations, plans, profiles, and specifications for such work have been submitted to and approved by the City Engineer or Engineering and Project Management Director. Such items shall be approved prior to recording the final map. Construction of all improvements shall conform to the approved improvement plans and specifications and approved amendments thereto. After construction is completed, the subdivider's engineer shall show all changes made on the original set of plans and provide them to the city marked "as built plans."

- (d) **Improvement Construction Inspection and Supervision.** All improvements shall be inspected and approved by the Engineering and Project Management Director or its authorized representative. The subdivider shall be responsible for the actions of its contractor. Twenty-four (24) hours minimum notice will be required prior to an inspection by city personnel.

- (e) **Plan Check and Inspection Fees.** Subdivider shall be required to pay a plan check and inspection fee which shall include all charges for engineering and inspection services and rendered by the city. The plan check and inspection fee shall be as indicated in the City Comprehensive Fee Schedule.

- (f) The plan check fee shall be paid prior to commencement of plan checking by the city. The inspection fee shall be paid prior to any construction work requiring inspection.

Required Improvements Enumerated. The subdivider shall improve, or agree to improve, all streets, highways, or ways in or adjacent to the subdivision. All improvements shall be installed to permanent line and grade in accordance with the approved improvement plans for that subdivision on file with the Engineering and Project Management Director. Improvements which the subdivider shall make, or agree to make, at the cost of the subdivider, shall be as follows:

- (1) **Underground Utilities.** All utility distribution facilities, including but not limited to electric, communication, and cable television lines installed in and for the purpose of supplying service to any subdivision, shall be placed underground in

accordance with the utility's rules and regulations on file with the California Public Utilities Commission. Equipment appurtenant to underground facilities, such as surface-mounted transformers, street light poles, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be installed above the surface of the ground. The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed in accordance with the standard specifications prior to the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be placed in such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

- (2) **Streets.** All streets shall be graded and surfaced to cross sections and grades approved the Engineering and Project Management Director.
- (3) **Structures.** Structures shall be installed as required for drainage, access and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the Engineering and Project Management Director.
- (4) **Grading and Drainage.** Site grading and drainage taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.
- (5) **Sidewalks, Curbs, Gutters and Driveway Approaches.** Curbs, gutters, sidewalks and driveway approaches shall be installed to grades approved by the Engineering and Project Management Director.
- (6) **Sanitary Sewers.** Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and size approved by the Engineering and Project Management Director. No septic tanks or cesspools shall be permitted.
- (7) **Storm Drains.** Storm water sewers shall be installed as required by the Engineering and Project Management Director.
- (8) **Water Supply.** Each unit or lot within the subdivision shall be served by an approved public domestic water system.
- (9) **Fire Flow and Fire Hydrants.** As provided in the California Fire Code, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The required fire flow shall be determined by the Fire Chief.
 - a. The location, number, and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises to be protected as required and approved by the Fire Chief. All hydrants shall be accessible to the Fire Department by access roadways meeting California Fire Code requirements for "Access Roadways for Fire Apparatus". Such fire protection facilities including all surfaces access roads shall be installed and made serviceable by the subdivider prior to the time of construction.

- b. When fire hydrants density, as determined by the hydrant spacing requirement, is not sufficient to provide the required fire flow, additional fire hydrants may be required by the Fire Chief.
 - c. Design, locations, and layout of water mains and fire hydrants shall be approved by the Engineering and Project Management Director and the Fire Chief, and shall be installed by the subdivider.
- (10) **Subdivision Trees.** Subdivision trees and landscaping design shall be approved by the city and shall be planted at a time and in locations approved by the Parks and Leisure Services Director, all in general accord with the requirements of the Porterville Municipal Code.
- a. At least one (1) tree shall be planted on each residential lot. Five (5) gallon trees shall be installed upon all lots abutting interior, local and collector street, and fifteen (15) gallon trees shall be planted upon parcels having frontage on arterial thoroughfares.
 - b. The subdivider shall be required to plant street trees at thirty-five (35) feet on center along all parkways (including median island parkways and parkway strips located between the sidewalk and back of curb) within and/or bordering the subdivision.
- (11) **Street Signs.** Street signs shall be installed by the city at the subdivider's expense. Any required barricades to prevent traffic access at dead-end streets shall be provided by the subdivider in accord with the standard specifications.
- (12) **Street Lights.** Street lights shall be installed by the subdivider at locations designated by the City Engineer.
- (13) **Railroad Crossings.** Provisions shall be made for any and all active rail lines necessary to provide access to, or circulation with, the proposed subdivision, including the preparation of all documents necessary for application to the Public Utilities Commission of the State of California for the establishment and improvement of such crossing.
- (14) **Lot Corners.** The subdivider's engineer shall set at all lot corners a marker consisting of a one (1) inch diameter iron pipe eighteen (18) inches long, with the surveyor or engineer's marker thereon.
- (15) **Benchmarks.** The subdivider's engineer shall set at least two (2) bench marks in the subdivision tied to North American Vertical Datum of 1988.
- (16) **Temporary Drainage Reservoir lots.** Temporary drainage reservoir lots, when approved, shall be designed and constructed to the requirements of the Engineering and Project Management Director and the Parks and Leisure Services Director.
- (17) **Others.** Other improvements deemed necessary by the City Council for the public health, safety or welfare.

Agreement for Installation of Improvements. Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between the subdivider and the city, specifying a period of time, agreeable to the Engineering and Project Management Director, which shall be not greater than one (1) year, within which all

improvement work shall be completed to the satisfaction of the Engineering and Project Management Director, and providing that if the subdivider shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the Engineering and Project Management Director or designee and reimbursement to the city by the subdivider for the cost of such inspection. Such agreements may also provide:

- (1) For the construction of the improvements in units.
- (2) For an extension of time under conditions therein specified.
- (3) For the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the Engineering and Project Management Director to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider.
- (4) For progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in this chapter; provided, however, that no such progress payment shall be made for more than ninety (90) percent of the value of any installment of work, and provided that each such installment of work shall be completed to the satisfaction of the Engineering and Project Management Director.
- (5) The subdivider to arrange a preconstruction conference with the city, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.
- (6) The subdivider to give the city twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days.

(h)

Construction of Improvements Absent Subdivision Agreement. If the subdivider chooses to construct improvements absent a subdivision agreement, pertaining to the improvements to be constructed, as specified in Section 407.02(g), Agreement for Installation of Improvements, then the subdivider shall execute and file a preliminary subdivision agreement between the subdivider and the city. The preliminary subdivision agreement shall specify a period of time, not to exceed one (1) year, within which all improvements shall be completed, and providing that if the subdivider shall fail to complete such work within such period, the city may increase inspection fees to recover any additional inspection costs incurred by the city. Such agreements may also provide for:

- (1) The subdivider to arrange a preconstruction conference with the City, involving representative(s) of all contractors who are to work on the improvements, one (1) week prior to the initial start of construction.
- (2) The subdivider to give the City twenty-four (24) hours' notice to restarting work if no construction work has been done for two (2) or more prior work days.

(i)

Improvement Security

- (1) **Security.** The subdivider shall file with the agreement required by the provisions of subsections (g) and (h) above, to assure his full and faithful performance thereof,

a bond or security for such sum as the Engineering and Project Management Director deems sufficient to cover the cost of the improvements.

- (2) **Security, Form, and Amount.** Such security shall be in the manner, form, and kind provided by the Map Act and acceptable to the city attorney. The security shall be in the amount of one hundred (100) percent of the estimated cost of the improvements, conditioned upon the faithful performance of his agreement by the subdivider, and in the additional amount of one hundred (100) percent of such sum securing the payment by the subdivider to his contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials to them for improvements. The security provided shall guarantee maintenance and/or repair of all defects in required public improvements for a period of one (1) year following acceptance of said improvements by the city. In lieu of a one hundred (100) percent performance bond and one hundred (100) percent labor and materials bond, surety may be assured by the filing of a letter of credit, cash deposit, or deposit of negotiable bonds, which creates a trust fund in an amount equal to one hundred and ten (110) percent of the cost of the work estimated by the Engineering and Project Management Director. Said trust fund shall be maintained in a financial institution subject to regulation by the state and federal government with the trust fund limited to the following conditions:
 - a. Ten (10) percent of the cost, representing a labor and materials deposit, to be retained for thirty-five (35) days after the filing of the notice of completion.
 - b. Funds may be discharged from the balance of the surety account from time to time as work is completed, up to ninety (90) percent of value of work completed, with authorization of the Engineering and Project Management Director until all work is completed and the notice of completion is filed; at which time the remaining funds shall be released thirty-five (35) days thereafter.
 - c. Prior to final acceptance by the city of improvements, the subdivider shall provide the city with a one (1) year maintenance bond in the amount of five (5) percent of the estimated cost of improvements.
 - (3) **Completion of Work by City.** In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Series and the city shall have completed the same, or if the subdivider shall fail to reimburse the city for the cost of incidental expenses or to cover the cost of replacement and the repair of existing streets or other improvements damaged in the development of the subdivision or requiring repair or replacement during the one (1) year guarantee period, the city shall demand performance of the agreement by the subdivider to do such work and reimburse itself for the cost of work agreed to be performed by the subdivider. If the amount of the surety bond or cash deposit exceeds all costs and expenses incurred by the city, the city shall release the remainder of such bond or certification, less the cost and expense incurred by the city. The subdivider shall be liable to the city for any costs additional to those secured in an action to be brought therefore by the city.
- (j)

Supplemental Improvements

- (1) **Required.** The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity or number shall mean that size, capacity or number in excess of the minimum standard city requirements.
 - (2) **Improvement Security.** When constructing off-site improvements, the subdivider shall file a bond or security in accordance with subsection (i) above for such sum as the City Engineer deems sufficient to cover the cost of the improvements to assure his full and faithful performance thereof.
 - (3) **Reimbursement Agreement.** The city shall enter into an agreement for reimbursement to the subdivider. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only, and the actual cost of oversize improvements or in the case of Master Plan facilities, the subdivider is entitled to one hundred (100) percent of the reimburse cost.
 - (4) **Non-Master Plan Reimbursement Procedures.** The subdivider shall submit a written request, along with supporting documentation to the Engineering and Project Management Director. To pay the cost of such reimbursement, the City Council may at its discretion:
 - a. Immediately reimburse the subdivider for the entire cost of oversizing and thereafter levy a charge upon the real property benefitted thereby; or
 - b. Collect a reasonable use charge for the account of the subdividers from persons not within the subdivision using the oversized improvements.
 - (5) **Master Plan Reimbursement Procedures.** Upon the expiration of thirty (30) days from the date of the notice of completion, money may be disbursed from the master plan facilities construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the Engineering and Project Management Director. The developer shall submit all documentation necessary to support final payment within ninety (90) days of the filing of the notice of completion. Failure to do so may void developer's right to request reimbursements.
- (k)

Utility Fees and Off-Site Charges

- (1) The subdivider shall pay utility fees for sewer, water and storm drainage as may be required by applicable Council resolution or ordinance.
- (a) (2) Engineering plan checking, inspection fees, final map review fee, and off-site charges, i.e., street signs,, stop signs, pavement markings, etc., shall be paid prior to approval of the subdivision agreement by the City Council.

407.03 Design and Construction Standards

Streets and Highways

- (1) The street and highway design shall conform both in width and alignment with any general plan circulation element, precise street plans and other precise plans adopted by the City Council, and right-of-way for any such street or highway indicated on the General Plan or precise plans shall be dedicated to the city by the subdivider.
- (2) Streets and highways not otherwise designated on the Circulation Element of the General Plan shall not be less than those set forth in this section, except where it can be shown by the subdivider that the topography of the land is such as to justify narrower width. Increased widths may be required for bicycle lanes and, when determined necessary, by the City Council in the public interest. Approval or determination of street classification shall be made by the City Council.
 - a. Major arterial/major thoroughfare rights-of-way shall not be less than one hundred sixteen (116) feet in width.
 - b. Minor arterial/minor thoroughfare rights-of-way shall not be less than ninety-four (94) feet in width.
 - c. Collectors without on-street parking rights-of-way shall not be less than fifty-four (54) feet in width.
 - d. Collectors with median and without on-street parking rights-of-way shall not be less than sixty-five (65) feet in width.
 - e. Collectors with on-street parking rights-of-way shall not be less than sixty-eight (68) feet in width.
 - f. Local residential rights-of-way shall not be less than fifty-six (56) feet in width.
 - g. Local commercial street rights-of-way shall not be less than sixty (60) feet in width.
 - h. Cul-de-sac or other dead-end street (that will not provide future access) serving less than ten (10) homes shall not be less than forty-seven (47) feet in width.
- (3) **Relationship to Existing Streets.** The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision and be designed to maximize access points to existing local and collector streets.
- (4) **Center Lines.** The center lines of all streets, wherever practicable, shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred fifty (150) feet.
- (5) **Intersections.** Each street intersection shall be as near to a right angle as is practicable, and no intersection of streets at angles less than sixty (60) degrees shall be approved, unless necessitated by topographical conditions as determined by the Engineering and Project Management Director.
- (6) **Corner Cut-Offs.** At street intersections, the block corners shall have a corner cut-off sufficient to accommodate a City Standard Street Intersection Return, inclusive of a wheelchair ramp.
- (7) **Cul-de-Sac or Dead-End Streets.** Cul-de-sac or dead-end street shall be no more than six hundred (600) feet in length and shall have a turnaround having a minimum

radius of 47 feet, measured to the property line, and minimum of forty (40) feet to curb face unless the Engineering and Project Management Director determines that such turnaround is not necessary.

- a. Culs-de-sac streets in the residential zone districts may be permissible at a ratio of twenty (20) percent of lots to be served. When included in a land division, cul-de-sac streets shall be developed in such a manner as to provide bicycle and pedestrian pass-through to another street or cul-de-sac. A cul-de-sac may be approved subject to these requirements for unusual shaped parcels to maximize development potential. Dead end streets may be allowed to permit satisfactory future development of adjacent un- or under-developed property.
 - b. Culs-de-sac and dead end streets shall be avoided in all other districts. If culs-de-sac and dead end streets cannot be avoided, bicycle and pedestrian connections shall be provided from the cul-de-sac or dead end street to nearby public areas and city streets.
- (8) **Curve Radius.** The center line curve radius on all streets shall be designed in accordance with acceptable safe engineering practices. In no case shall the curve radius for an arterial be less than five hundred (500) feet. Center line curve radius on all other streets shall not be less than two hundred (200) feet.
 - (9) **Frontage Streets.** When any lots front or side on any arterial, collector, expressway or freeway, the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots. Residential properties shall not take access to/from arterial or collector streets.
 - (10) **Private Roads and Alleys.** Private roads and alleys shall not be permitted unless a Conditional Use Permit is approved by the City Council and, if approved, all private roads or alleys shall be constructed to city standards. Private roads and alleys shall also comply with Section 408.01(e) Warranty and Reserves.
 - (11) **Grades of Streets.** Streets shall not be less than 0.2 percent and not greater than seven (7) percent, unless because of topographical conditions or other exceptional conditions the Engineering and Project Management Director determines that a grade less than 0.2 percent, or in excess of seven (7) percent, is necessary.
 - (12) **Fire Hydrants.** The position of any street within twenty (20) feet of a fire hydrant shall not have a grade in excess of seven (7) percent to allow for the positioning of a fire suppression unit.
 - (13) **Access on Arterials.** Arterial streets shall not be used to provide direct access to individual single-family residential lots. When the rear or side of any lot borders an arterial, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said arterial to said lot.
 - (14) **Access on Collectors.** The use of a collector as primary direct access to individual single-family residential lots shall not be allowed. When the rear or side of any lot borders a collector, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of vehicular ingress and egress from said collector to said lot.

- a. **Exception:** Access to collectors may be allowed for parcel maps on lands that cannot be divided further. The infill lots shall have a single or shared driveway that is designed and constructed in such a way that it prevents vehicles from backing onto the public rights of way.

Alleys

- (b) (1) A developer may propose, or the City Council may require, alleys, for any of the following reasons, (if alleys are required, they shall be constructed to city standards):
 - a. Unusual size, shape or topographical character of the property to be subdivided.
 - b. The relationship to existing or proposed commercial, industrial or high density residential development or adjacent railroad right-of-way.
 - c. The special nature of the design or density of a residential subdivision where dwellings are grouped in such a manner as to require access from other than the street frontage.
 - d. The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.
- (2) Residential alleys shall have a minimum dedicated width of twenty (20) feet.
- (3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum dedicated width of thirty (30) feet, with adequate provisions for ingress and egress.
- (4) A twenty (20) foot corner diagonal right-of-way cutoff, measured along the property lines from the point of intersection, will be required where two (2) alleys intersect. An ADA compliant accessibility ramp shall be constructed pursuant to the city design standards.
- (c) (5) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.
- (6) Dead-end alleys shall be prohibited.

Pedestrian Ways

- (1) Pedestrian ways ten (10) feet or more in width may be required:
 - a. Through the middle of blocks that are more than six hundred (600) feet in length;
 - b. To connect culs-de-sac;
 - c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - d. To provide access to trails or bikeways shown in the General Plan.
- (2) The subdivider shall install paving, lighting, landscaping, and fences as approved by the City Council or Parcel Map Committee unless otherwise waived.

Bikeways. Bikeways shall be required in all locations shown in the General Plan or as approved by the City Council or Parcel Map Committee. Bikeway width, paving, landscaping, fencing, and signs shall be as approved by the City Council or Parcel Map Committee.

- (d) **Trails.** Trails shall be developed in all areas identified in the General Plan, and along all watercourses as shown in the General Plan Land Use Diagram. Where trails are incorporated in a project design, adequate line of sight and building orientation shall be provided to ensure that no more than thirty (30) percent of the length of the trail is not visible from the front yard setback of an adjacent parcel, with no segment of the trail greater than 180 feet not visible from the front yard setback of an adjacent parcel.
- (e)

Street Names

- (f)
 - (1) All street names shall be approved by the City Council. Duplication of existing names shall not be allowed, unless the streets are approximately in alignment with existing streets and not so far removed as to be confusing.
 - (2) Names of through streets in a north-south alignment shall be followed by the designation “street,” and the names of through streets in an east-west alignment shall be followed by the designation “avenue.”
 - (3) Cul-de-sac streets in a north-south alignment shall be followed by the designations of either “place,” “way” or “drive,” and cul-de-sac streets in an east-west alignment shall be followed by the designations of either “lane,” “circle” or “court.”

(g) **Blocks**

- (1) **Block Length.** Blocks shall not exceed six hundred (600) feet in length, unless existing adjacent property alignment, topographic, or traffic conditions justify a variation. Blocks longer than six hundred (600) feet in length shall provide mid-block pedestrian crossings so that there is no more than six hundred (600) feet of continuous block without a pedestrian crossing. Blocks in the Hillside Zone Overlay are exempt from the block length limitations and requirement for mid-block crossings.
- (2) **Block Width.** The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots, therein of a size required by the provisions of this chapter, unless the conditions justify or make necessary a variation from this requirement, such as development adjacent to an arterial.

Lots

- (1) **Lot Width.** Each residential lot or parcel shall have frontage width of not less than that required by this Ordinance except as approved by the City Council as provided for in Section 400.05, Authority to Vary Regulations.
- (h) (2) **Lot Depth.** Lot depths shall not exceed two and one-half (2.5) times the proposed lot width except where existing topography makes such dimensions infeasible.
- (3) **Lot Area.** The area of all lots shall comply with the requirements of this Ordinance relative to each particular zoning district.
- (4) **Lot Frontage.** Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the Parcel Map Committee or City Council, topographic or unusual physical conditions justify a deviation from this rule.
- (5) **Flag Lot.** Residential flag lots may be permitted with a Parcel Map, if it meets the standard requirements for lot width and lot depth. In measuring lot depth for a flag lot, the un-developable access strip shall not count toward lot depth, nor shall it be considered in calculating the depth to width ratio described in subsection (2) Lot Depth, above.
- (6) **Side Lines.** The side lines of lots shall, wherever practicable, be required to run at right angles or radially to the street upon which the lot faces.
- (7) **Lot Numbering.** Lot numbers shall begin with the numeral "1", and shall continue consecutively through all of the units of the tract with no omissions or duplications, and no block numbers shall be used.
- (8) **Division of Lots.** No lot shall be divided by a county, city, school, or any other taxing district boundary lines.
- (9) **Suitability of Lots.** All lots shall be suitable for the purpose for which they are intended to be used. Land subject to flooding or deemed by the Parcel Map Committee or City Council to be non-buildable shall be indicted on the final map.
- (i) (10) **Land Remnants.** All remnants of below-minimum size left over after the subdivision of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Access Limitation Strips

- (1) A one (1) foot access limitation strip shall be provided at the dead end of a stubbed street or at the edge of a partial width street, and shall be offered for dedication to the city for future street purposes.
- (j) (2) Access limitation strips shall be designated on the final map of the subdivisions and shall be specifically referred to in dedication and acceptance certificates.

Landscaping and Lighting Maintenance Districts. Each subdivision shall be subject to the creation of a Landscaping and Lighting Maintenance District in compliance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code §22500 et. Seq.) to address the extension of improvements such as but not limited to lighting, common landscape areas, including pocket parks, perimeter walls, drainage systems beneficial to

specific subdivision, drainage reservoirs, and open space areas, and the maintenance of such facilities through appropriate mechanisms as approved by the City Attorney. If a Landscaping and Lighting Maintenance District, Benefit Assessment District, or similar district is required, the following standards apply:

- (1) Prior to the approval of improvement plans for a development, the applicant shall submit the following information for the establishment of a landscaping and lighting maintenance district, the extension of the subject improvements into the assessment area, and the maintenance of the improvements once constructed:
 - a. A petition on a form provided by the city requesting to have the subdivision placed in a district at the time the final map is approved by the city.
 - b. Completed and approved landscaping and lighting improvement plans, and legal description.
- (2) The district shall be established, or the annexation into an existing district concluded, and improvements completed and accepted concurrently with the other improvements in the subdivision.
- (3) Exclusive of assessments for a district, the applicant shall pay all service fees and maintain all new district improvements in a safe and healthy manner for the greater of a ninety (90) day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the district.

(k) **Waiver of Right to Protest District Formation.** Prior to final map approval, each subdivider shall record a document waiving their right to protest a new assessment or an assessment increase equal to or less than a CPI adjustment for a city-wide Landscaping and Lighting Maintenance District or other maintenance district when at least fifty percent plus one (50% + 1) of the city is already in such district under the provisions of Government Code Section 53753.

(l) **Grading and Erosion Control.** Every map approved pursuant to this Series shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in of the California Building Code of the most recently adopted edition. Steep terrain and other topographical features may limit the abilities of a subdivider to perform mass grading operations. At the discretion of the Engineering and Project Management Director, individual grading plans for each individual lot may be submitted with the building permit in lieu of a mass grading plan normally submitted with the improvement plans.

(m)

Protection of Natural Features and Trees

- (1) **Natural Features.** Significant rock outcroppings and other unusual land forms shall be shown and identified on the tentative map and on improvement and landscape plans. Such features shall be preserved as required by the Parcel Map Committee or City Council.
- (2) **Trees.**
 - a. All existing trees six (6) inches in diameter or over shall be shown on the tentative map with a notation as to the size, species and dripline. Trees that

are part of an agricultural crop may be shown as the outer extent of the planting with a notation as to the species and average tree size and dripline.

- b. Existing trees six (6) inches or over in diameter may be required to be preserved. In cases where tree preservation is required, all grading and necessary tree trimming shall be conducted in accordance with an arborist's recommendations for tree preservation.
- c. Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the City Engineer and the Zoning Administrator.

(n) **Storm Water Management Plan.** Every map approved pursuant to this Series shall be conditioned to comply with the requirements of the City's Storm Water Management Plan, which includes measures that control construction site run-off and post-construction run-off.

Watercourses

- (o) (1) In accordance with Sections 66478.1 through 66478.10 inclusive of the Subdivision Map Act, if the land division will front upon a public waterway, river, or stream, as defined in Section 66478.4(c), access routes and easements along the bank shall be provided as follows:
 - a. The land division shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the Parcel Map Committee or City Council in accordance with Section 66478.5 of the California Government Code;
 - b. The land division shall provide for a dedication of a public easement along a portion of the bank of such river or stream bordering or lying within the proposed land division, as determined by the City Council in accordance with Section 66478.5 of the California Government Code; and
 - c. The Parcel Map Committee or City Council shall determine the governmental entity to which such access route or easement shall be dedicated, and all dedications shall be in accordance with Section 66478.6 of the California Government Code.
- (2) In accordance with Section 66478.12 of the California Government Code, if the land division will front upon any lake or reservoir that is owned in part or entirely by any public agency, including but not limited to the United States, State of California, or the City of Porterville, the land division shall be provided with or have available reasonable access by fee or easement from public highways to the water of the lake or reservoir upon which the land division borders either within the land division or a reasonable distance from the land division, as determined by the City Council or the Parcel Map Committee, as appropriate, in accordance with said statute. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.

- (3) If a land division is traversed by a river, stream, or creek, the subdivider shall leave such river, stream, or creek in its natural condition whenever practical. Sufficient right-of-way shall be dedicated to the city or other public entity and improved for flood control purposes as necessary to accommodate flows of water that would be generated by a flood of one hundred (100) year frequency. In the event that a land division is to front upon a river, stream, or creek, the provisions of this paragraph shall apply to that portion of the bank thereof bordering or lying within the proposed land division. The Parcel Map Committee or City Council shall determine the governmental entity to which such dedication shall be made.
- (4) The City Council may disapprove a tentative map because of flood hazard and inundation, and/or require protective improvements to be constructed as a condition precedent to approval of the map.

Drainage Reservoirs

- (p) (1) Temporary drainage reservoirs will only be allowed in areas where it has been determined by the Engineering and Project Management Director that it is not practical to implement the intent of the latest adopted version of the Storm Drain Master Plan. Landscape and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services. Maintenance of these facilities shall be part of the maintenance district created for the benefit of the subdivision.
- (2) Temporary drainage reservoirs may be approved until such time as Storm Drain Master facilities are available for connection and shall be granted to the city as an easement.
- (3) Drainage Reservoirs designated in the Storm Drain Master Plan shall be considered permanent facilities and title of the land shall be held by the city in fee. Property acquisitions shall be in the form of a dedication or purchased in accordance with the City's Storm Drain Master Plan and City's Property and Right-of-Way Acquisitions Policy and Procedures Manual. Landscaping and irrigation systems shall be installed as approved by the Director of Parks and Leisure Services.

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Chapter 408 Common Interest Developments (Condominiums)

Sections:

408.01	New Residential Condominiums
408.02	Residential Condominium Conversions
408.03	New Commercial and Industrial Condominiums
408.04	Commercial and Industrial Condominium Conversions

408.01 New Residential Condominiums

- (a) **Purpose.** The ownership of residential condominiums is distinguished by a sharing of responsibility that is not common to most other types of residential development. As a result, the purpose of this Series is to establish criteria for the construction of new residential condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.
- (b) **Applicability.** The regulations set forth in this Series shall apply to the construction of new residential condominiums.
- (c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium applications.
- (d) **Application and Fees.** The applicant of a proposed condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:
- (1) **Development Plan.** Schematic development plans with dimensions, consisting of at least a site plan, parking plan, typical floor plan, and building elevations showing natural and proposed grades;
 - (2) **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;
 - (3) **Department of Real Estate Application.** A copy of the project application submitted to the State of California's Department of Real Estate for a subdivision public report;
 - (e) (4) **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs); and
 - (5) **Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.

Warranty and Reserves.

- (1) **Warranty for Improvements.** The subdivider shall provide to the Homeowners' Association and/or purchaser a one (1) year warranty on all physical improvements required under this Ordinance.

- (2) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

(f) **Covenants, Conditions, and Restrictions.** Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

- (1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
- (2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners' Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners' Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
- (3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners' Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners' Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners' Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners' Association assumes control of the project, or at that time renegotiate any such contracts.
- (8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

408.02 Residential Condominium Conversions

- (a) **Purpose.** The purpose of this Series is to establish criteria for the conversion of existing multiple-family rental housing to condominiums and to reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion.
- (b) **Applicability.** The regulations set forth in this Series shall apply to the conversion of existing multiple-family rental housing to condominiums. This Series shall not apply to a "limited-equity housing cooperative" as defined in Section 11003.4 of the California Business and Professional Code.
- (c) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all residential condominium conversion applications.
- (d)

Application and Fees. The applicant of a proposed condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing and inspection fees. In addition to the required permit and map submittals, the applicant shall submit:

- (1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:
 - a. **Structural Condition of Elements.** A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon

which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the California Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

- b. **Pest Control.** A report from a licensed structural pest control operator, on each structure and each unit within the structure.
- c. **Soil Conditions.** A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
- d. **Repairs and Improvements.** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

- (2) **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs).
- (3) **Notice of Intent to Convert.** Signed copies from each tenant of Notice of Intent to Convert, as specified in subsection (g) below. The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- (4) **Additional Information.** Any other information the Zoning Administrator finds necessary to evaluate the project.

(e)

Filing and Processing

- (1) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.
- (2) **Submittal of Budget.** Prior to final map approval, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period, or such time as is required by the Department of Real Estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.
- (3) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by subsection (d) above prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to

review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the homeowners' association upon its formation.

- (4) ***Final Information Submitted.*** No later than six (6) months from the date the subdivider closes escrow on the first sale of a unit, the subdivider shall submit the following information to the Community Development Department:
- a. Name, address and phone number of Homeowners' Association;
 - b. Actual sale price of units;
 - c. Actual Homeowners' Association fee;
 - d. Number of prior tenants who purchased units; and
 - e. Number of units purchased with intent to be used as rentals.

(f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this Series. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of deficiencies shall accompany the tentative map staff report and presented to City Council, as the case may be. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required.

- (1) ***Modification of Development Standards.*** The base district development standard requirements of Series 200, Base Districts, may be modified by the City Council based on findings that the quality of life accommodated by the project will not be compromised and that residents will benefit from other amenities that are located in close proximity to the project site.
- (2) ***Warranty for Improvements.*** The subdivider shall provide to the Homeowners' Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
- (3) ***Long Term Reserves.*** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two (2) times the estimated monthly homeowner's assessment for each dwelling unit.

(g)

Tenant Provisions. Notices to tenants shall be provided as required in Section 66427.1 of the Subdivision Map Act. All written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. In addition, at least three (3) days before any hearing or action on a proposed tentative map for a conversion, the Community Development Department shall provide a copy of the staff report to the subdivider and to each tenant of the property.

- (1) ***Notice of Intent.*** A notice of intent to convert shall be delivered by the Subdivider to each tenant at least sixty (60) days prior to filing of the tentative map. The form of the notice shall be in the form outlined in Section 66452.9 of the Subdivision Map Act and approved by the Zoning Administrator.

- (2) **Notice of Public Report.** Each tenant shall receive ten (10) days' written notice that an application for a public report will be or has been submitted to the Department of Real Estate and that such report will be available on request.
 - (3) **Notice of Final Map Approval.** Each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion.
 - (4) **Tenant's Right to Purchase.** Any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - (5) **Vacation of Units.** Each tenant not in default under the obligations of the rental agreement or lease under which they occupy their unit shall be given one hundred eighty (180) days' written notice of intention to convert their unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
 - (6) **No Increase in Rents.** The rents charged tenants at the time when a completed tentative map application was accepted by the Community Development Department shall not be increased for two (2) years from that acceptance time, or until the unit is sold or the subdivision is denied, withdrawn or reverted to acreage. The increase in rent on a unit which has been vacated after receipt of the application by the Community Development Department shall not be subject to control.
 - (7) **Notice to New Tenants.** At least thirty (30) days prior to the filing of the tentative map, the subdivider shall give notice of the filing of the map to each person applying after such date for rental of a unit immediately prior to acceptance of any rent or deposit. The notice shall be in the form outlined in Section 66452.8(b) of the Subdivision Map Act and shall advise the prospective tenant that notice will be provided at least one hundred eighty (180) days prior to the actual conversion. If the subdivider fails to give notice in accordance with this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two (2) times monthly rent for moving expenses.
- (h)

Covenants, Conditions, and Restrictions. Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

- (1) **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the

minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

- (2) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one (1) unit overhang or take its access from the required parking space of another unit. All studio and one (1) bedroom units shall be assigned one (1) parking space and may rent additional spaces from the Homeowners' Association. An occupant of a unit with two (2) or more bedrooms may rent one (1) parking space back to the Homeowners' Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
- (3) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (4) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Homeowners' Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.
- (5) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (6) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Homeowners' Association shall have a right to enter upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (7) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Homeowners' Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Homeowners' Association assumes control of the project, or at that time renegotiate any such contracts.

- (8) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

Required Findings. In addition to any other findings that this Subdivision Ordinance requires, the City Council shall not approve a final map for conversion unless it finds that each tenant has been given and received notice in compliance with the requirements of Section 66427.1 of the Subdivision Map Act.

(i) **408.03 New Commercial and Industrial Condominiums**

Purpose. The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this Series is to establish criteria for the construction of new commercial and industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

Applicability. The regulations set forth in this Series shall apply to the construction of new commercial and industrial condominiums.

If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this section and Section 408.01, New Residential Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.

Conditional Use Permit and Maps Required. A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium applications.

Application and Fees. The applicant of a proposed commercial or industrial condominium project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

- (1) **Development Plan.** A development plan of the project including location and sizes of structures, exterior elevations, parking layout, and access areas;
- (2) **Landscaping Plan.** A preliminary landscaping plan of the project indicating the types and sizes of landscaping materials and permanent irrigation facilities;
- (3) **Reserve Fund Study.** A reserve study showing the amount which must be set aside as long-term reserves for capital and maintenance replacement.
- (4) **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs); and
- (5) **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.

Development Standards. In addition to the development standards contained in the applicable zoning district that permit commercial and industrial condominiums, the following development standards shall apply:

(1) **Sound Transmission.**

- a. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
- b. **Noise Standards.** Common walls and floors between dwelling units shall comply with the California Building Code provisions governing noise resistance for newly constructed common wall and floors.

Trash and Recycling Collection Areas. Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville specifications for trash enclosures.

(g)

Utilities. All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.

(h)

Warranty for Improvements. The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.

(i)

Long Term Reserves. Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

(j)

(k)

Covenants, Conditions, and Restrictions. Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

- (1) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (2) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for

late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (3) **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (4) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Condominium Association shall have the right to enter upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (5) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.
- (6) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

408.04 Commercial and Industrial Condominium Conversions

- (a) **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to commercial or industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

- (b) **Applicability.** The regulations set forth in this section shall apply to the conversion of existing buildings into commercial or industrial condominiums.

- (c) If a commercial or industrial condominium conversion is proposed in combination with a residential condominium, the requirements of this section and Section 408.03, New Commercial and Industrial Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.

- (d) **Conditional Use Permit and Maps Required.** A conditional use permit and tentative map approved by the City Council is required for all commercial and industrial condominium conversion applications.

Application and Fees. The applicant of a proposed commercial or industrial condominium conversion project shall submit the required number of copies of the Conditional Use Permit application and tentative maps to the Zoning Administrator, together with the requested filing fee. In addition to the required permit and map submittals, the applicant shall submit:

- (1) **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

- a. *Structural Condition of Elements.* A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation of the physical condition of said element from the current zoning and from the California Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
 - b. *Pest Control.* A report from a licensed structural pest control operator, on each structure and each unit within the structure.
 - c. *Soil Conditions.* A report on soil and geological conditions regarding soil deposits, faults, and groundwater in the vicinity of the project and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with said report.
 - d. *Repairs and Improvements.* A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety.
- (2) **Notice to Tenants.** Evidence of written notice provided to each tenant explaining that the owner intends to apply to the city for a condominium conversion. The notice to tenants must be sent at least one hundred and eighty (180) days before the application is submitted to the city, and further notice must be given to any tenant who occupies the building after the original notice was sent.
 - (3) **Plot Plan.** A plot plan of the project including location and sizes of structures, square footage of each building and unit, exterior elevations, parking layout, and access areas;
 - (4) **Budget.** A proposed budget for maintenance and operation of common facilities, including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5) year period. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of similar condominium complexes. The management firm shall submit a statement of professional qualifications.
 - (e) (5) **Covenants, Conditions and Restrictions.** The proposed covenants, conditions and restrictions (CC&Rs); and
 - (6) **Additional Information.** Any other information the Zoning Administrator find necessary to evaluate the project.

Filing and Processing

- (1) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons. The report shall be referenced in the subdivision report to the review authority.
- (2) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by Section 408.04(d), Application and Fees, prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the condominium association upon its formation.

(f) **Development Standards.** All condominium conversions must conform to the Porterville Municipal Code in effect at the time of tentative map approval except as otherwise provided in this section. The Building Official shall perform an assessment of building conditions prior to tentative map approval. A report of deficiencies shall accompany the tentative map staff report and presented to City Council. A physical inspection of every unit shall be required prior to final map approval or tentative map approval if no final map is required. In addition to the requirements required in other sections of the Municipal Code, the conversion shall comply with the following requirements:

- (1) **Sound Transmission.**
 - a. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which is determined by the Building Official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 - b. **Noise Standards.** The structure shall conform to all interior and exterior sound transmission standards of the Municipal Code. In such cases where present standards cannot reasonably be met, the applicant may be required to notify potential buyers of the noise deficiency currently existing within these units.
- (2) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within two hundred fifty (250) feet of the units they are designed to serve, and shall comply with the City of Porterville specifications for trash enclosures.
- (3) **Utilities.** All units shall have separate gas and electric meters and provisions for individual shut-off of all utility valves, including water.
- (4) **Warranty for Improvements.** The subdivider shall provide to the Condominium Association and/or purchaser a one (1) year warranty on all physical improvements required under this section.
- (5) **Long Term Reserves.** Prior to approval of the final map, or parcel map if no final map is required, the subdivider shall provide evidence to the city that a long-term reserve fund for replacement has been established in the name of the condominium

association. Such fund be based on a reserve study showing the amount which must be set aside monthly for the reserve account.

Covenants, Conditions, and Restrictions. Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

(g)

- (1) ***Right of Public Entry to Common Area.*** Officers, agents, and employees of the city, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (2) ***Maintenance of Common Area.*** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the Condominium Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.
- (3) ***Utility Easements over Private Streets and Other Areas.*** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (4) ***Access for Construction, Maintenance, or Repairs.*** Each Owner and the Condominium Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (5) ***Right to Terminate Management and Maintenance Contracts.*** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Condominium Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three (3) months after the Condominium Association assumes control of the project, or at that time renegotiate any such contracts.
- (6) ***CC&R Amendments.*** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the city.

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Chapter 409 Amendments and Enforcement

Sections:

- 409.01 Correction and Amendments of Maps
- 409.02 Enforcement and Judicial Review

409.01 Correction and Amendment of Maps

Applicability. The city may approve corrections and amendments to the following maps:

(1) *Tentative Maps*

- (a) a. *Minor Changes.* Minor changes in an approved tentative map may be approved by the Zoning Administrator and City Engineer upon application by the subdivider or on the city's own initiative provided that:
 - 1. No lots, units or building sites or structures are added;
 - 2. Changes are consistent with the intent and spirit of the original tentative map approval; and
 - 3. There are no resulting violations of the Municipal Code.
- b. *Substantive Changes.* Amendments of an approved tentative map for a subdivision that, in the opinion of the Zoning Administrator and City Engineer are not minor, shall be presented to the City Council for approval subject to the procedures for processing a tentative map set forth in Chapter 402, Tentative Maps. The Zoning Administrator and City Engineer may approve substantive changes to an approved tentative parcel map in the same manner set forth in Chapter 405, Parcel Maps.
- c. *Effect of Amendments.* Any approved amendment shall not alter the expiration date of the tentative map.

(2) *Final Map/Parcel Map.* Amendments to a final map or parcel map may be made in any of the following instances without providing public notice:

- a. To correct an error in any course or distance shown on the map.
- b. To show any course or distance that was omitted from the map.
- c. To correct an error in the description of the real property shown on the map.
- d. To indicate monuments set after the death, disability, replacement or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- e. To show the proper location of any monument that has been changed in location, or character, or that was originally shown at the wrong location or incorrectly as to its character.
- f. To correct any additional information filed or recorded as part of the final map in accordance with Section 66434.2 of the Subdivision Map Act, if the correction does not impose any additional burden on the present owners of

the property and does not alter any right, title, or interest in the property reflected on the recorded map.

- g. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right. Errors and omissions may include, but not be limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map.
- h. To make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary and:
 - 1. The modifications do not impose any additional burden on the owners of the property;
 - 2. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - 3. The city finds that the map as modified does not meet the findings in Section 400.04, Grounds for Denial.

- (b) **Form and Contents.** Amendments to final maps or parcel maps may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor. The form and contents of the amending maps shall conform to the applicable requirements of this Series. The amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

(c)

Review and Approval

- (1) **General Review.** The amending map or certificate of correction shall be submitted to the City Engineer for review and approval, accompanied by the required fee. The City Engineer shall examine the amending map or certificate of correction and, if the only changes are those set forth in subsection (a) above, the City Engineer shall certify to this fact on the amending map or certificate of correction.
 - (2) **Certificate of Correction.** The City Engineer shall have twenty (20) days to examine the certificate of correction for compliance with subsections (a) (b) above, endorse a statement on it of his or her examination and certification, and present it to the County Recorder for recordation. If the City Engineer determines that the certificate of correction fails to comply with this section, the City Engineer shall return the certificate to the applicant with a written statement of the changes necessary. The City Engineer shall have ten (10) days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.
- (d)

Filing with the County Recorder. The amending map or certificate of correction certified by the City Engineer shall be filed or recorded in the office of the Tulare County Recorder. Upon such filing or recordation, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or

certificate of correction in the general index and map index, respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

409.02 Enforcement and Judicial Review

Purpose. This section establishes procedures the City will use to enforce the requirements of this Series, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

(a)

Prohibition.

- (1) ***No Sale or Lease Until Final Maps or Parcel Maps Are in Full Compliance.*** No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction of any building for sale, lease or financing except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by this Series or the Subdivision Map Act, until a map, in full compliance with the provisions of this Series and the Subdivision Map Act, has been filed with the Tulare County Recorder.
- (2) ***No Conveyances Made by Parcel Number Until Final Maps or Parcel Maps are Filed.*** Conveyances of any part of a division of real property for which a final map or parcel map is required shall not be made by parcel number, letter or other designation, unless and until the final map or parcel map has been filed for record with the Tulare County Recorder.
- (3) ***Exceptions.***
 - a. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
 - b. Paragraphs (1) and (2) above shall not prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where the sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final or parcel map.
 - c. This section shall not, in any way, modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

(c)

Remedies

- (1) ***Voidable Sale.*** Any deed of conveyance, sale or contract to sell real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting

to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

- (2) **Action in Superior Court.** Any grantee, or successor in interest, of real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.
- (3) **Exceptions.**
 - a. **Certificate of Compliance.** The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed in accordance with subsection (e) below, or identified in a recorded final map, from and after the date of recording.
 - b. **Other Provisions of Law.** The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.
- (4) **Limitation Period.** For purposes of this section, the limitation period for commencing an action, either civil or criminal, against the subdivider or owner of record at the time of a violation of this Series or the Subdivision Map Act, shall be tolled for any time period during which there is no constructive notice of the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease, or financing document with the County Recorder.

(d)

Effect on City Permits and Approvals

- (1) **No Issuance of Permit or Approval.** The city shall not issue a permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of this Series or the Subdivision Map Act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.
- (2) **Imposing Additional Conditions.** If the city issues a permit or grants approval for the development of any real property illegally subdivided, it may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property, and that had been established at such time by this Series. If the applicant was the owner of record at the time of the initial violation, the city may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with subsection (e) below, only those conditions stipulated in that certificate shall be applicable.

- (3) The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by the Municipal Code in effect at the time of the improvement, or with respect to improvements that have been completed in reliance upon a permit or grant of approval for development, shall constitute “real property which has been approved for development,” for purposes of the Subdivision Map Act, and upon request by the person owning the real property or a vendee of such persons pursuant to a contract of sale, the local agency shall issue a certificate of compliance for the affect real property.

Certificate of Compliance. Any person owning real property or in contract of sale of the real property may request the Zoning Administrator to determine whether such property complies with the provisions of this Series and the Subdivision Map Act. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described.

(e)

- (1) **Form and Contents.** An application for a determination of compliance shall be submitted to the Community Development Department together with a plat map, required fee, and such information the city deems necessary, including, but not limited to:
- a. The name or names of owners of the parcel.
 - b. The assessor parcel number or numbers of the parcel.
 - c. The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - d. The legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.
 - e. A notice stating: “This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.”
 - f. Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance.
- (2) **Determination of Compliance.** If the Zoning Administrator determines that the real property complies with this Series and the Subdivision Map Act, the Zoning Administrator shall forward a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with this Series and the Subdivision Map Act.
- (3) **Determination of Non-Compliance.** If the Zoning Administrator determines that the real property does not comply with the provisions of this Series or the

Subdivision Map Act, the Zoning Administrator shall issue a conditional certificate of compliance by imposing any conditions that would have been applicable to the division of land at the time the applicant acquired their interest and that had been established at that time by this Series and the Subdivision Map Act.

- (4) **Recording the Certificate.** Upon making a determination and establishing the conditions, the Zoning Administrator shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with these conditions shall not be required until a permit or other grant of approval for development of the property is issued.

Notice of Violation

- (f) (1) **Notice of Intention.** If the Zoning Administrator has knowledge that real property has been divided in violation of the provisions of this Series or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by certified mail to the current owner of record. The notice shall describe the property in detail, name the owner, describe the violation, and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Zoning Administrator why a notice of violation should not be recorded.
- (2) **Determination by the Zoning Administrator.** The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner fails to notify the Zoning Administrator objecting to the recording of the notice of violation, the Zoning Administrator shall record it. If, after the owner presents evidence, the Zoning Administrator determines that the property has in fact been illegally divided, the Zoning Administrator shall record the notice of violation. If, after the owner presents evidence, the Zoning Administrator determines that there has been no violation, the Zoning Administrator shall mail a clearance letter to the owner.
- (g) (3) **Notice of Violation.** The notice of violation, when recorded, shall be constructive notice of the violation to all successors in interest in the property.

- (h) **Penalties.** A violation of this Series by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one (1) year or in the state prison, by a fine not exceeding \$10,000, or by both fine and imprisonment. Every other violation of this Series is a misdemeanor.

Judicial Action. Any action or proceeding to attack, review, set aside, void or annul the decision of the Engineering and Project Management Director, Zoning Administrator, or City Council concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within ninety (90)

days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

- (i) **Other Legal Action.** This Series does not bar any legal, equitable or summary remedy to which the city or other public agency, or any person, firm or corporation may otherwise be entitled, and the city or other public agency, or any person, firm or corporation may file a suit in the superior court of Tulare County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this Series or the Subdivision Map Act.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REPEALING AND REPLACING SERIES 400 OF THE PORTERVILLE
DEVELOPMENT CODE TO CORRECT INCONSISTENCIES AND AMBIGUITIES

WHEREAS: Implementation of the Development Code has made apparent a series of inconsistencies or ambiguities within Series 400, Land Divisions. As a result, there is a need for adjustments to clarify Council's intent; and

WHEREAS: On May 19, 2020, the City Council held a public hearing to receive comments on the proposed amendments; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed modifications serve to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby repeal and replace Series 400 of Chapter 21 of the Porterville Municipal Code, commonly referred to as the Development Ordinance, as attached hereto as Exhibit A, and fully incorporated herein by reference.

This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO AMEND SECTION 300.03, FENCES AND FREESTANDING WALLS

WHEREAS: On May 19, 2020, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance;

WHEREAS: The Council made the following finding in support of the text amendment: the 2030 General Plan and subsequent Development Ordinance intended to provide clarification for the goals of the City Council; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed modifications serve to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _____ amending Section 300.03, Fences and Freestanding Walls of Chapter 21 of the Porterville Municipal Code as follows:

SECTION 300.03, Fences and Freestanding Walls

(a) **Maximum Height**

- (1) **Front Yards.** No solid fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of three and one-half (3.5) feet. Open or lattice type fences that are at least fifty percent (50%) open, or hedges, shall not exceed a height of four (4) feet.
- (2) **Side and Rear Yards.** No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of seven (7) feet. The Zoning Administrator may allow a fence or wall up to eight (8) feet in height to be located along the exterior boundary of the required side or rear yard subject to the issuance of a building permit.
- (3) **Decorative Features.** One (1) entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed ten (10) feet. Such decorative feature shall not have any solid obstruction that exceeds two (2) feet in diameter between the height of three (3) and ten (10) feet.

(b) **Design and Materials.** Fencing visible from a street shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin.

- (1) **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra barrier, electrified, and other hazardous fencing is not permitted. An

exception to this standard may be approved for sites in the AC District where needed for livestock or ranch operations.

- (2) ***Limitation on Chain Link Fencing.*** Use of chain-link fencing is not permitted in front or street-facing side yards, and is permitted only in rear and interior side yards that do not abut public and quasi-public land uses. This standard does not apply to sites in the Residential, IA or IG districts.
- (c) **Landscaping.** Landscaping shall be provided between the back of sidewalk and the wall/fence line to include trees, shrubs, groundcover and vines in order to improve the aesthetics of the wall/fence. There shall be a minimum of five (5) feet adjacent to local roads and ten (10) feet adjacent to collectors and arterials. Maintenance of the landscaping shall be provided by the property owner, or by an assessment district established for such maintenance in perpetuity.
- (d) **Visibility at Intersections.** Notwithstanding any other provisions of this section, fences and walls shall comply with the visibility standards contained in Section 300.16, Visibility at Driveways and Intersections.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. 1563

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 20, ARTICLE I
OF THE PORTERVILLE CITY CODE BY AMENDING
SECTIONS 20-1.2, AND BY THE ADDITION THERETO OF
SECTION 20-58 RESPECTIVELY RELATING TO PUBLIC
RIGHT OF WAY ENCROACHMENT AGREEMENTS FOR FENCES

The Council of the City of Porterville does ordain as follows:

Section 1: That Chapter 20 Article I of the Porterville City Code Section 20-1.2 Occupancy of Public Right of Way be amended as follows and the addition of Section 20-58 as follows:

Sec. 20-1.2. Occupancy of Public Right of Way

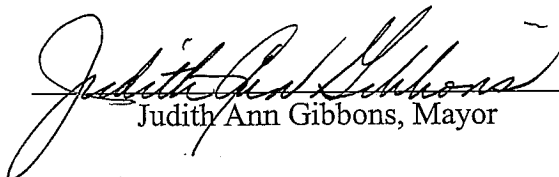
Except as provided by Section 20-57 pertaining to Porterville Redevelopment Project Area No. 1 **and Section 20-58 pertaining to Fence Encroachment Permits**, any person who constructs or affixes, or causes to be constructed or affixed, any structure, sign, canopy, awning, lighting fixture, or any other device, equipment or fixture, which projects into the public right-of-way beyond the property line of a building site, without first having obtained approval from the City Council by way of an encroachment agreement, is guilty of an infraction.

Sec. 20-58 Encroachment Permits (for fences)

The City Manager, or his/her designee, shall have authority for the administrative approval of requests for permission to encroach into the public rights of way for fencing if applicant meets all other conditions as required by the Porterville City Code. Consideration of said encroachments shall be in conjunction with approval of required City permits, and payment of applicable fees.

Section 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ATTEST:


Judith Ann Gibbons, Mayor


C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance #1563, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 1st day of December, 1998, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 31st day of December, 1998, and said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	IRISH	GURROLA	LEAVITT	CHOATE	GIBBONS
AYES:	X	X	X	X	X
NOES:					
ABSENT:					
ABSTAIN:					

C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REPEALING ORDINANCE 1563, AMENDING SECTION 20-1.2 AND REMOVING
SECTION 20-58 OF THE PORTERVILLE MUNICIPAL CODE RELATING TO PUBLIC
RIGHT OF WAY ENCROACHMENT AGREEMENTS FOR FENCES

WHEREAS: On December 1, 1998, the City Council of the City of Porterville adopted Ordinance 1563, which provided the City Manager or designee the authority to administratively approve requests to encroach into the public rights of way for fencing; and

WHEREAS: On May 19, 2020, the City Council held a public hearing to receive comments on proposed amendments to the Porterville Development Ordinance (PDO); and

WHEREAS: Through the evaluation and modification of the Development Ordinance it was determined to require landscaping between the sidewalk and walls or fences (§300.03 of the PDO), which is in direct conflict with Ordinance 1563.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby repeal Ordinance 1563, amending §20-1.2 and by removing §20-58 of the Municipal Code as follows:

Sec. 20-1.2 Occupancy of Public Right of Way

Except as provided by Section 20-57 pertaining to Porterville Redevelopment Project Area No. 1 ~~and Section 20-58 pertaining to Fence Encroachment Permits~~, any person who constructs or affixes, or causes to be constructed or affixed, any structure, sign, canopy, awning, lighting fixture, or any other device, equipment or fixture, which projects into the public right-of-way beyond the property line of a building site, without first having obtained approval from the City Council by way of an encroachment agreement, is guilty of an infraction.

Sec. 20-58 ~~—~~ Encroachment Permits (for fences)

~~— The City Manager, or his/her designee, shall have authority for the administrative approval of requests for permission to encroach into the public rights of way for fencing if applicant meets all other conditions as required by the Porterville city Code. Consideration of said encroachments shall be in conjunction with approval of required City permits, and payment of applicable fees.~~

This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO AMEND SERIES 700 TO ADD COMMUNITY DEVELOPMENT
DIRECTOR AND ENGINEERING AND PROJECT MANAGEMENT DIRECTOR TO
GENERAL TERMS AND DEFINITIONS

WHEREAS: On May 19, 2020, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance;

WHEREAS: The Council made the following finding in support of the text amendment: the 2030 General Plan and subsequent Development Ordinance intended to provide clarification for the goals of the City Council; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed modifications serve to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _____ amending Section 700.01, List of Terms and Section 700.02, Definitions of Chapter 21 of the Porterville Municipal Code, to be incorporated alphabetically as follows:

SECTION 700.01, List of Terms

Community Development Director
Engineering and Project Management Director

SECTION 700.02, Definitions

Community Development Director. The director of Porterville's Community Development Department.

Engineering and Project Management Director. The director of Porterville's Engineering and Project Management Department.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:

Ordinance No. ____

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ENGINEERING STANDARD PLANS AND SPECIFICATIONS

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of May 19, 2020, conducted a public hearing to consider a variety of amendments to the Development Ordinance; and

WHEREAS: As a component of development, staff has modified and revised the Engineering Standard Plans and Specifications, which includes the pavement and concrete standards.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the modified and revised Engineering Standard Plans and Specifications prepared by the City Engineer. The adopted plans and specifications will be filed in the offices of the city clerk and the city engineer.

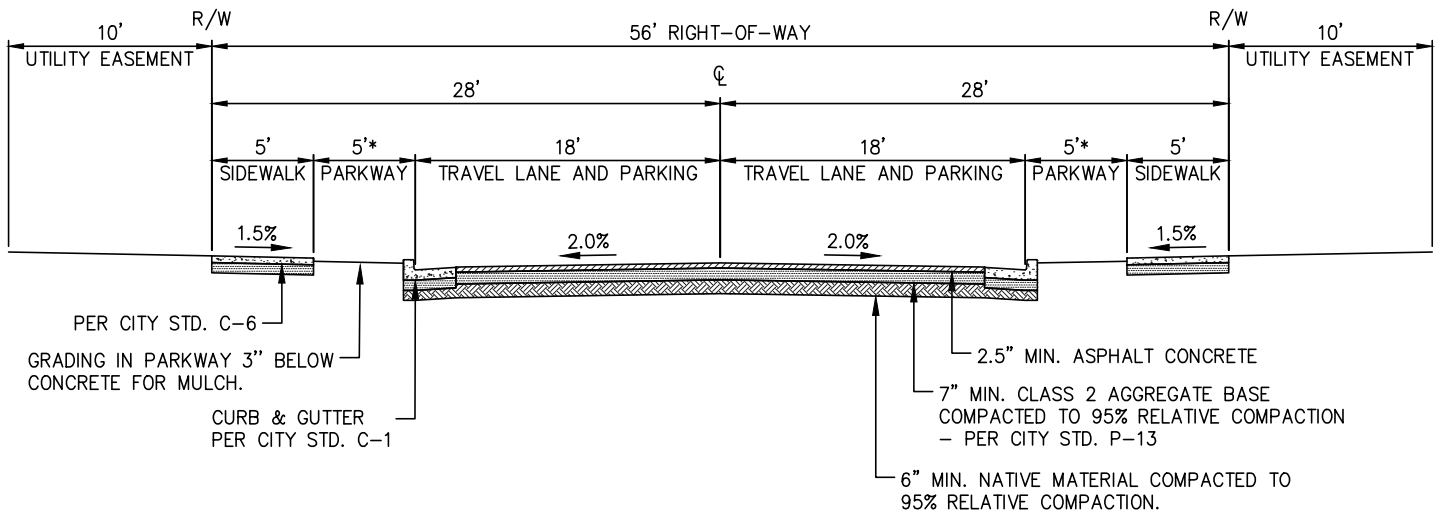
PASSED, APPROVED AND ADOPTED this 19th day of May, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

LOCAL RESIDENTIAL STREET



NOTES:

1. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 5.5 MINIMUM (LOCAL).
2. STRUCTURAL SECTIONS SHALL BE CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
3. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
4. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A ($\frac{1}{2}$ " MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
5. *DIMENSION MEASURED FROM FLOWLINE.



APPROVED BY:

Jaime Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

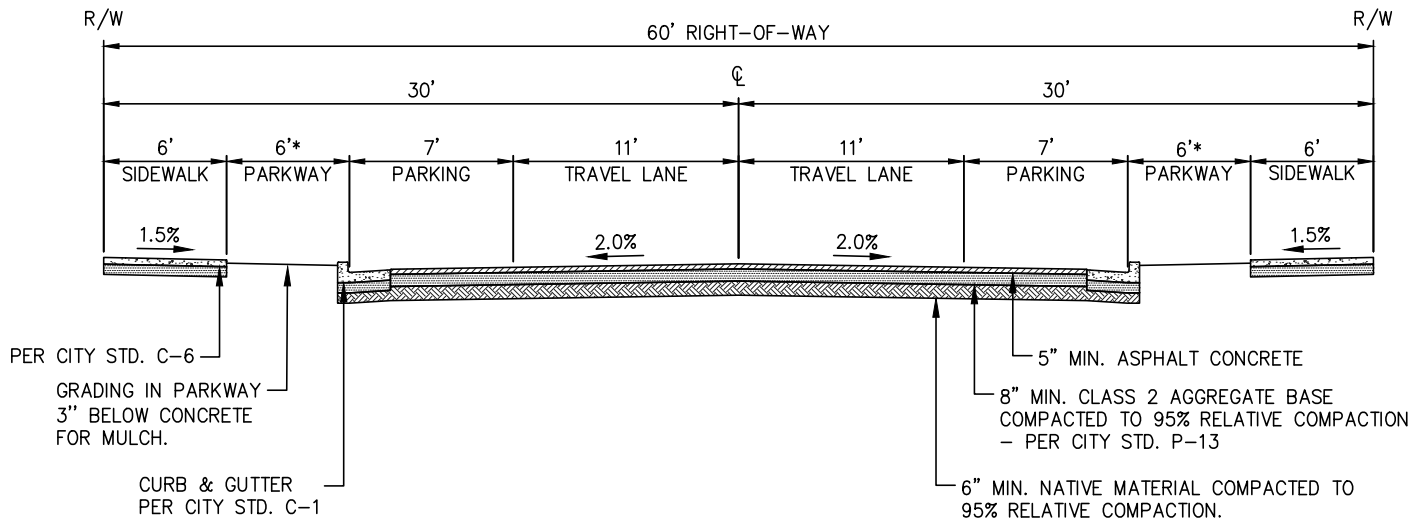
5/19/2020

DATE

LOCAL RESIDENTIAL
(RESIDENTIAL ZONES)

P-1

LOCAL COMMERCIAL STREET



NOTES:

1. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 8.0 MINIMUM (LOCAL COMMERCIAL).
2. STRUCTURAL SECTIONS SHALL BE CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
3. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
4. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A ($\frac{1}{2}$ " MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
5. *DIMENSION MEASURED FROM FLOWLINE.



APPROVED BY:

Javier Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

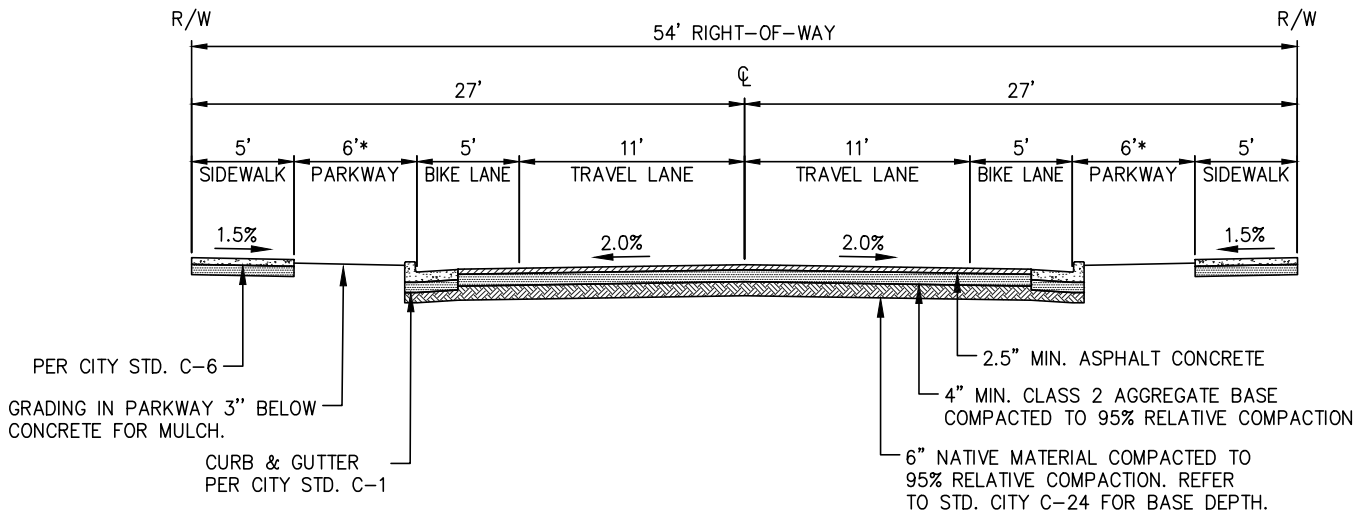
5/19/2020

DATE

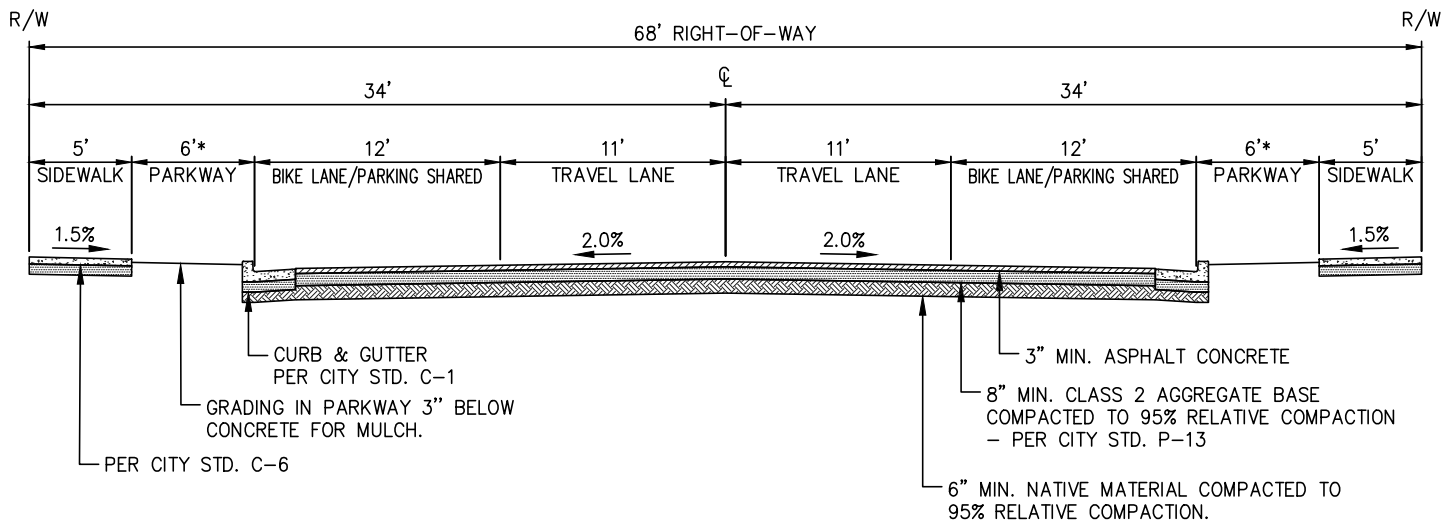
LOCAL COMMERCIAL
(COMMERCIAL AND INDUSTRIAL
ZONES)

P-2

RESIDENTIAL COLLECTOR STREET WITHOUT ON-STREET PARKING



RESIDENTIAL COLLECTOR STREET WITH ON-STREET PARKING



NOTES:

1. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 6.5 MINIMUM (RESIDENTIAL COLLECTOR).
2. STRUCTURAL SECTIONS SHALL BE CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
3. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
4. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A ($\frac{1}{2}$ " MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
5. *DIMENSION MEASURED FROM FLOWLINE.



APPROVED BY:

Javier Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

DATE

RESIDENTIAL
COLLECTOR STREET SECTIONS

P-3



APPROVED BY:

Jaime Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

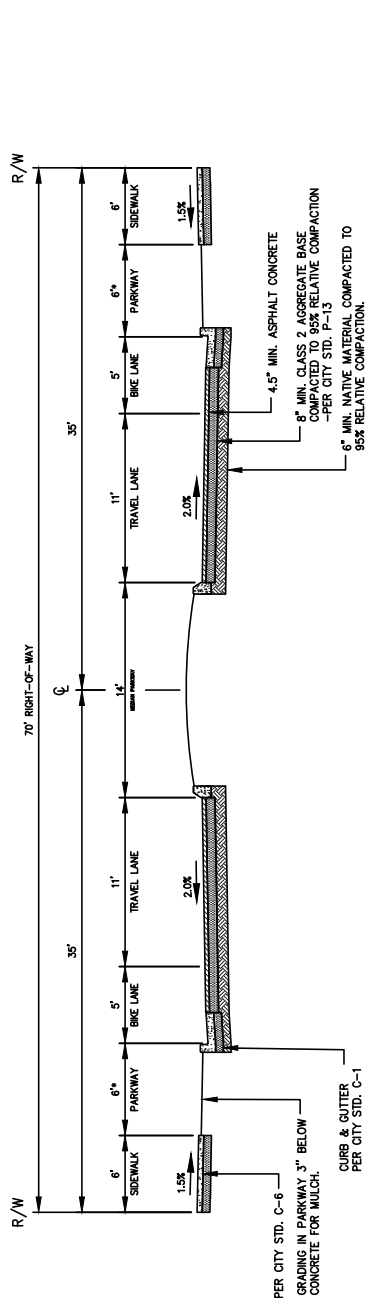
5/19/2020

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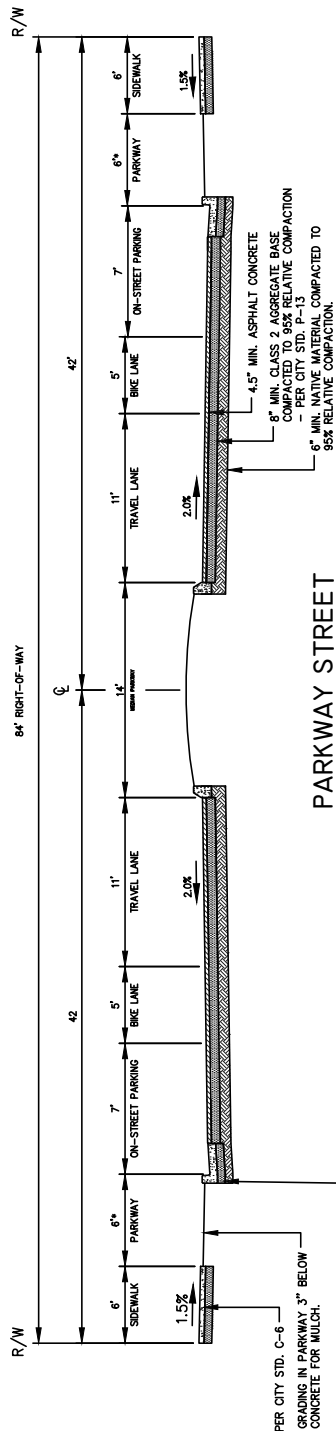
PARKWAY AND COLLECTOR STREET SECTIONS

P - 4

COLLECTOR STREET WITH MEDIAN STRIP AND WITHOUT ON-STREET PARKING

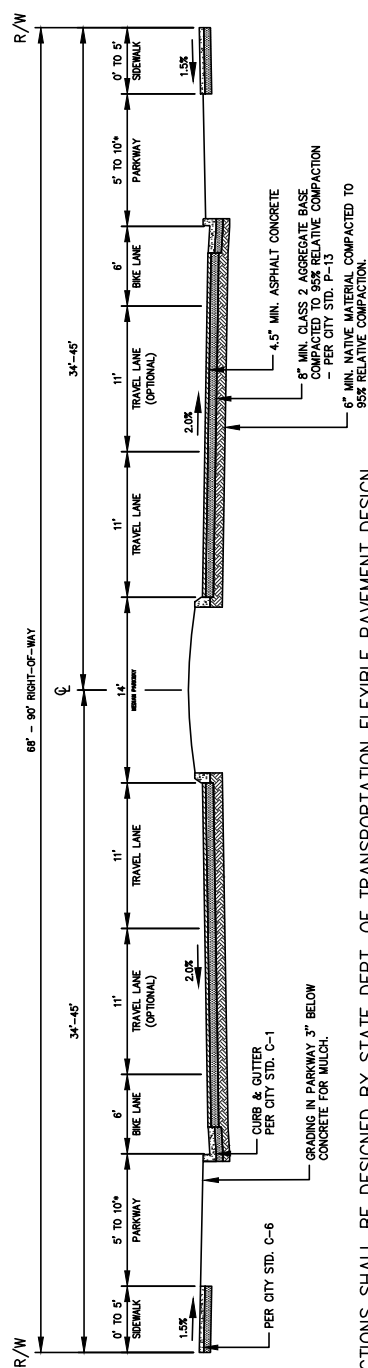


COLLECTOR STREET WITH MEDIAN STRIP AND WITH ON-STREET PARKING



PARKWAY STREET WITH ON-STREET BIKE LANES

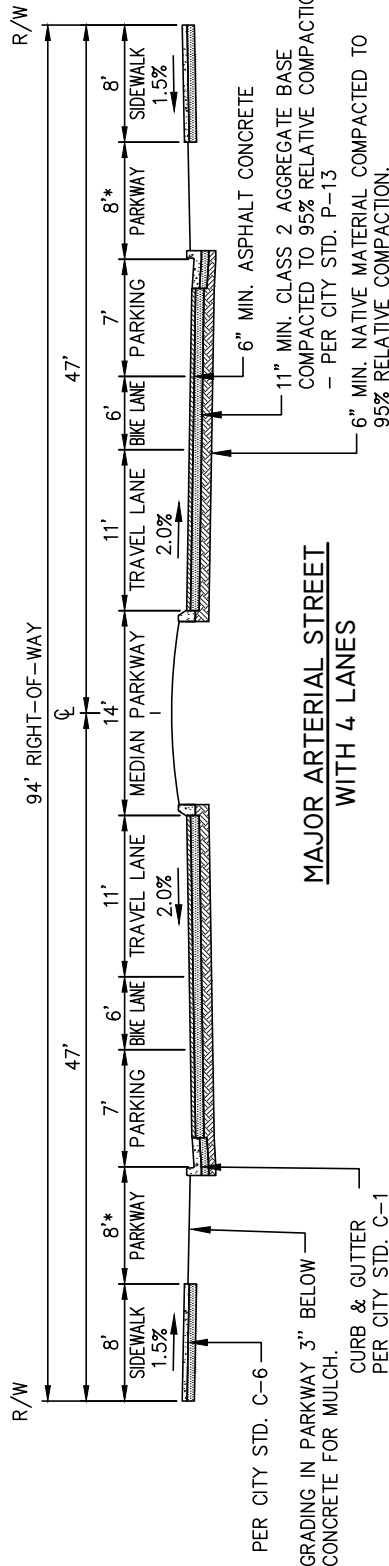
OPTION TO ELIMINATE SIDEWALK AND/OR PARKWAY ON ONE OR BOTH SIDES.



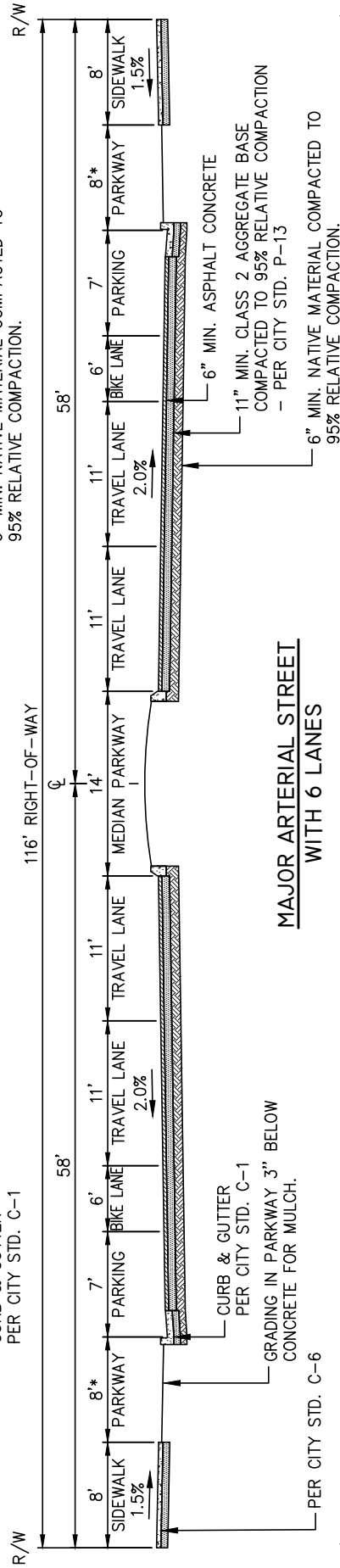
NOTES:

1. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 7.5 MINIMUM.
2. STRUCTURAL SECTIONS SHALL BE CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
3. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
4. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A (1/2" MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
5. *DIMENSION MEASURED FROM FLOWLINE.

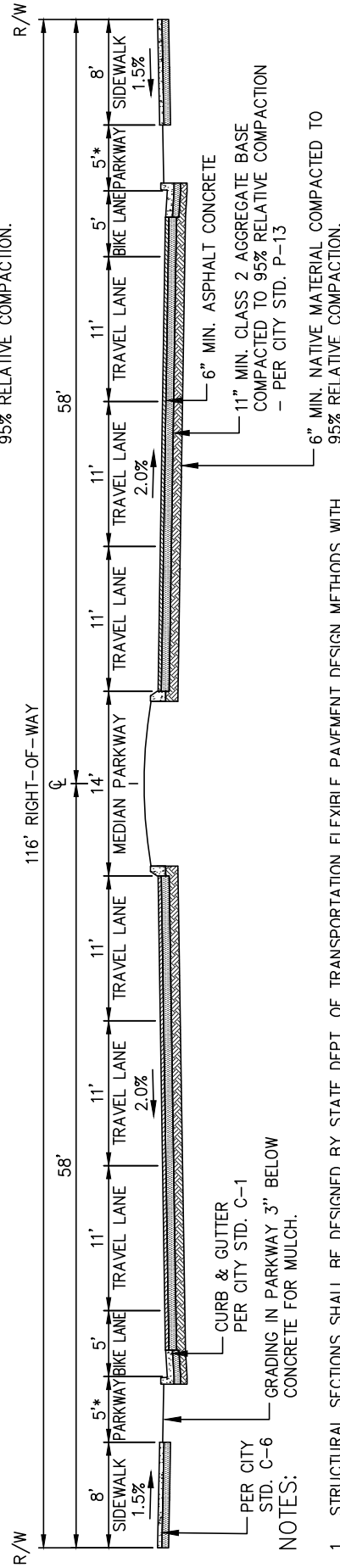
MINOR ARTERIAL STREET WITH ON-STREET PARKING



MAJOR ARTERIAL STREET WITH 4 LANES



MAJOR ARTERIAL STREET WITH 6 LANES



NOTES:

1. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 10 MINIMUM.
2. STRUCTURAL SECTIONS SHALL BE CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
3. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
4. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A (1/2" MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
5. *DIMENSION MEASURED FROM FLOWLINE.



APPROVED BY:

Jaime Sanchez

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

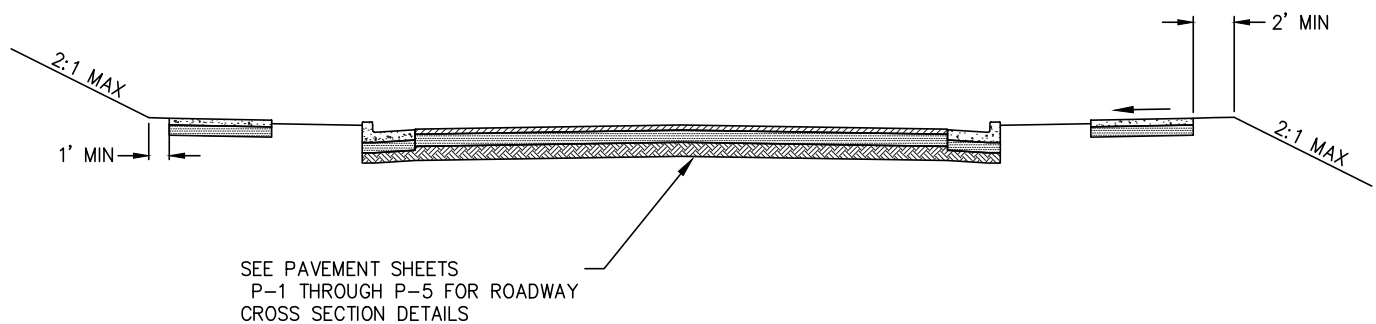
5/19/2020

DATE

ARTERIAL STREET SECTIONS

P-5

HILLSIDE STREET TRANSITION DETAIL



NOTES:

1. STRUCTURAL SECTIONS SHALL CALCULATED BY A LICENSED ENGINEER BASED ON T.I. AND R-VALUE.
2. CLASS 2 AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF CALTRANS STANDARD SPECIFICATIONS.
3. PAVING SHALL CONFORM TO SECTION 39 AND 92 OF CALTRANS STANDARD SPECIFICATIONS USING TYPE A ($\frac{1}{2}$ " MAXIMUM) PG 64-28 MIX DESIGNED WITH POLYMER, MODIFIED ASPHALT BINDER ASPHALT CONCRETE.
4. *DIMENSION MEASURED FROM FLOW LINE.



APPROVED BY:

Jaime Sanchez Jr.

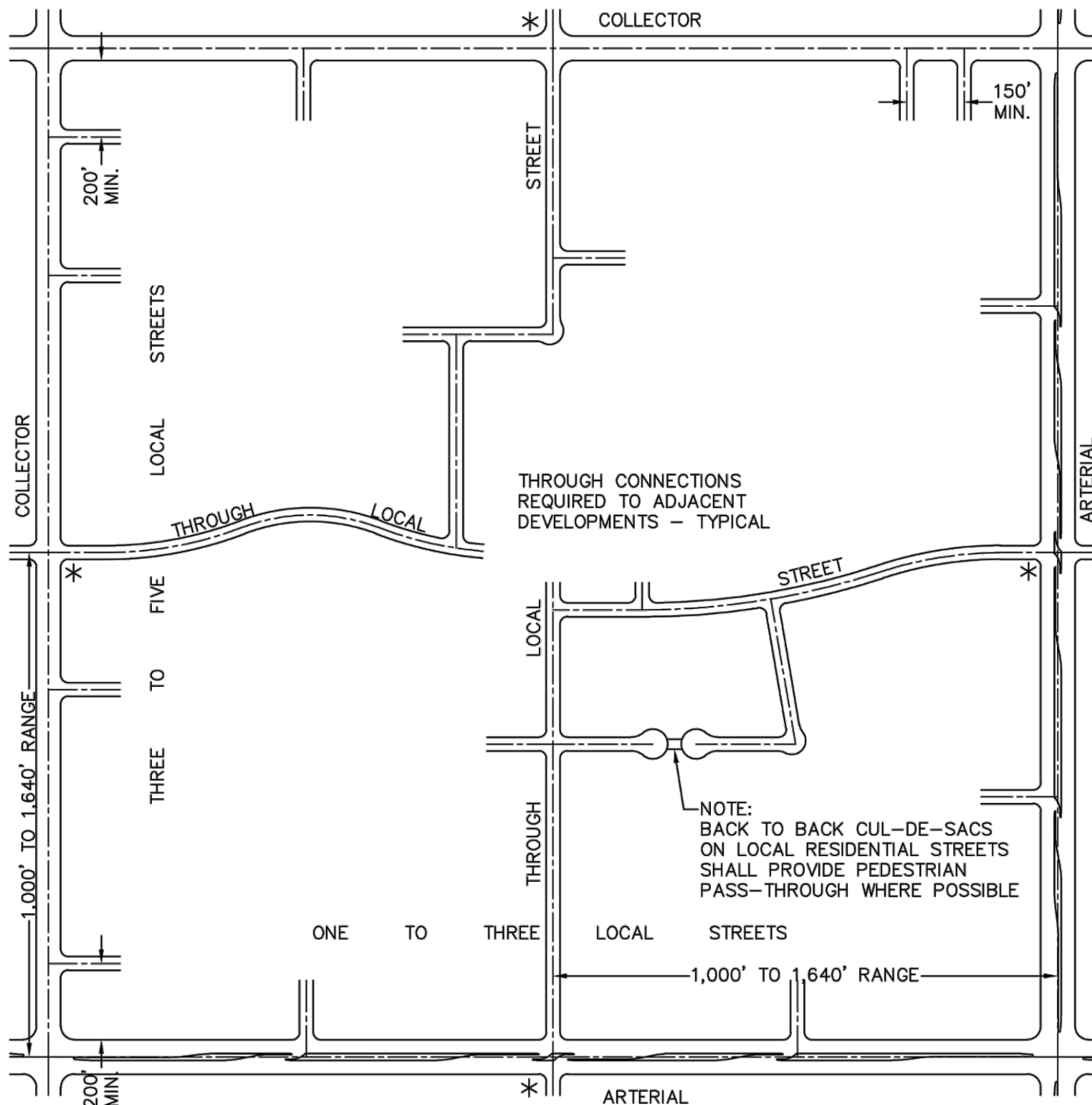
ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

DATE

HILLSIDE LOCAL
RESIDENTIAL &
HILLSIDE CUL-DE-SAC
(RESIDENTIAL ZONES)

P-6



- * THE INTENT OF THIS POLICY IS TO PROVIDE FULL ACCESS FROM EACH ASTERISK NOTED INTERSECTION TO EACH DEVELOPMENT WITHIN THE SUPER BLOCK WITHOUT USING A COLLECTOR OR ARTERIAL.
- * RESIDENTIAL DEVELOPMENTS SHALL STRIVE TO LIMIT LOTS SERVED BY CUL-DE-SAC PER GENERAL PLAN POLICIES. LOTS SERVED BY CUL-DE-SACS SHALL BE LIMITED TO 20% WITHIN THE BOUNDARIES OF A RESIDENTIAL SUBDIVISION.



APPROVED BY:

Javier Sanchez Jr.

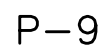
ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

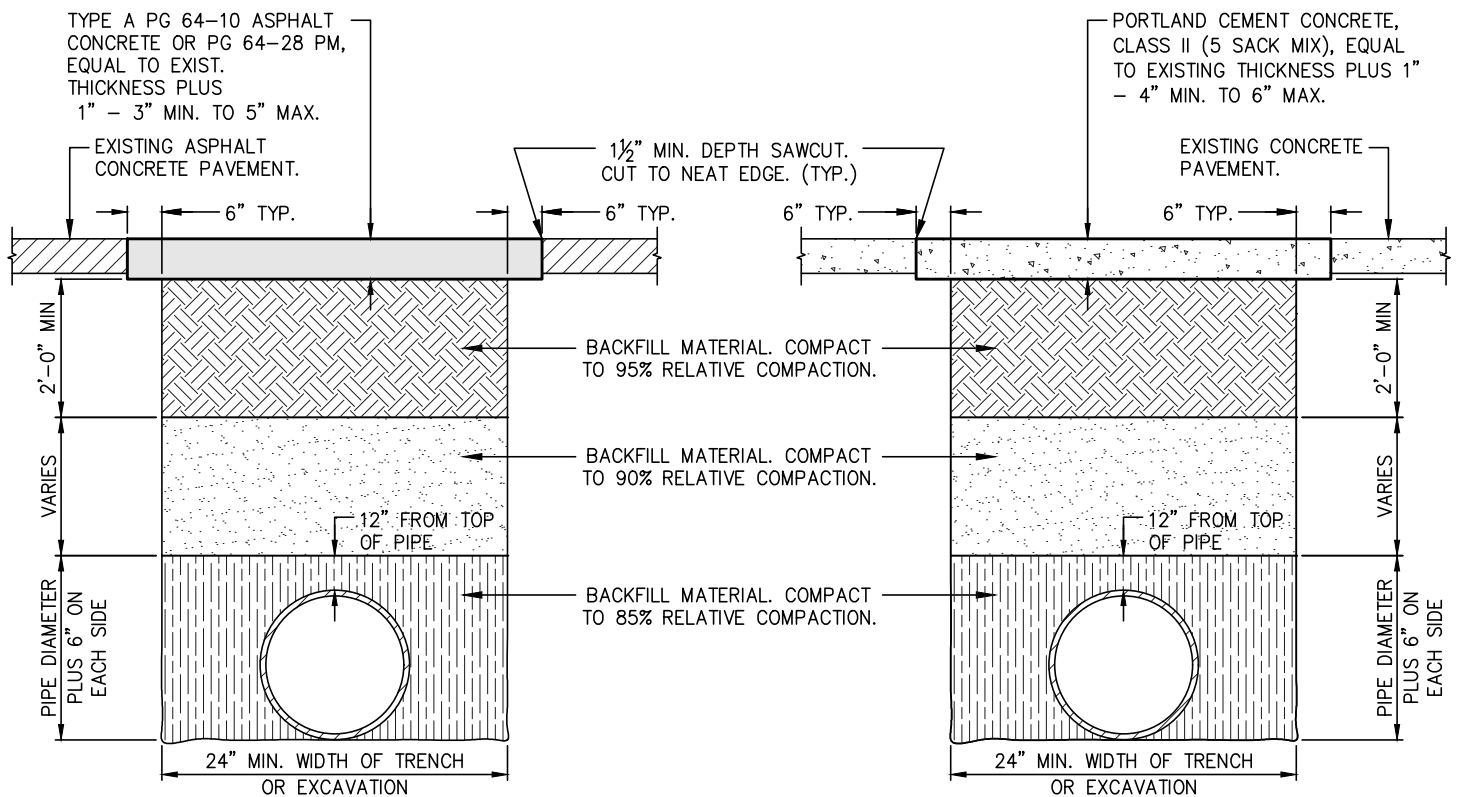
5/19/2020

DATE

SUPER BLOCK CONNECTIVITY

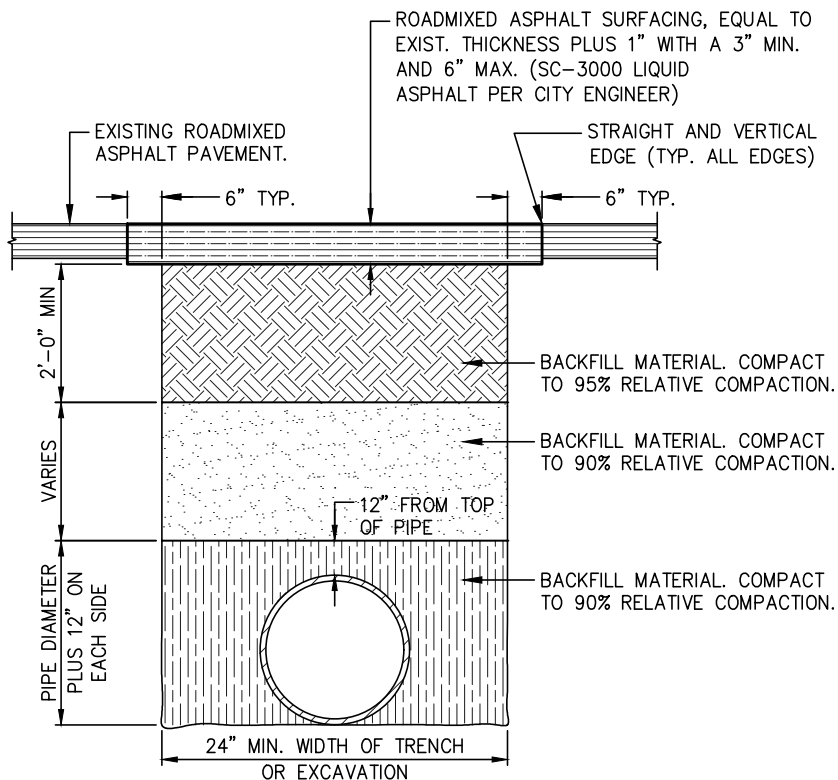
P-7





ASPHALT CONCRETE
PAVEMENT PATCH/BACKFILL

CONCRETE PAVEMENT
PATCH/BACKFILL



ROADMIXED ASPHALT
PAVEMENT PATCH/BACKFILL

NOTES:

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO CITY STANDARD SPECIFICATIONS.
2. SUITABILITY OF BACKFILL MATERIAL SHALL BE AT THE DISCRETION OF THE CITY ENGINEER.
3. BACKFILL COMPACTION OUTSIDE OF ROADWAY OR ALLEYWAY STRUCTURAL SECTION SHALL BE 90%. (EXAMPLE: BEHIND BACK OF CURB OR WITHIN EASEMENTS)
4. PATCHES LESS THAN TWO FEET FROM EXISTING PATCHES, EDGES OF PAVEMENT OR GUTTERS SHALL BE EXTENDED TO INCLUDE THE INTERMEDIATE ISOLATING STRIP OF EXISTING PAVEMENT.
5. CONFORM TO SEC. 26 & 39 OF THE CALTRANS STANDARD SPECIFICATIONS FOR MATERIALS SUPPLIED.
6. PROVIDE MINIMUM OF 18"x18" REPAIR HOLE FOR ALL POTHOLES.
7. STEEL DRUM ROLLER SHALL BE USED FOR TOP LIFT.
8. PAVING MORE THAN 3" THICK SHALL BE PERFORMED IN 2 LIFTS.



APPROVED BY:

Joan Sanchez Jr.

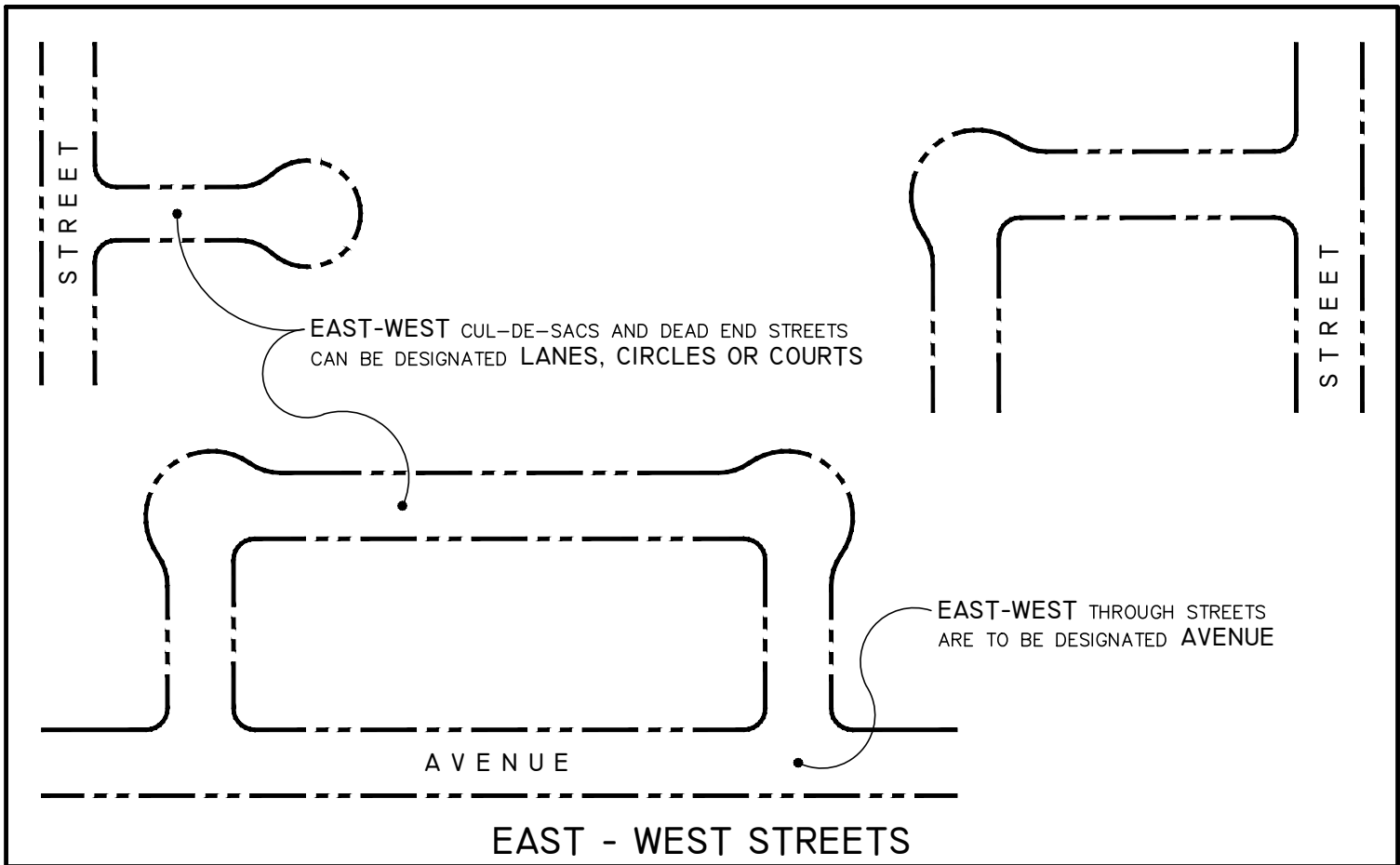
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MANAGEMENT DIRECTOR

5/19/2020

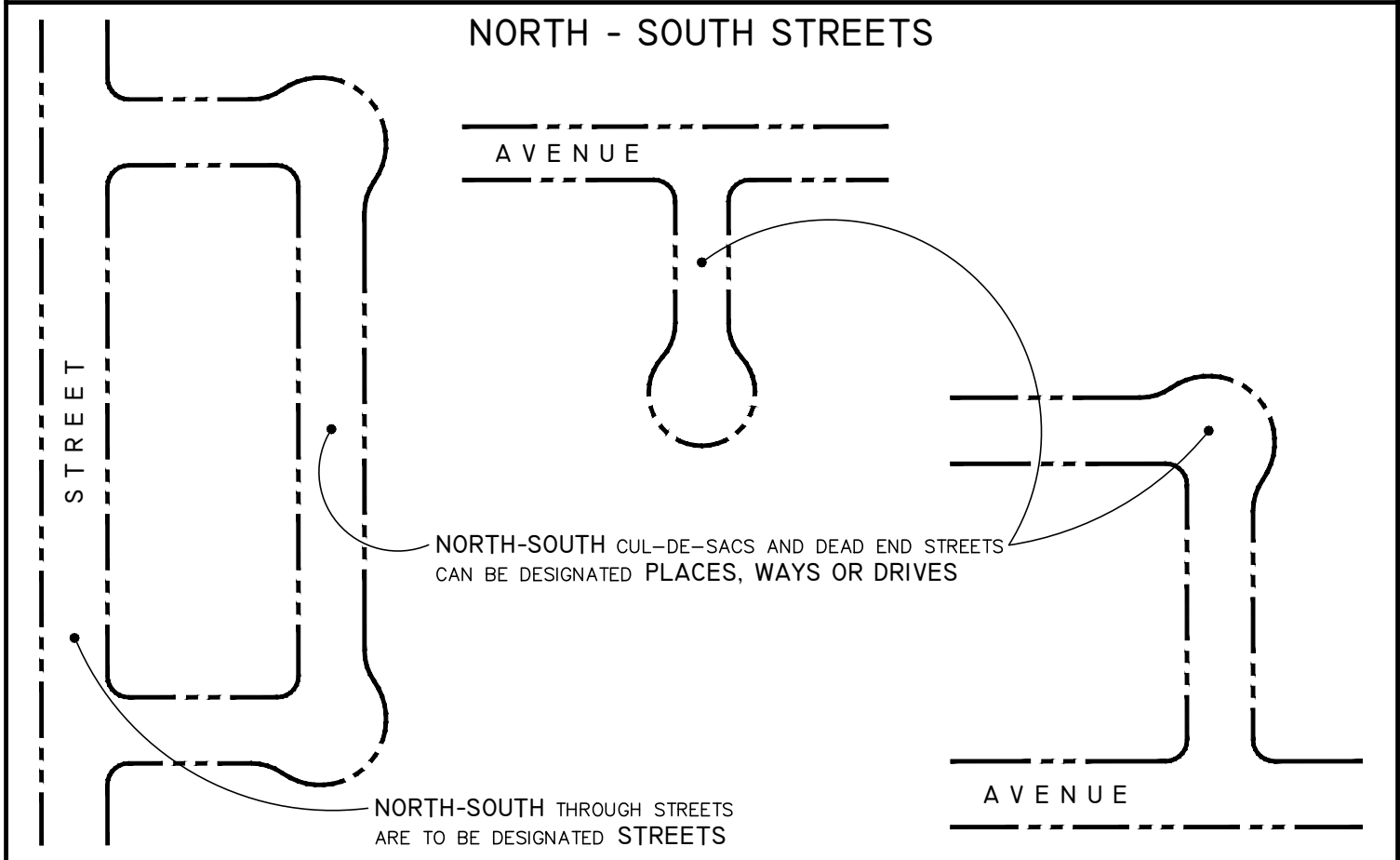
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PAVEMENT PATCHES AND BACKFILL COMPACTION

P-10

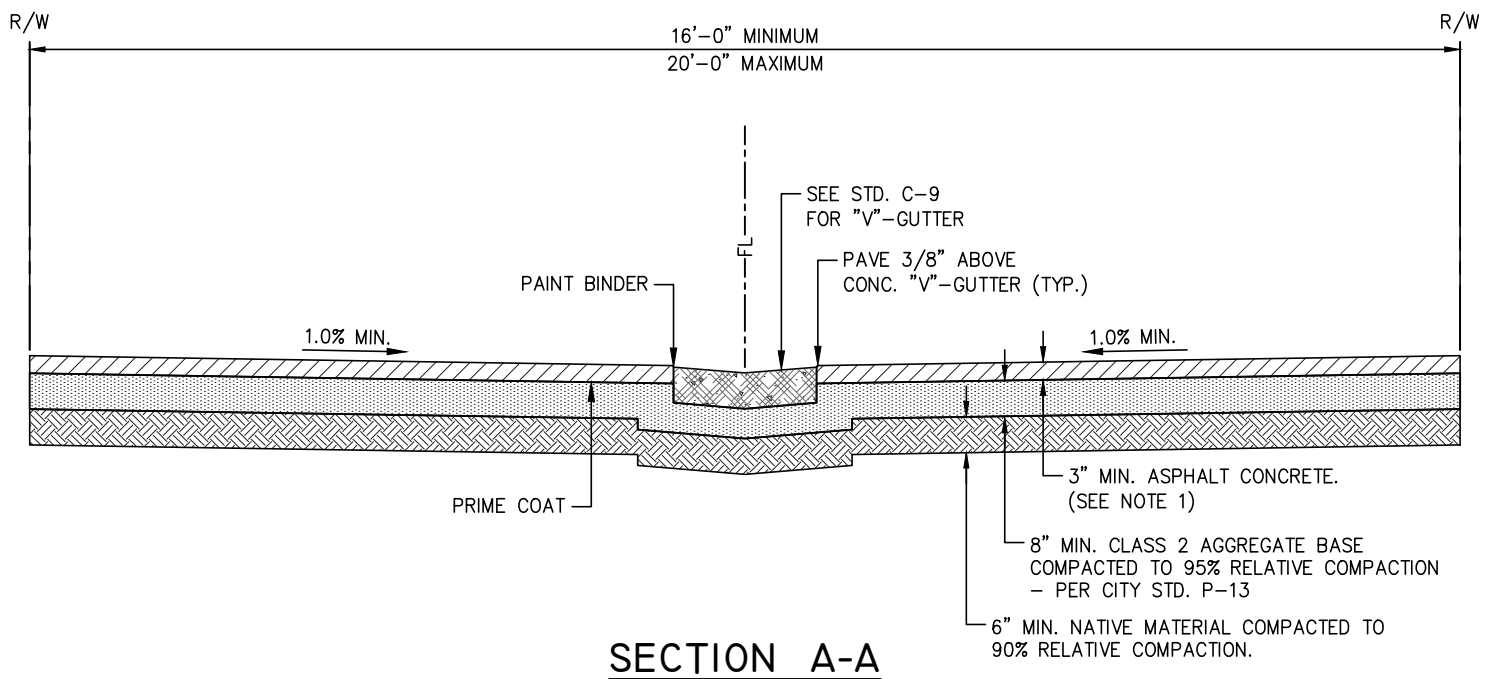
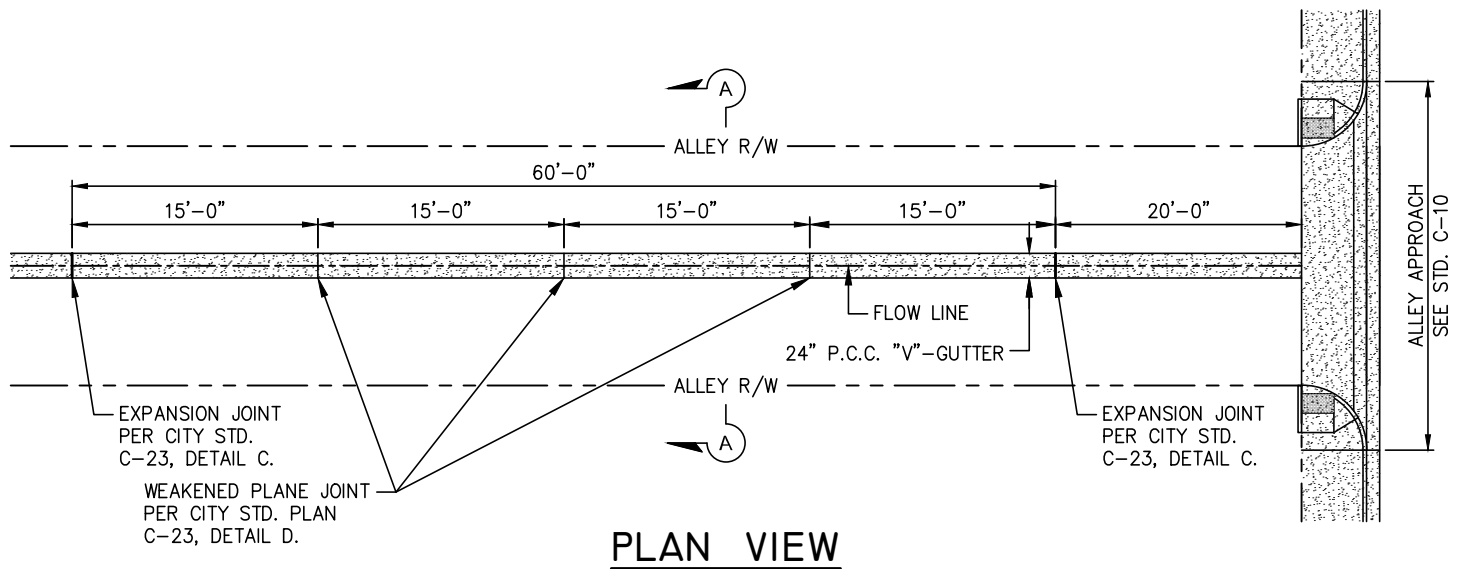


EAST - WEST STREETS



NORTH - SOUTH STREETS

	APPROVED BY: <i>Javier Sanchez Jr.</i> ENGINEERING & PROJECT MANAGEMENT DIRECTOR 5/19/2020 DATE	LOCAL STREET NAME DESIGNATIONS	P-11
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NOTES:

1. CONFORMS TO SECTIONS 26 & 29 OF CALTRANS STANDARD SPECIFICATIONS FOR MATERIALS SUPPLIED. SEE STANDARD DETAIL C-9 FOR CONCRETE V GUTTER DETAILS.
2. STRUCTURAL SECTIONS SHALL BE DESIGNED BY STATE DEPT. OF TRANSPORTATION FLEXIBLE PAVEMENT DESIGN METHODS WITH TRAFFIC INDEX (T.I.) = 6.5 MINIMUM



APPROVED BY:

Javier Sanchez Jr.

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ALLEY CONSTRUCTION DETAILS

P-12

TRAFFIC INDEX (TI) SEE ROADWAY CROSS SECTIONS																						
R-VALUE OF SUBGRADE	5.5		6		6.5		7		7.5		8		9		10		11		12		13	
	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB	HMA	AB
10	2.5"	12"	2.5"	14"	3"	15"	4"	15"	4.5"	16"	5"	16"	5.5"	19"	6"	22"	7"	24"	8"	26"	8.5"	30"
12	2.5"	12"	2.5"	14"	3"	15"	4"	14"	4.5"	15"	5"	16"	5.5"	19"	6"	21	7"	23"	8"	25"	8.5"	29"
14	2.5"	12"	2.5"	13"	3"	14"	4"	14"	4.5"	15"	5"	15"	5.5"	18"	6"	21	7"	23"	8"	24"	8.5"	28"
16	2.5"	11"	2.5"	13"	3"	14"	4"	13"	4.5"	14"	5"	15"	5.5"	17"	6"	20"	7"	22"	8"	23"	8.5"	27"
18	2.5"	11"	2.5"	12"	3"	13"	4"	13"	4.5"	14"	5"	14"	5.5"	17"	6"	19"	7"	21"	8"	23"	8.5"	26"
20	2.5"	11"	2.5"	12"	3"	13"	4"	12"	4.5"	13"	5"	14"	5.5"	16"	6"	19"	7"	20"	8"	22"	8.5"	25"
22	2.5"	10"	2.5"	11"	3"	12"	4"	12"	4.5"	13"	5"	13"	5.5"	15"	6"	18"	7"	19"	8"	21"	8.5"	24"
24	2.5"	10"	2.5"	11"	3"	12"	4"	11"	4.5"	12"	5"	12"	5.5"	15"	6"	17"	7"	19"	8"	20"	8.5"	24"
26	2.5"	9"	2.5"	11"	3"	11"	4"	11"	4.5"	12"	5"	12"	5.5"	14"	6"	16"	7"	18"	8"	19"	8.5"	23"
28	2.5"	9"	2.5"	10"	3"	11"	4"	10"	4.5"	11"	5"	11"	5.5"	14"	6"	16"	7"	17"	8"	19"	8.5"	22'
30	2.5"	9"	2.5"	10"	3"	10"	4"	10"	4.5"	11"	5"	11"	5.5"	13"	6"	15"	7"	16'	8"	18"	8.5"	21"
32	2.5"	8"	2.5"	9"	3"	10"	4"	9"	4.5"	10"	5"	10"	5.5"	12"	6"	14"	7"	16"	8"	17"	8.5"	20"
34	2.5"	8"	2.5"	9"	3"	10"	4"	9"	4.5"	9"	5"	10"	5.5"	12"	6"	14"	7"	15"	8"	16"	8.5"	19"
36	2.5"	7"	2.5"	9"	3"	9"	4"	8"	4.5"	9"	5"	9"	5.5"	11"	6"	13"	7"	14"	8"	15"	8.5"	18"
38	2.5"	7"	2.5"	8"	3"	9"	4"	8"	4.5"	8"	5"	9"	5.5"	10"	6"	12"	7"	13"	8"	15"	8.5"	17"
40	2.5"	7"	2.5"	7"	3"	8"	4"	8"	4.5"	8"	5"	8"	5.5"	10"	6"	12"	7"	13"	8"	14"	8.5"	16"
42	2.5"	7"	2.5"	7"	3"	8"	4"	8"	4.5"	8"	5"	8"	5.5"	10"	6"	11"	7"	12"	8"	13"	8.5"	15"
44	2.5"	7"	2.5"	7"	3"	8"	4"	8"	4.5"	8"	5"	8"	5.5"	10"	6"	11"	7"	12"	8"	12"	8.5"	14"

NOTES:

1. AB=CLASS 2 AGGREGATE BASE. HMA=HOT MIX ASPHALT. ALL AB AND HMA SHALL CONFORM WITH THE CITY OF PORTERVILLE ENGINEERING STANDARD SPECIFICATIONS.
2. TRAFFIC INDEXES USED SHALL BE AS APPROVED BY THE CITY ENGINEER.
3. A CALIFORNIA R-VALUE REPORT SHALL BE SUBMITTED TO THE CITY ENGINEERING DEPARTMENT FOR REVIEW AND ACCEPTANCE. THIS REPORT SHALL BE STAMPED AND SIGNED BY A REGISTERED ENGINEER FROM A CERTIFIED TESTING LABORATORY. THE REPORT SHALL INCLUDE THE TEST RESULTS, DATA SHEETS AND SOIL CLASSIFICATION OF ALL R-VALUE TEST AND A MAP THAT SHOWS THE LOCATION OF ALL TEST TAKEN AND THE R-VALUES ON THE SITE. ALL GENERAL R-VALUE TESTING SHALL BE PERFORMED AT 300' INTERVALS IN A ROADWAY UNLESS APPROVED OTHERWISE BY THE CITY ENGINEER.
4. WHERE SUBGRADE R-VALUES ARE LESS THAN 30 A MODIFIED STREET SECTION MAY BE PROPOSED. ALL MODIFIED STREET SECTIONS MUST BE ACCOMPANIED BY A LETTER OF APPROVAL STAMPED AND SIGNED BY A REGISTERED CIVIL ENGINEER FROM A CERTIFIED TESTING LABORATORY. PROPOSALS SHALL BE REVIEWED BY THE CITY ENGINEER. THE CITY IS UNDER NO OBLIGATION TO ACCEPT ANY MODIFIED STREET SECTION PROPOSALS.
5. STREET SECTION REQUIREMENTS SHOWN ON THIS DETAIL SUPERCEDE STREET SECTIONS SHOWN ON ALL OTHER PAVEMENT SECTION DETAILS.



APPROVED BY:

Jaime Sanchez

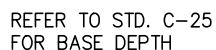
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STREET STRUCTURAL SECTION REQUIREMENTS

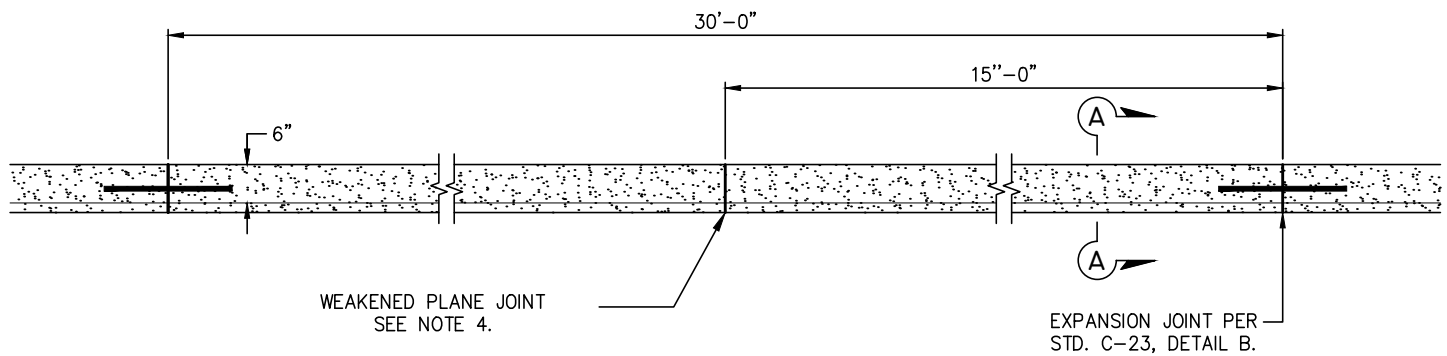
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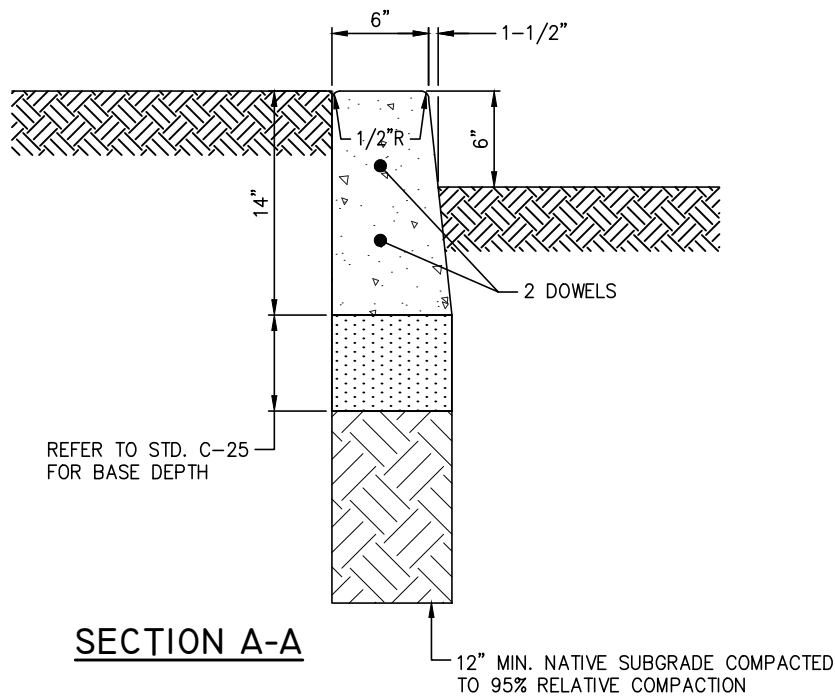
- 12" MIN. NATIVE SUBGRADE COMPACTED
TO 95% RELATIVE COMPACTION

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" MAX. SLUMP.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. EXPANSION JOINTS AT CURB RETURN ENDS AND CURVE AT WALK RETURNS.
4. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES, AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D). WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1-1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
5. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
6. EXTRUDED CURB SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO PLACEMENT. CONCRETE USED FOR EXTRUDED CURB AND GUTTER SHALL HAVE A MAX. SLUMP OF 1-1/2".
7. ALL EXPOSED SURFACES OF CURB AND GUTTER SHALL NOT VARY IN EXCESS OF .02' WHEN AN 8' STRAIGHT EDGE IS PLACED ON THE SURFACE, EXCEPT AT GRADE CHANGES OR CURVES.
8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.





PLAN VIEW



SECTION A-A

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" MAX. SLUMP.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. EXPANSION JOINTS AT CURB RETURN ENDS AND CURVE AT WALK RETURNS.
4. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES, AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D). WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1-1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
5. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
6. EXTRUDED CURB SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO PLACEMENT. CONCRETE USED FOR EXTRUDED CURB AND GUTTER SHALL HAVE A MAX. SLUMP OF 1-1/2".
7. ALL EXPOSED SURFACES OF CURB AND GUTTER SHALL NOT VARY IN EXCESS OF .02' WHEN AN 8' STRAIGHT EDGE IS PLACED ON THE SURFACE, EXCEPT AT GRADE CHANGES OR CURVES.
8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

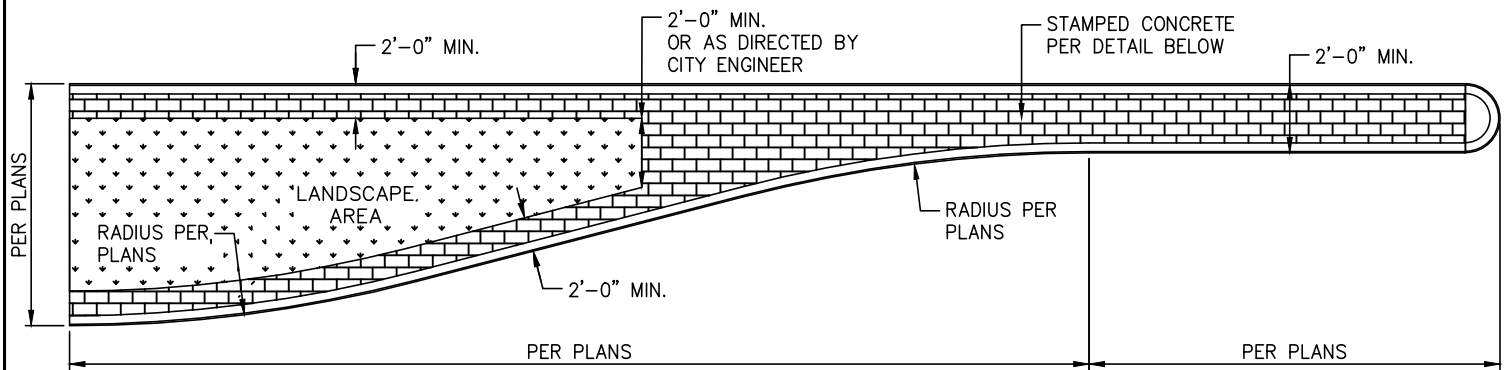
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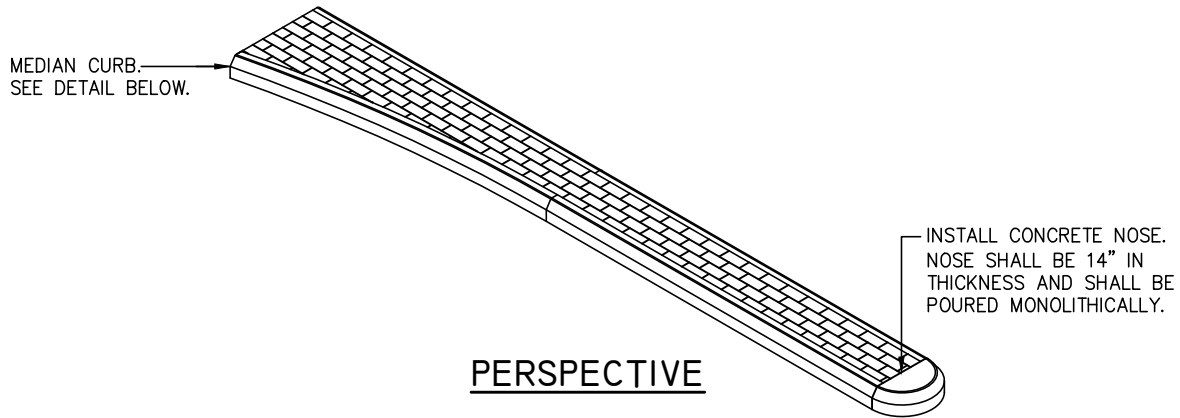
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BARRIER TYPE CURB

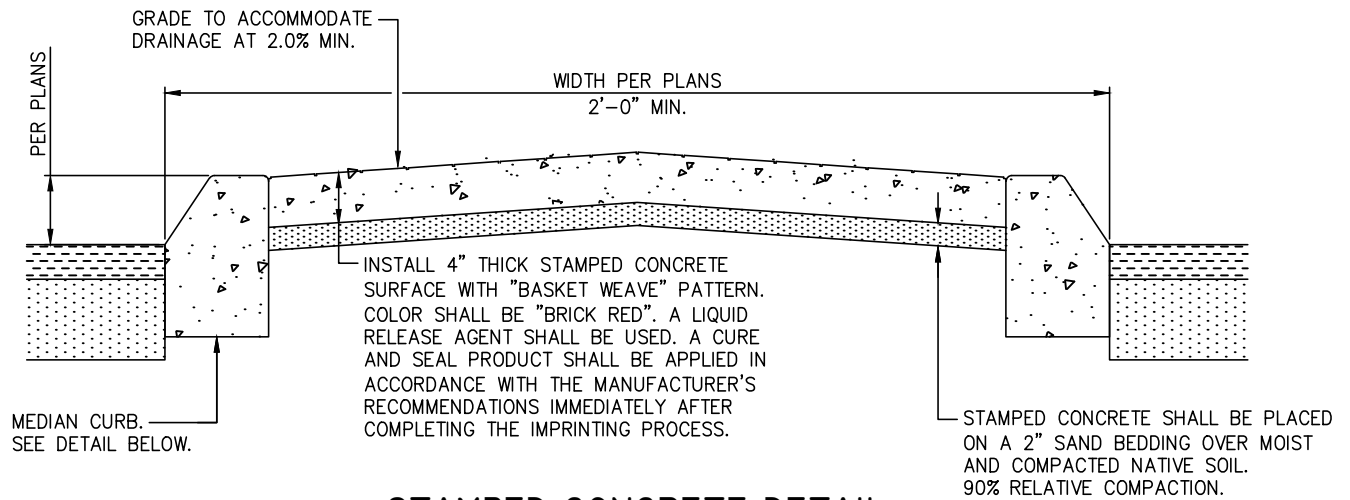
C-3



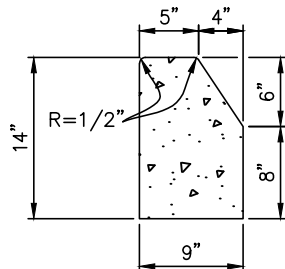
PLAN VIEW



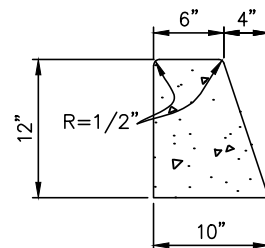
PERSPECTIVE



STAMPED CONCRETE DETAIL



***MEDIAN CURB**
STREET APPLICATIONS
*REFER TO STANDARD C-3



LANDSCAPE CURB
NON-STREET APPLICATIONS



APPROVED BY:

Janin Sanchez, Jr.

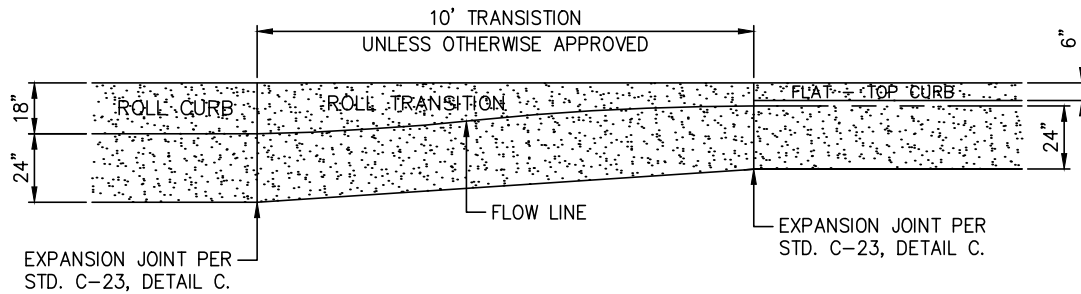
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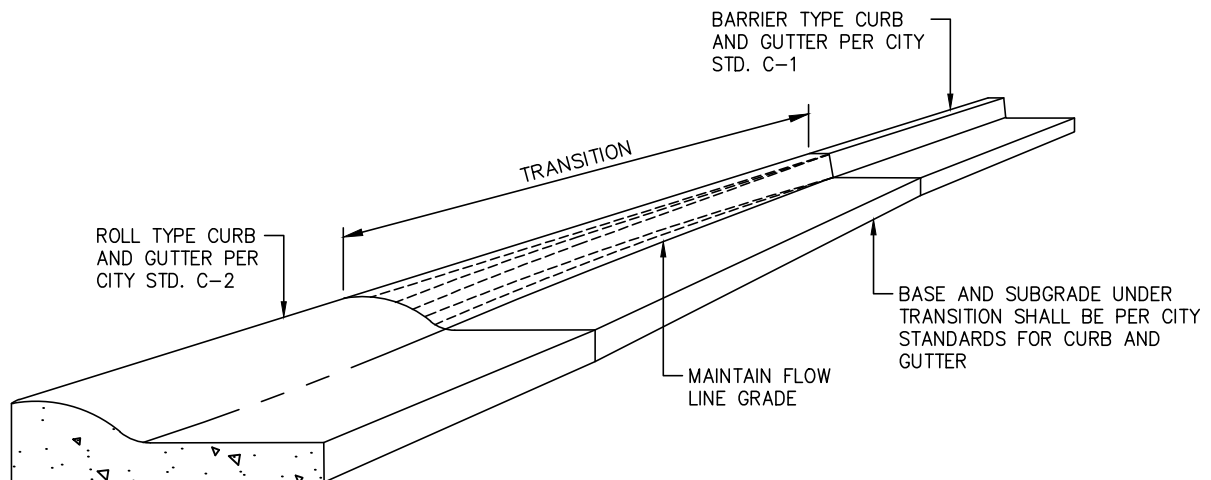
DATE

MEDIAN CURB DETAILS

C-4



PLAN VIEW



PERSPECTIVE

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" MAX. SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
4. EXTRUDED CURB SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO PLACEMENT. CONCRETE USED FOR EXTRUDED CURB AND GUTTER SHALL HAVE A MAX. SLUMP OF $1-1/2"$.
5. ALL EXPOSED SURFACES OF CURB AND GUTTER SHALL NOT VARY IN EXCESS OF .02' WHEN AN 8' STRAIGHT EDGE IS PLACED ON THE SURFACE, EXCEPT AT GRADE CHANGES OR CURVES.
6. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

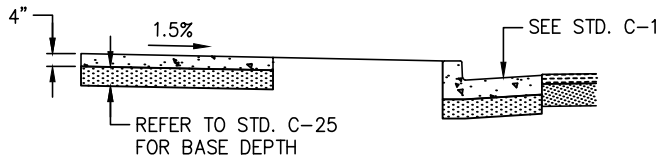
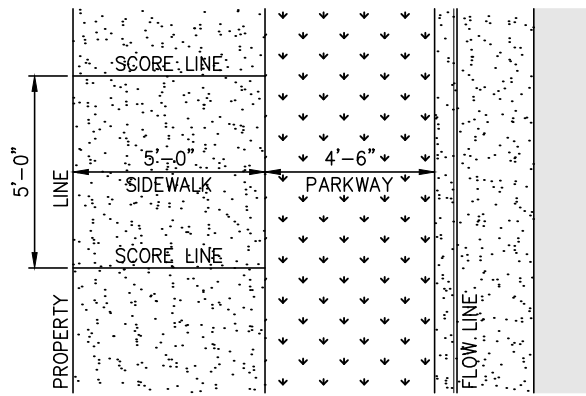
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5/19/2020

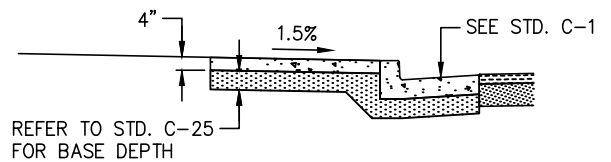
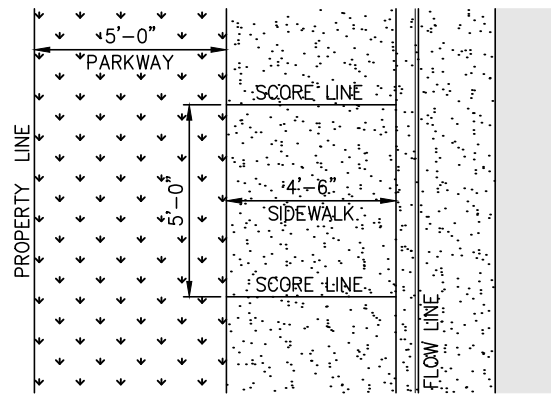
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BARRIER CURB TO ROLL
CURB TRANSITION

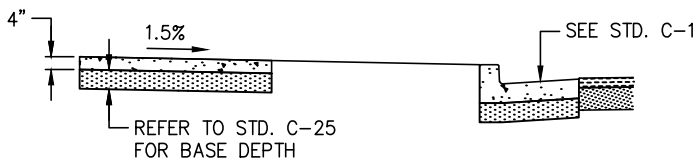
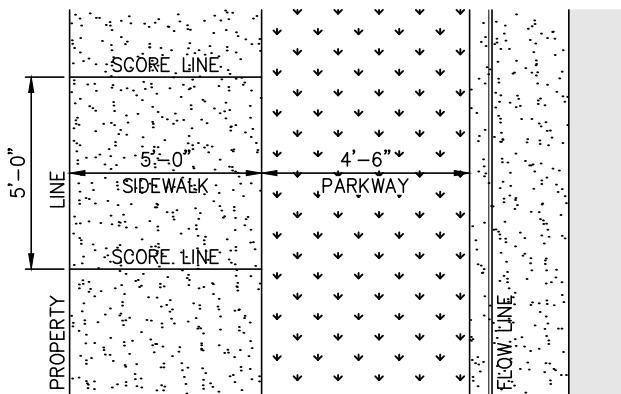
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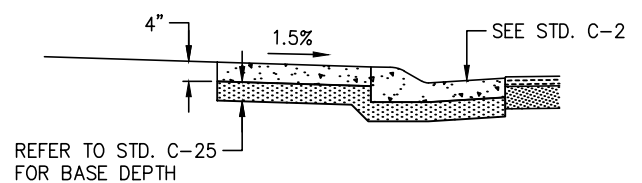
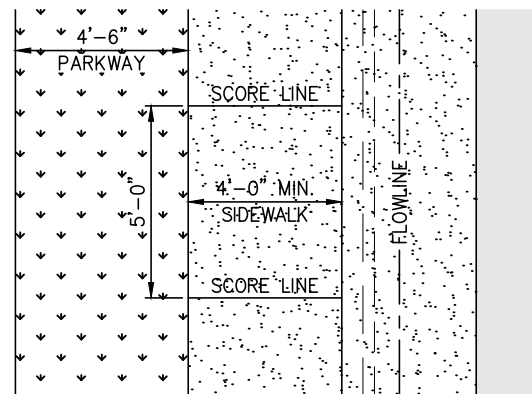
RESIDENTIAL WITH PARKWAY



RESIDENTIAL WITH ADJACENT CURB



COLLECTOR STREETS



RESIDENTIAL WITH ADJACENT CURB - ALTERNATE
ROLL TYPE CURB & GUTTER

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT END OF CURVE AND BEGINNING OF CURVE OF WALK RETURNS, AT DRIVEWAY APPROACHES, AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1-1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
5. ALIGN SIDEWALK EXPANSION JOINTS, WEAKENED PLANE JOINTS AND SCORE LINES WITH CURB AND GUTTER EXPANSION JOINTS AND WEAKENED PLANE JOINTS.
6. IN RESIDENTIAL WITH PARKWAY AREAS, MAILBOX POST SHALL BE CONFINED TO AN AREA FROM 6" TO 12" BEHIND THE FACE OF CURB. IN RESIDENTIAL WITH ADJACENT CURB AREAS SEE STD. PLAN U-6.
7. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

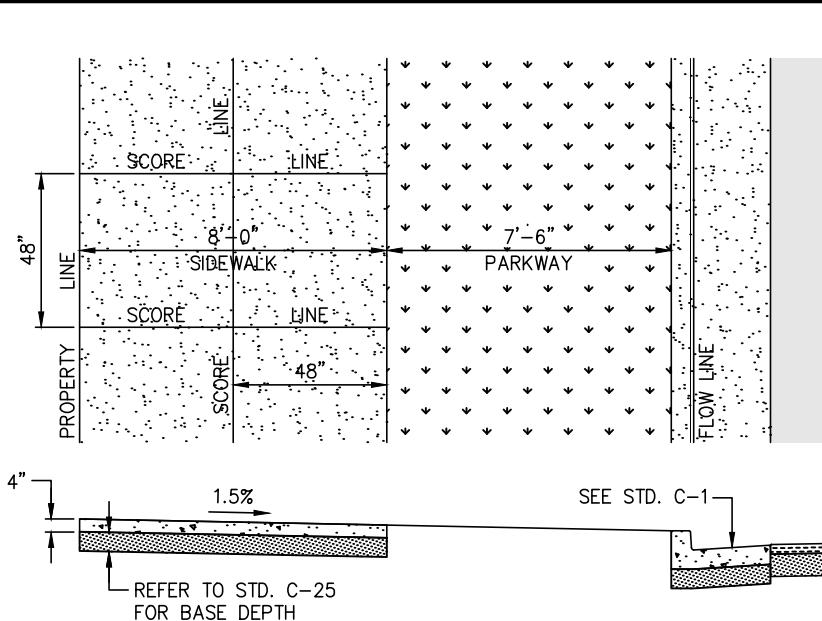
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5/19/2020

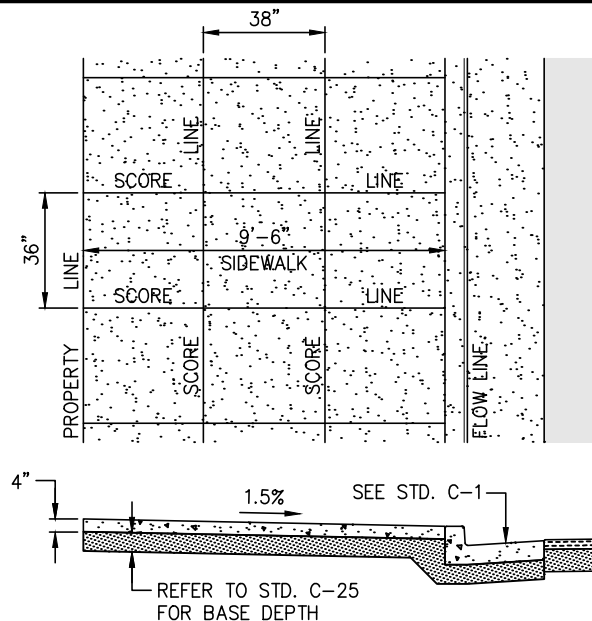
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CONCRETE SIDEWALKS

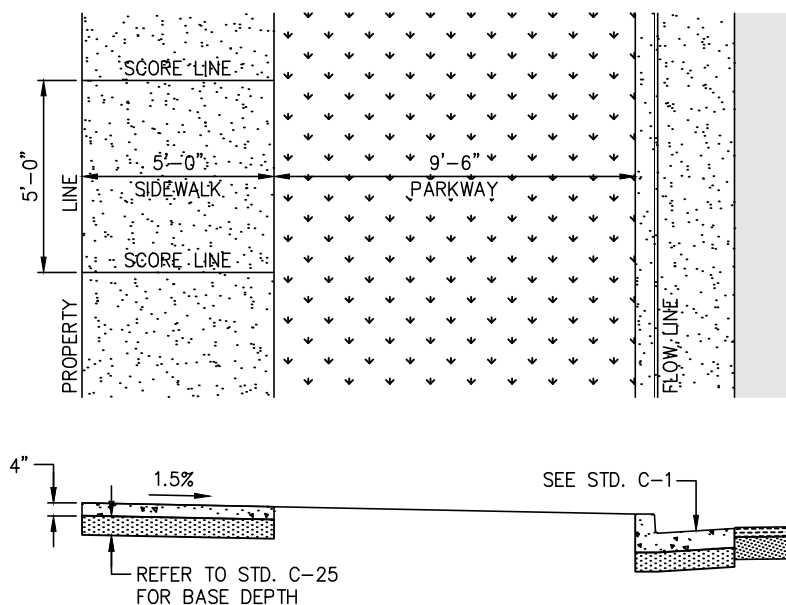
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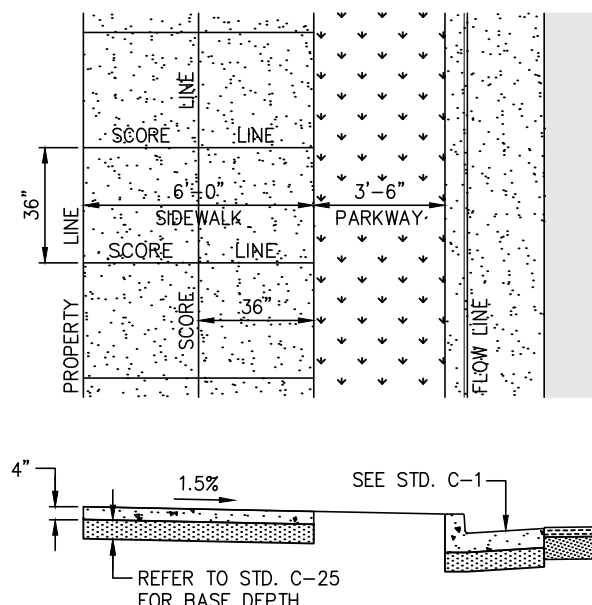
MAJOR AND MINOR ARTERIALS



COMMERCIAL ZONES



PARKWAYS



INDUSTRIAL/PROFESSIONAL/OFFICE ZONES

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT END OF CURVE AND BEGINNING OF CURVE OF WALK RETURNS, AT DRIVEWAY APPROACHES, AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1-1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
5. ALIGN SIDEWALK EXPANSION JOINTS, WEAKENED PLANE JOINTS AND SCORE LINES WITH CURB AND GUTTER EXPANSION JOINTS AND WEAKENED PLANE JOINTS.
6. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

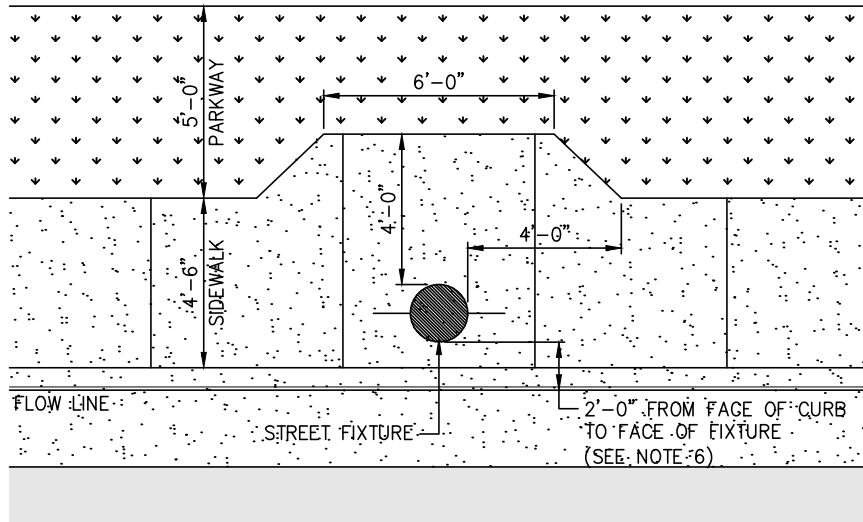
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5/19/2020

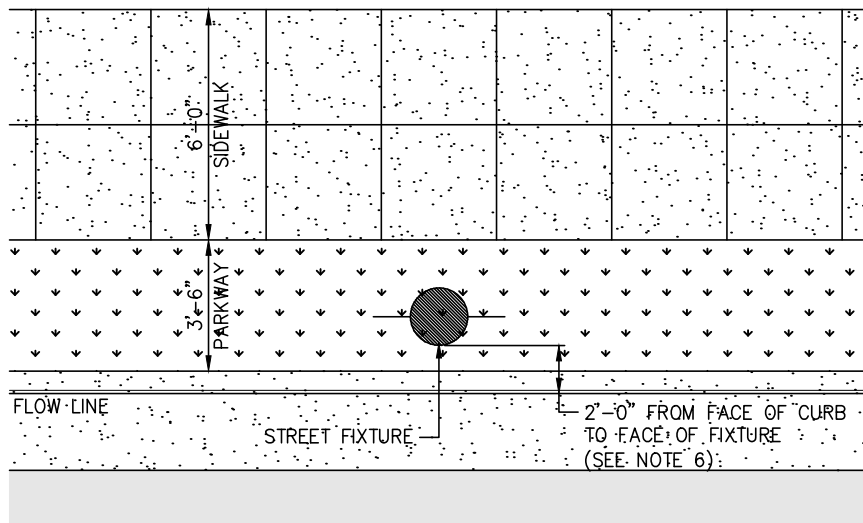
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COMMERCIAL/OFFICE
CONCRETE SIDEWALKS AND
SIDEWALKS WITH STREET
FIXTURE

C-7



RESIDENTIAL ZONES WITH EXISTING ADJACENT CURB & GUTTER



INDUSTRIAL/PROFESSIONAL/OFFICE ZONES

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
4. SIDEWALK SHALL BE WIDENED AT STREET FIXTURE LOCATIONS PROVIDING A MINIMUM CLEARANCE OF 4' TO BACK OF SIDEWALK.
5. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.
6. REQUIRED LATERAL CLEARANCE MAY BE REDUCED TO 1'-0" WHERE SPACE IS LIMITED, SUBJECT TO APPROVAL BY CITY ENGINEER.



APPROVED BY:

Javier Sanchez Jr.

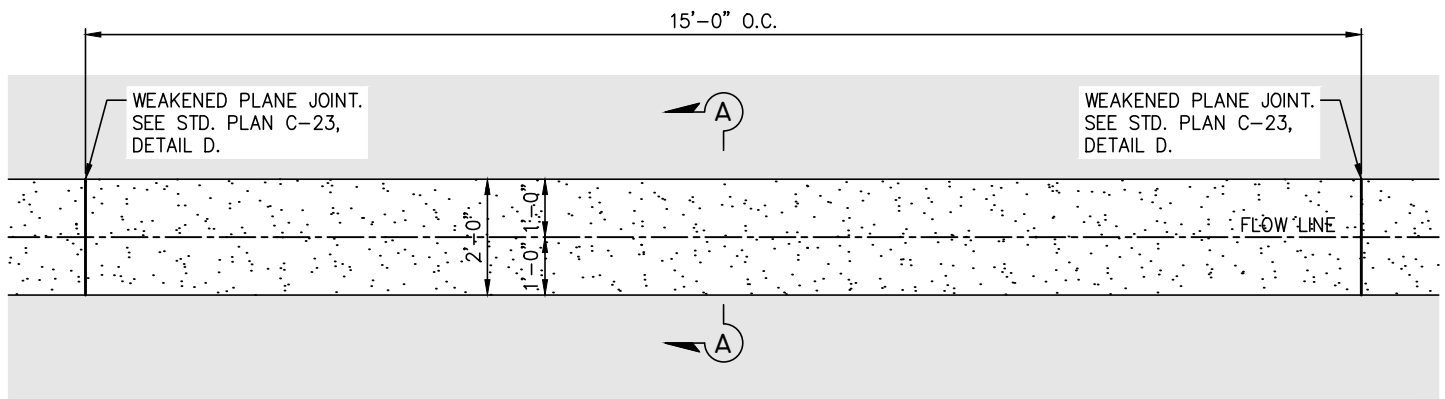
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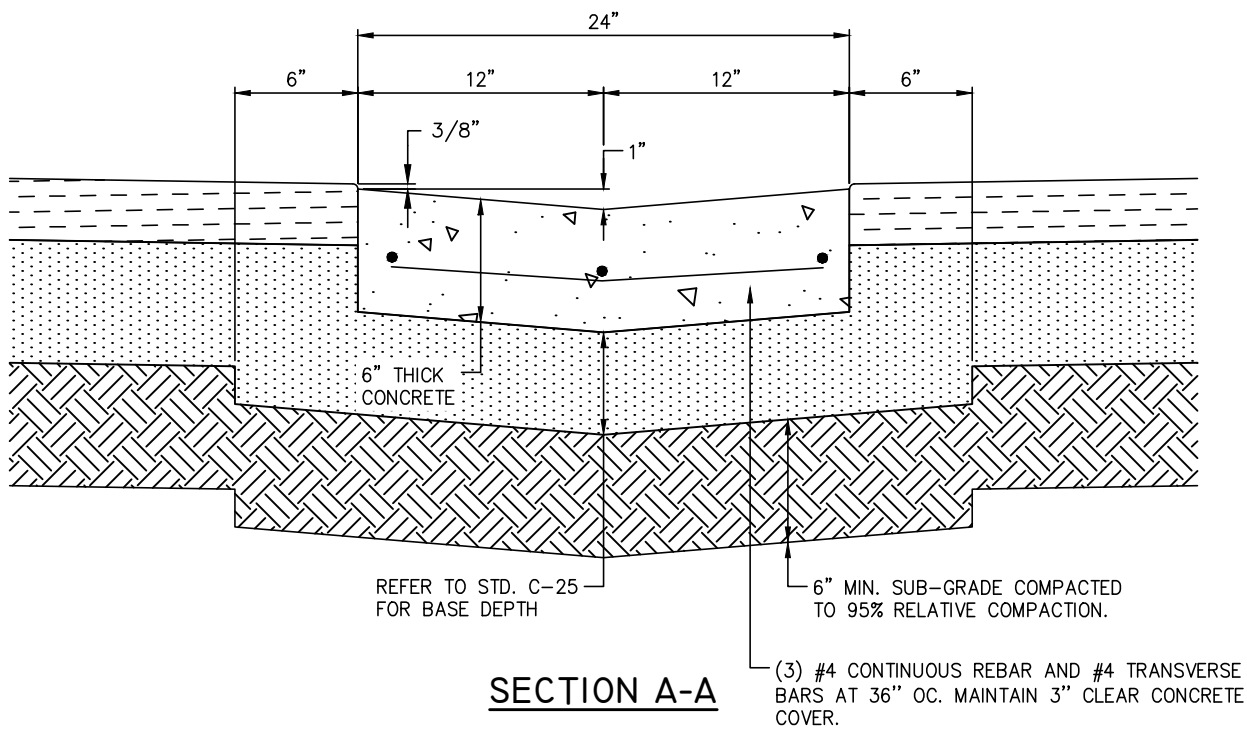
DATE

SIDEWALKS WITH
STREET FIXTURE

C-8



PLAN VIEW



SECTION A-A

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. 1/2" EXPANSION JOINT AT CONNECTION TO ALLEY APPROACH, SEE STD. PLAN C-23.
4. WEAKENED PLANE JOINTS SHALL BE CONSTRUCTED AT DRIVE APPROACHES, SIDEWALKS AT 15' O.C., CURB & GUTTER AT 15' O.C. AND V-GUTTER AT 15' O.C.
5. WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1-1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED. SEE STD. PLAN C-23, DETAIL D.
6. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
7. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

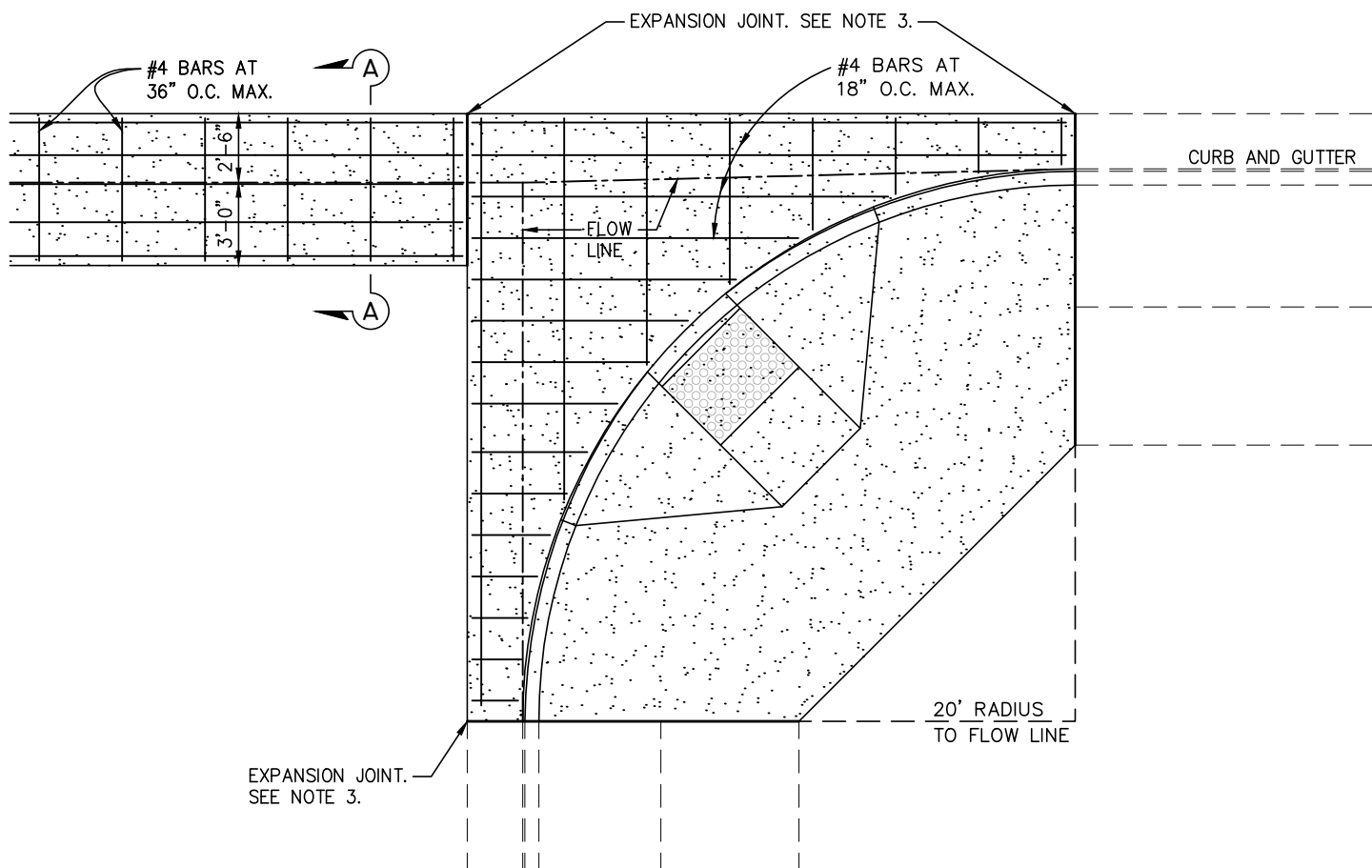
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MANAGEMENT DIRECTOR

5/19/2020

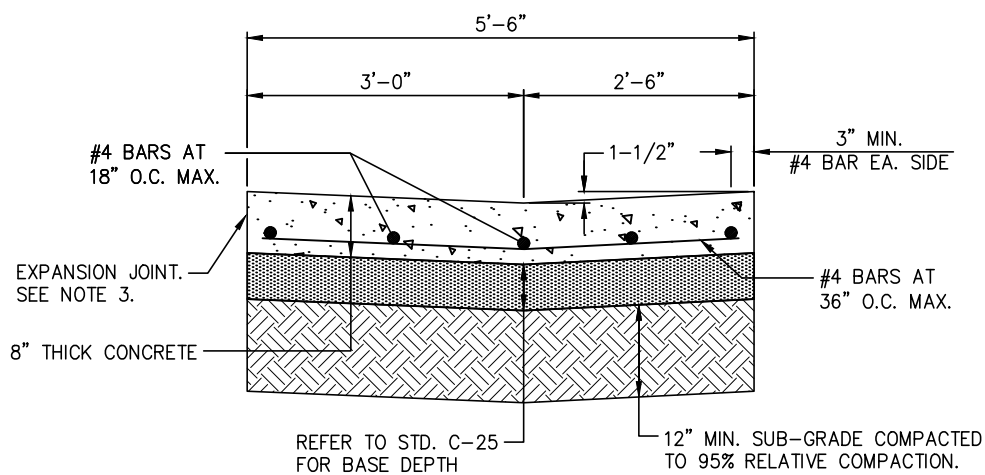
DATE

CONCRETE "V" GUTTER

C-9



PLAN VIEW



SECTION A-A

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. 1/2" EXPANSION JOINT AT END OF CURVE AND BEGINNING OF CURVE OF WALK RETURNS PER STD. PLAN C-23, DETAIL A.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.



APPROVED BY:

Javier Sanchez, Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

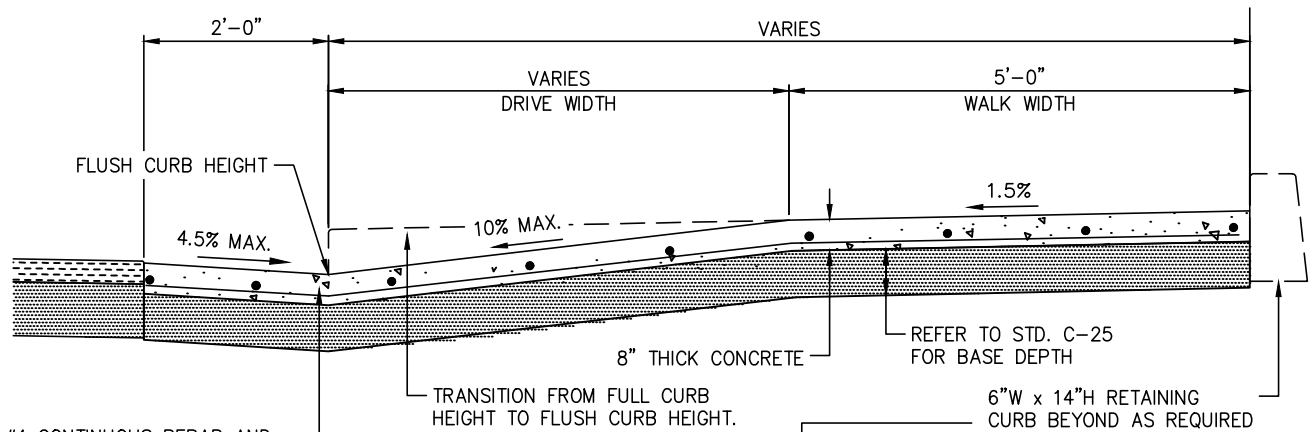
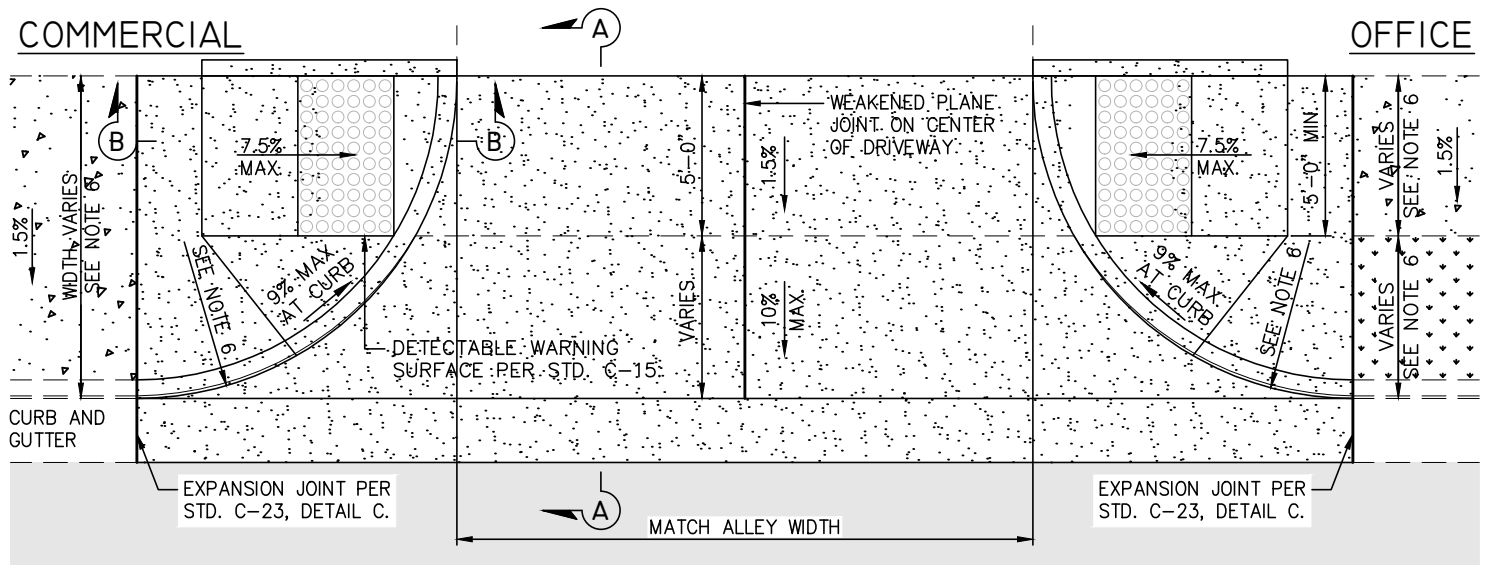
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P.C.C. CROSS GUTTER

C-10

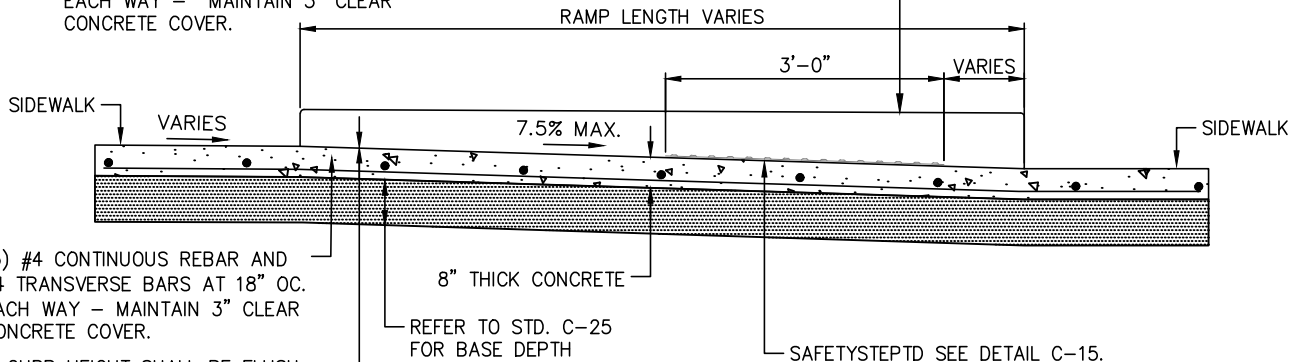
COMMERCIAL

OFFICE



SECTION A-A

(3) #4 CONTINUOUS REBAR AND #4 TRANSVERSE BARS AT 18" OC. EACH WAY - MAINTAIN 3" CLEAR CONCRETE COVER.



SECTION B-B

(3) #4 CONTINUOUS REBAR AND #4 TRANSVERSE BARS AT 18" OC. EACH WAY - MAINTAIN 3" CLEAR CONCRETE COVER.

CURB HEIGHT SHALL BE FLUSH ACROSS THE WIDTH OF THE RAMP.

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. 1/2" EXPANSION JOINT AT END OF CURVE AND BEGINNING OF CURVE OF WALK RETURNS PER STD. C-23.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
5. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.
6. SEE PAVEMENT STREET SECTIONS FOR APPROPRIATE SIDEWALK AND PLANTER WIDTHS. CURB RETURN RADIUS IS EQUAL TO SIDEWALK WIDTH + PLANTER WIDTH.
7. ALL GRADE BREAKS SHALL HAVE SCORE LINES.



APPROVED BY:

Javier Sanchez Jr.

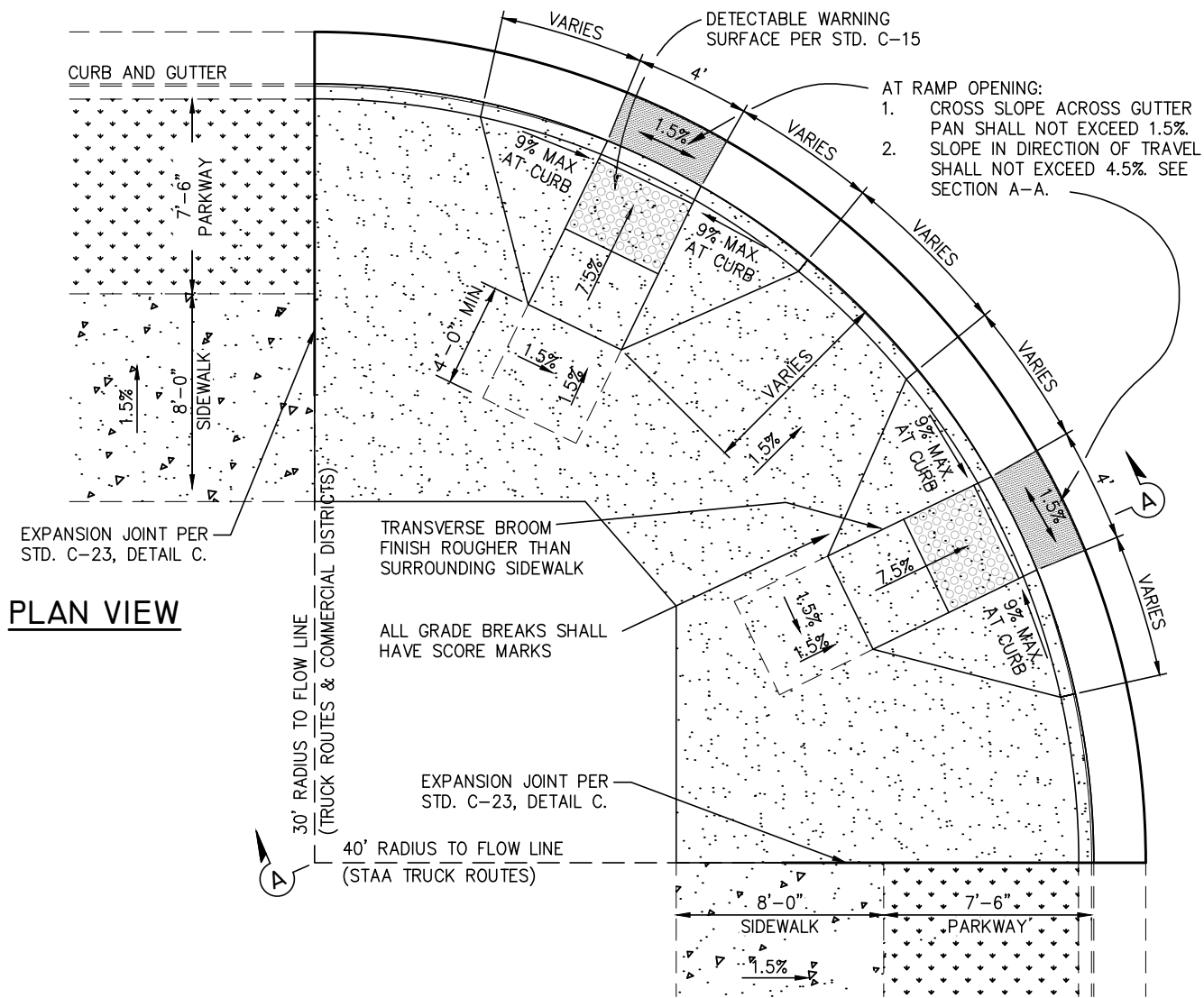
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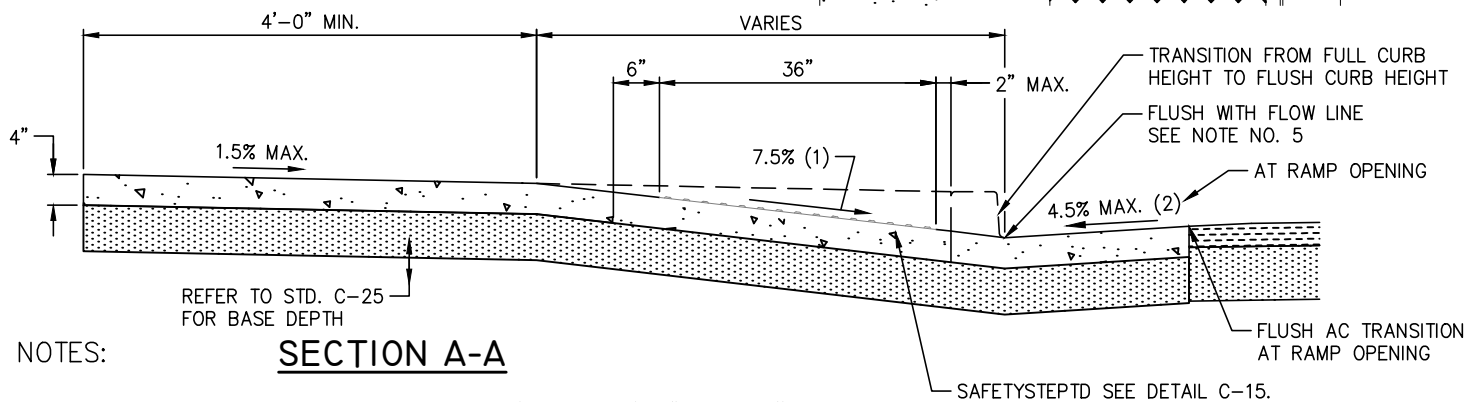
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ALLEY APPROACH

C-11



PLAN VIEW



NOTES:

SECTION A-A

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP ± 1 .
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. EXPANSION JOINTS AT END OF CURVE AND BEGINNING OF CURVE OF RETURN.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
5. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
6. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.
7. ALL GRADE BREAKS SHALL HAVE SCORE LINES.

NOTES:

- (1) 7.5% MAX. SLOPE SHALL RUN CONTINUOUS FROM TOP OF RAMP GRADE BREAK ALONG DETECTABLE WARNING FINISHED SURFACE TO FLOWLINE GRADE BREAK.
- (2) 4.5% MAX. SLOPE SHALL RUN CONTINUOUS FROM EDGE OF GUTTER/AC PAVING TRANSITION TO FLOWLINE GRADE BREAK.



APPROVED BY:

Javier Sanchez Jr.

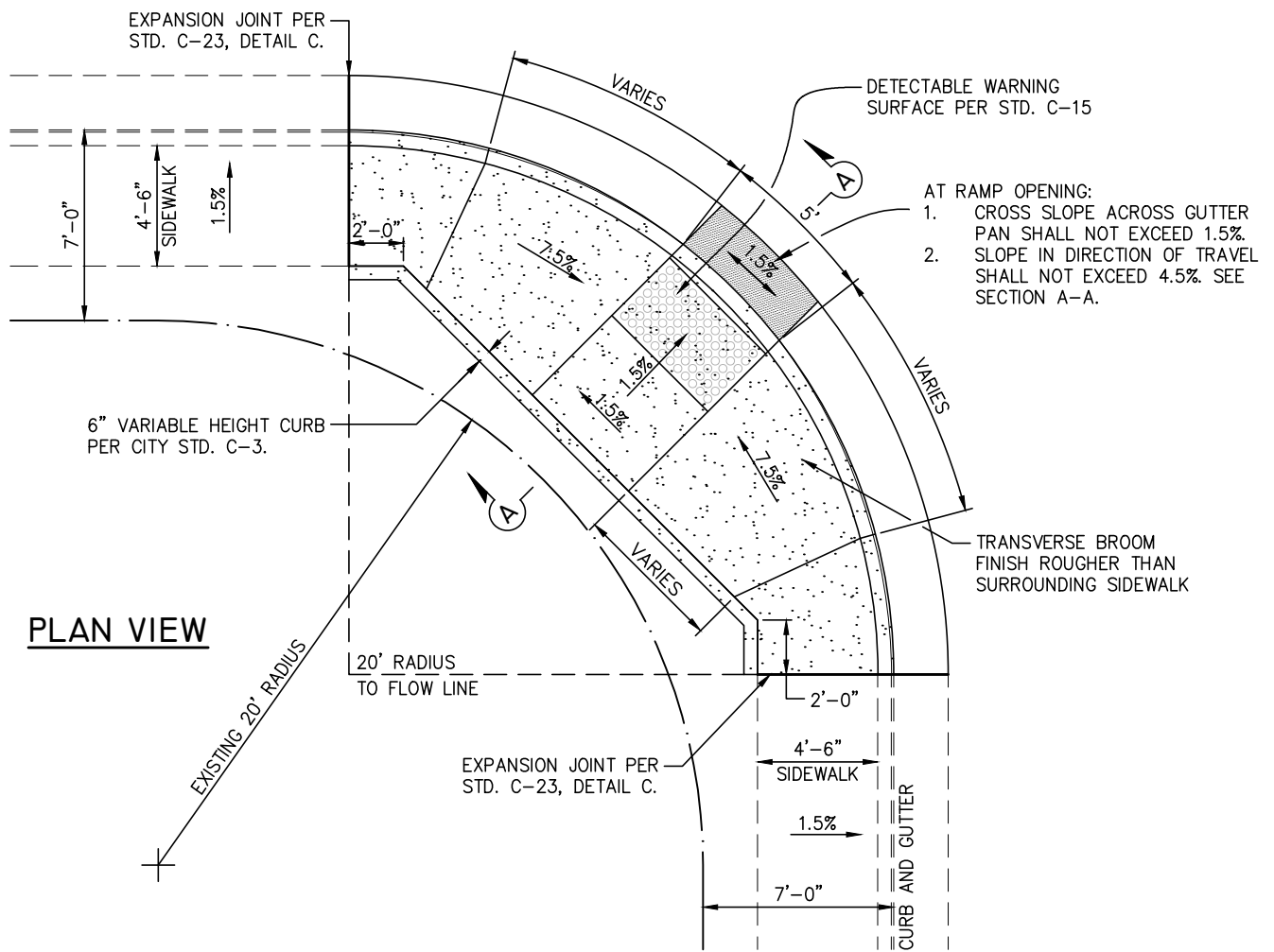
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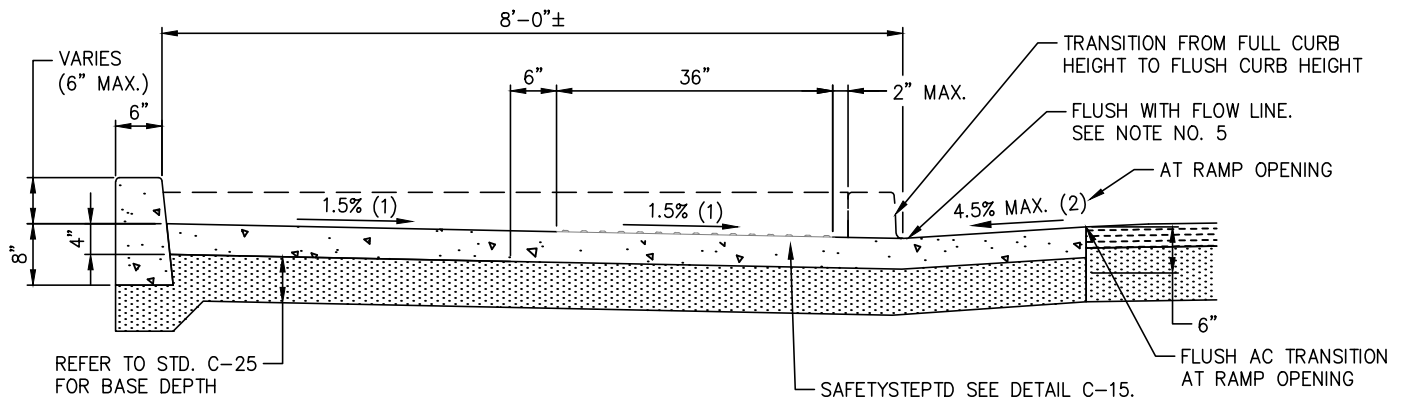
DATE

30' AND 40' RADIUS CURB
RETURN WITH 12' COMMERCIAL
SIDEWALK

C-13



PLAN VIEW



SECTION A-A

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. EXPANSION JOINTS AT END OF CURVE AND BEGINNING OF CURVE OF RETURN.
4. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
5. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
6. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.
7. ALL GRADE BREAKS SHALL HAVE SCORE LINES.

NOTES:

- (1) 1.5% MAX. SLOPE SHALL RUN CONTINUOUS ALONG ENTIRE LENGTH OF CURB RAMP ALONG DETECTABLE WARNING FINISHED SURFACE TO FLOWLINE GRADE BREAK.
- (2) 4.5% MAX. SLOPE SHALL RUN CONTINUOUS FROM EDGE OF GUTTER/AC PAVING TRANSITION TO FLOWLINE GRADE BREAK.



APPROVED BY:

Javier Sanchez Jr.

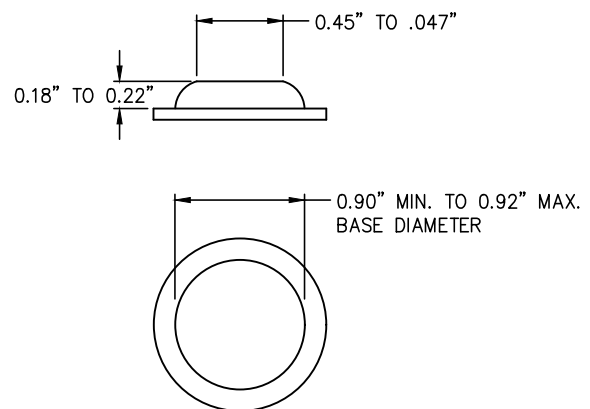
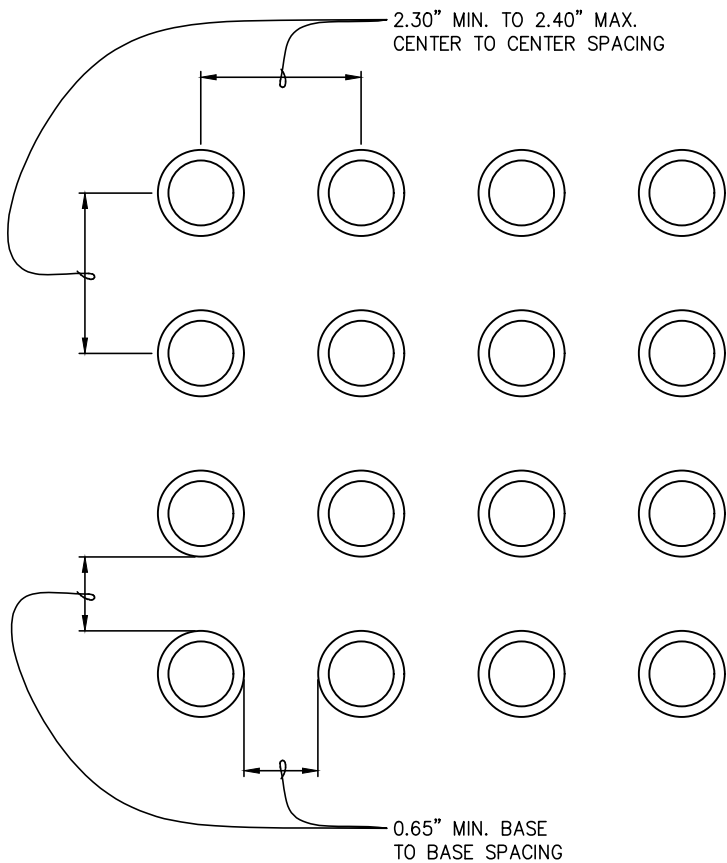
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STREET INTERSECTION WITH
20' RADIUS RETURN
IN EXISTING 7' PARKWAYS

C-14



RAISED TRUNCATED DOME PATTERN

RAISED TRUNCATED DOME SIZE

NOTES:

1. DETECTABLE WARNING SURFACE SHALL BE INSTALLED AT THE BOTTOM OF ALL CURB RAMPS, DIRECTLY BEHIND THE BACK OF CURB.
2. DETECTABLE WARNING SURFACE SHALL EXTEND THE FULL WIDTH OF THE RAMP AND BE 36" IN DEPTH.
3. DETECTABLE WARNING SURFACE SHALL BE YELLOW AND APPROXIMATE FS 33538 OF FEDERAL STANDARD 595C.
4. DETECTABLE WARNING SURFACE SHALL BE SAFETYSTEPTD PRODUCT OR APPROVED EQUAL.



APPROVED BY:

Javier Sanchez, Jr.

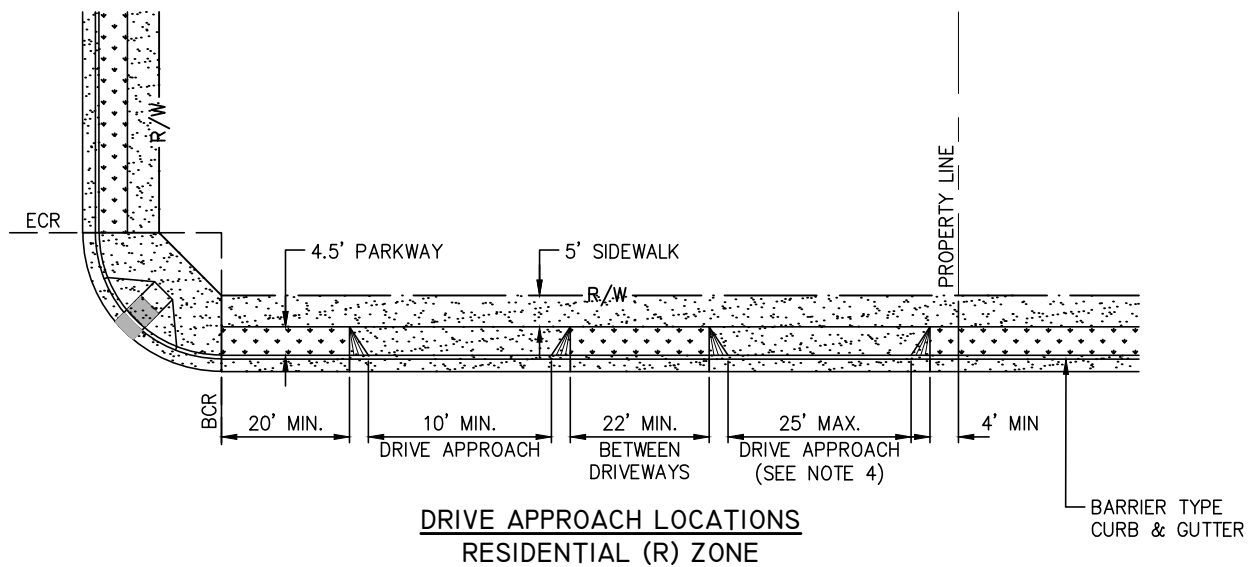
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5/19/2020

DATE

DETECTABLE WARNING
SURFACE DETAIL

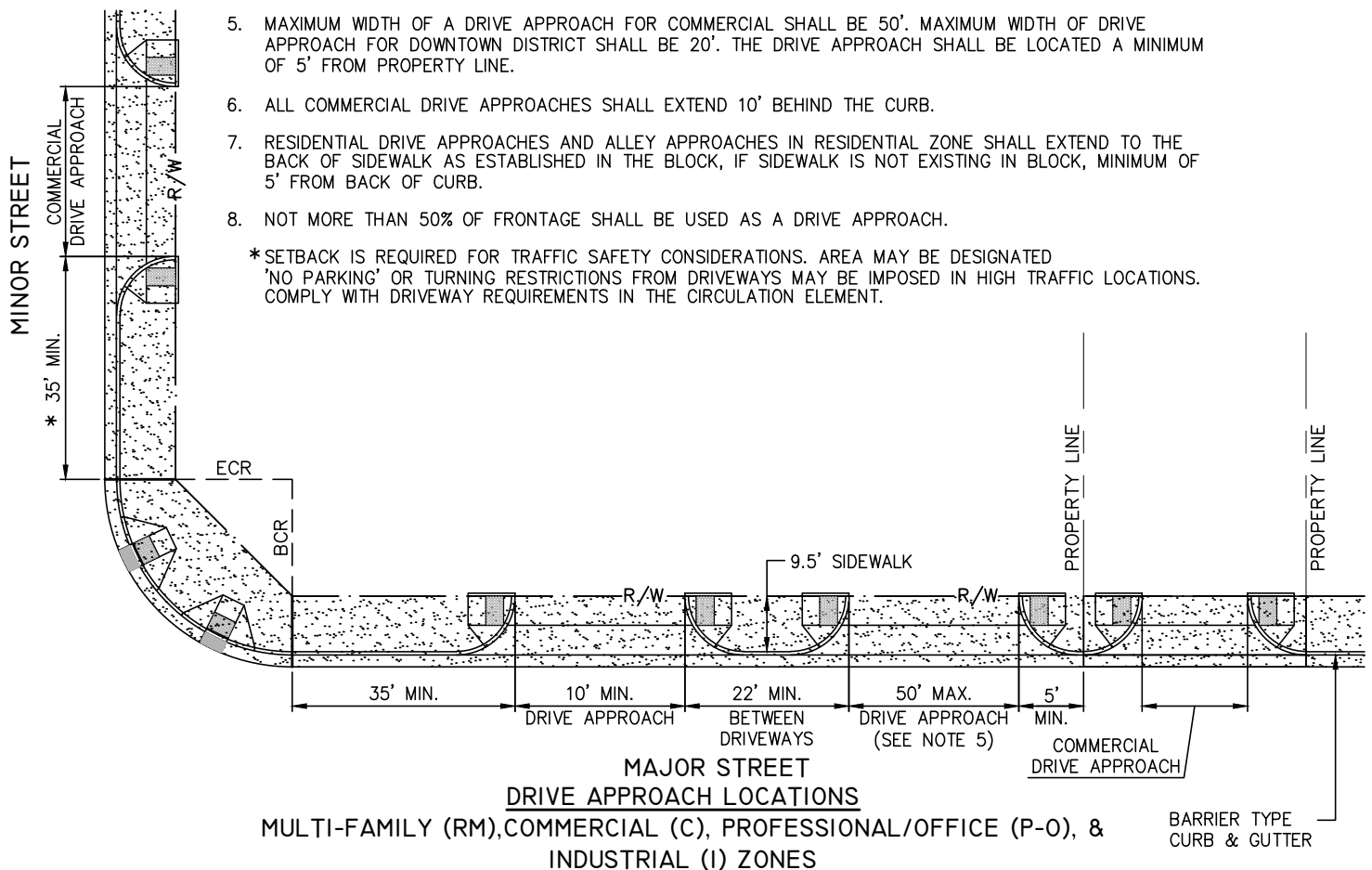
C-15



NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX), 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. EXPANSION JOINTS 1/2" WIDE SHALL BE INSTALLED ON BOTH SIDES OF APPROACH AT RIGHT ANGLES TO BACK OF CURB. (SEE STD. PLAN C-23, DETAIL C)
4. MAXIMUM WIDTH OF DRIVE APPROACH SHALL BE 25' FOR RESIDENTIAL WHERE THE FRONTAGE IS 60' OR LESS. WHERE THE FRONTAGE IS GREATER THAN 60' A 42% FRONTAGE RATIO MAY BE USED, NOT TO EXCEED A 35' MAXIMUM. THE DRIVE APPROACH SHALL BE LOCATED A MINIMUM OF 4' FROM PROPERTY LINE.
5. MAXIMUM WIDTH OF A DRIVE APPROACH FOR COMMERCIAL SHALL BE 50'. MAXIMUM WIDTH OF DRIVE APPROACH FOR DOWNTOWN DISTRICT SHALL BE 20'. THE DRIVE APPROACH SHALL BE LOCATED A MINIMUM OF 5' FROM PROPERTY LINE.
6. ALL COMMERCIAL DRIVE APPROACHES SHALL EXTEND 10' BEHIND THE CURB.
7. RESIDENTIAL DRIVE APPROACHES AND ALLEY APPROACHES IN RESIDENTIAL ZONE SHALL EXTEND TO THE BACK OF SIDEWALK AS ESTABLISHED IN THE BLOCK, IF SIDEWALK IS NOT EXISTING IN BLOCK, MINIMUM OF 5' FROM BACK OF CURB.
8. NOT MORE THAN 50% OF FRONTAGE SHALL BE USED AS A DRIVE APPROACH.

* SETBACK IS REQUIRED FOR TRAFFIC SAFETY CONSIDERATIONS. AREA MAY BE DESIGNATED 'NO PARKING' OR TURNING RESTRICTIONS FROM DRIVEWAYS MAY BE IMPOSED IN HIGH TRAFFIC LOCATIONS. COMPLY WITH DRIVEWAY REQUIREMENTS IN THE CIRCULATION ELEMENT.



APPROVED BY:

Javier Sanchez Jr.

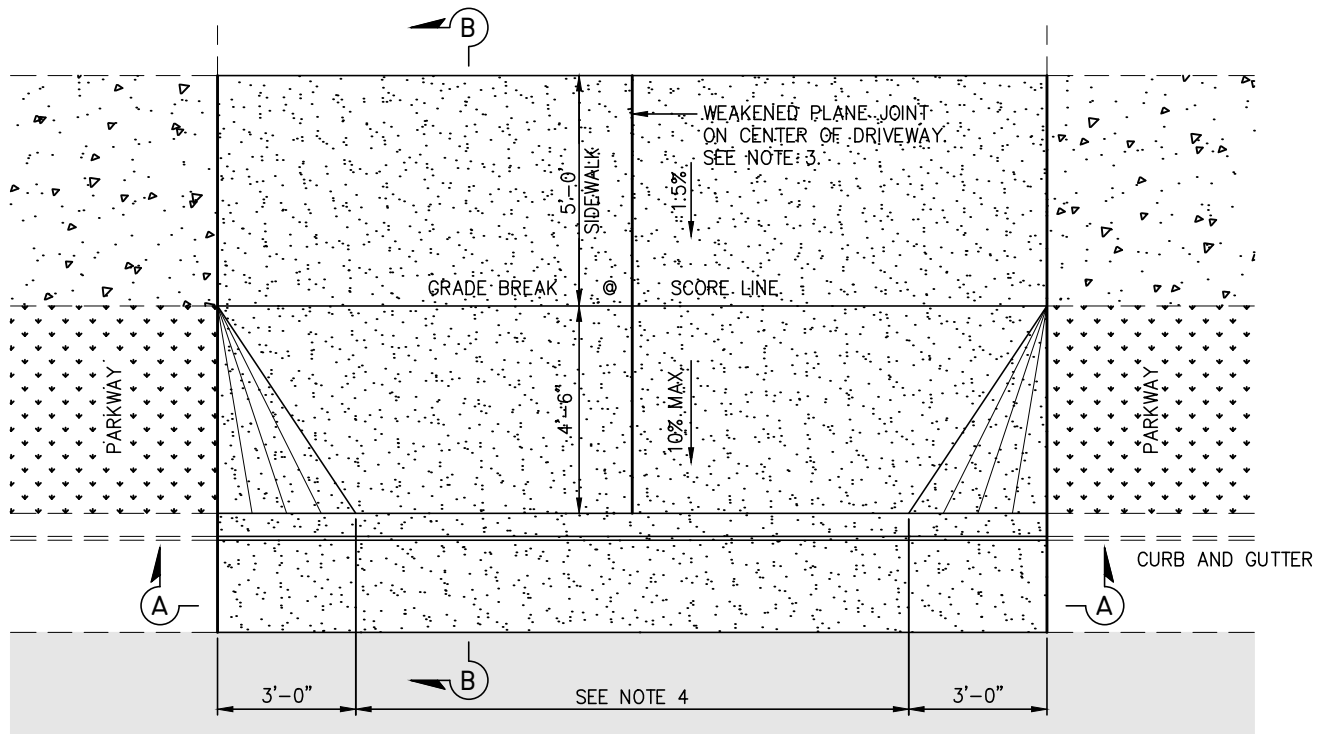
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5/19/2020

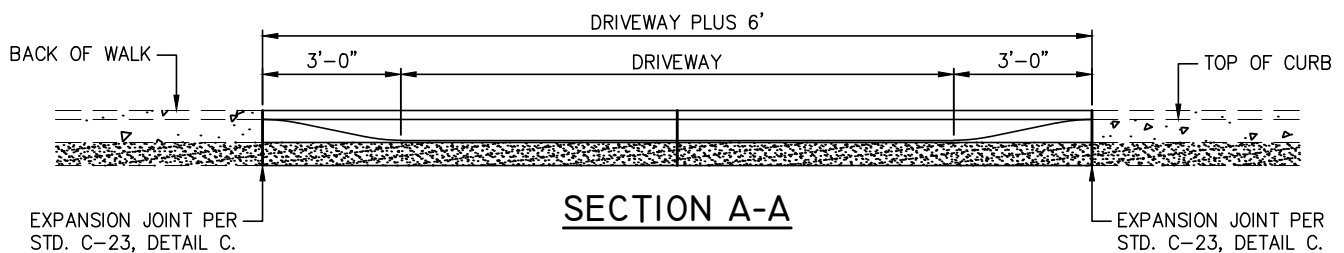
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DRIVE APPROACH LOCATIONS

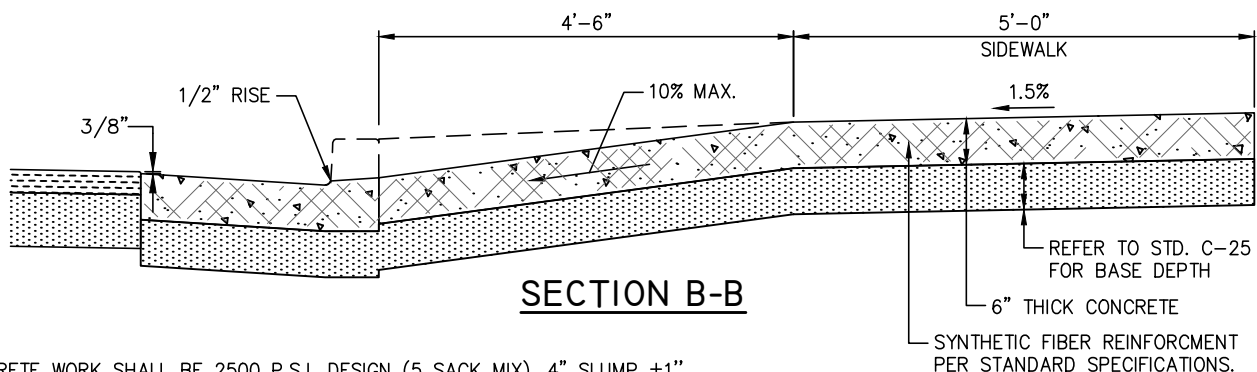
C-16



PLAN VIEW



SECTION A-A



SECTION B-B

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. REFER TO STD. DWG. C-16 FOR DRIVEWAY SPACING AND WIDTH.
5. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
6. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
7. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Juan Sanchez Jr.

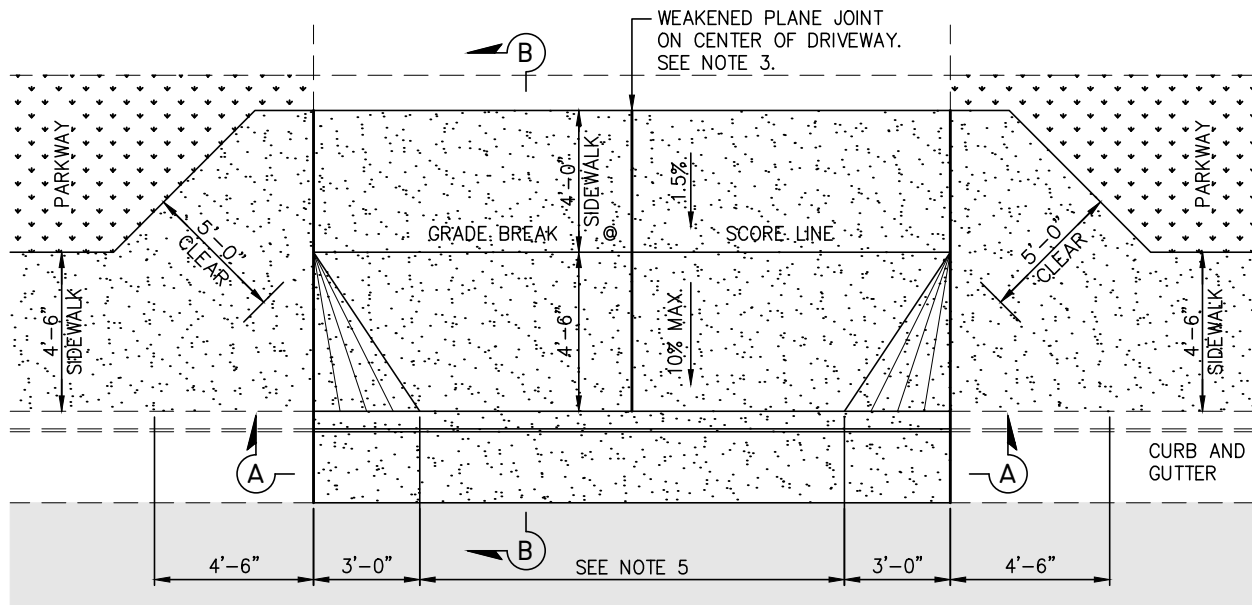
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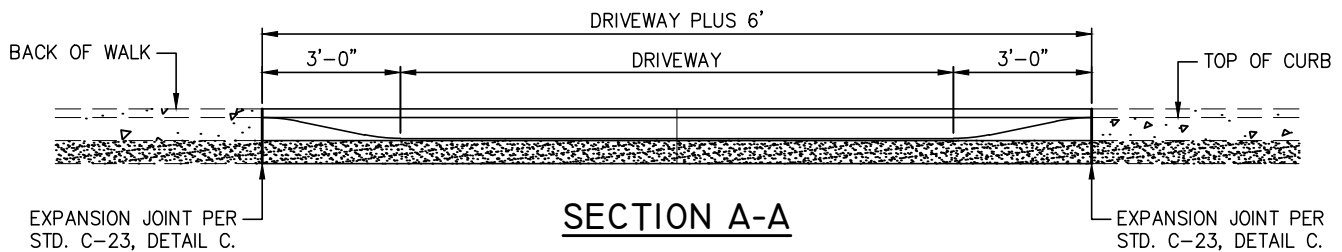
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RESIDENTIAL DRIVE APPROACH
WITH PARKWAY

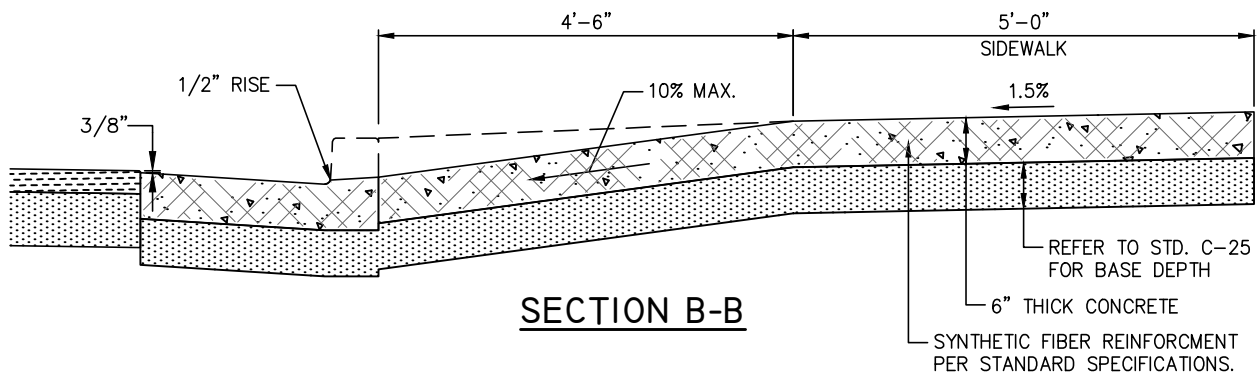
C-17



PLAN VIEW



SECTION A-A



SECTION B-B

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. IF TWO ADJACENT DRIVEWAYS REQUIRE THIS TRANSITION, THE SIDEWALK SHALL BE CONSTRUCTED AT A 8'-6" CONTINUOUS WIDTH TO AVOID ABRUPT CHANGES IN TRAVEL PATH.
5. REFER TO STD. DWG. C-16 FOR DRIVEWAY SPACING AND WIDTH.
6. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
7. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

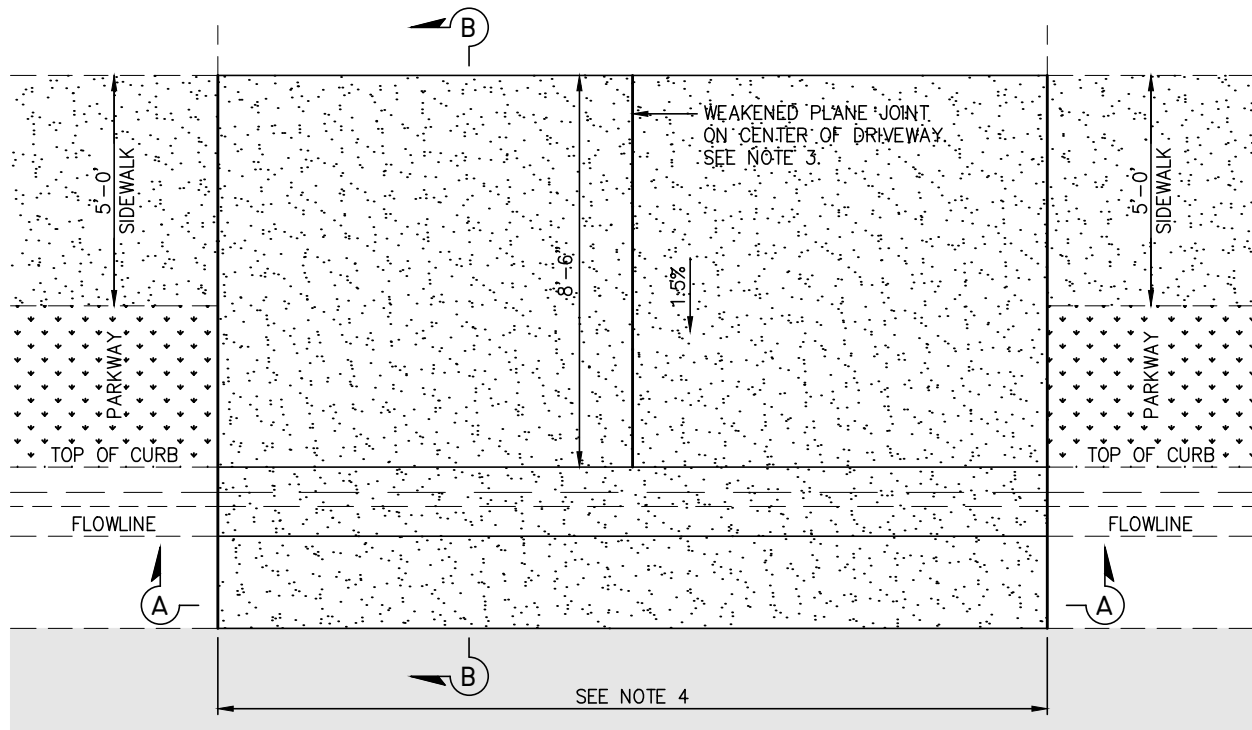
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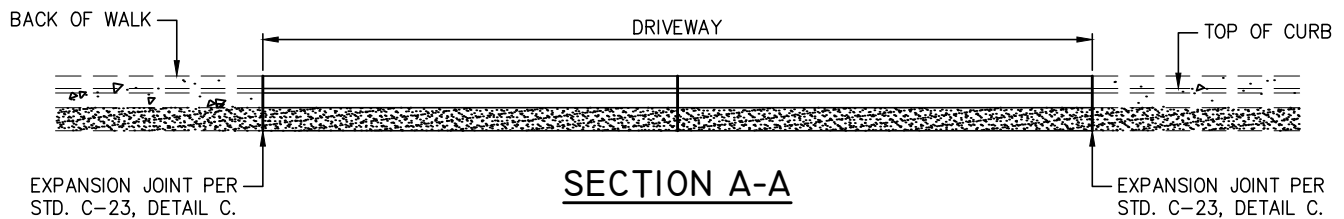
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RESIDENTIAL DRIVE APPROACH
WITH ADJACENT SIDEWALK

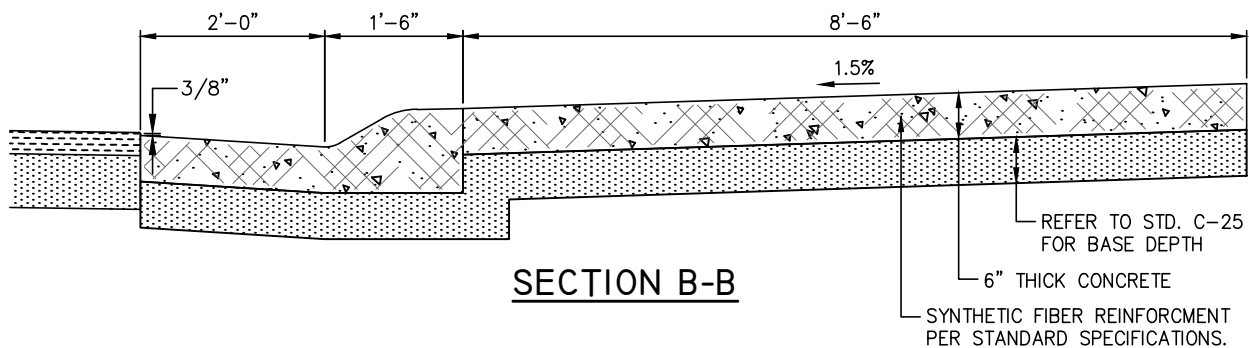
C-18



PLAN VIEW



SECTION A-A



SECTION B-B

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. REFER TO STD. DWG. C-16 FOR DRIVEWAY SPACING AND WIDTH.
5. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
6. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
7. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Jaime Sanchez Jr.

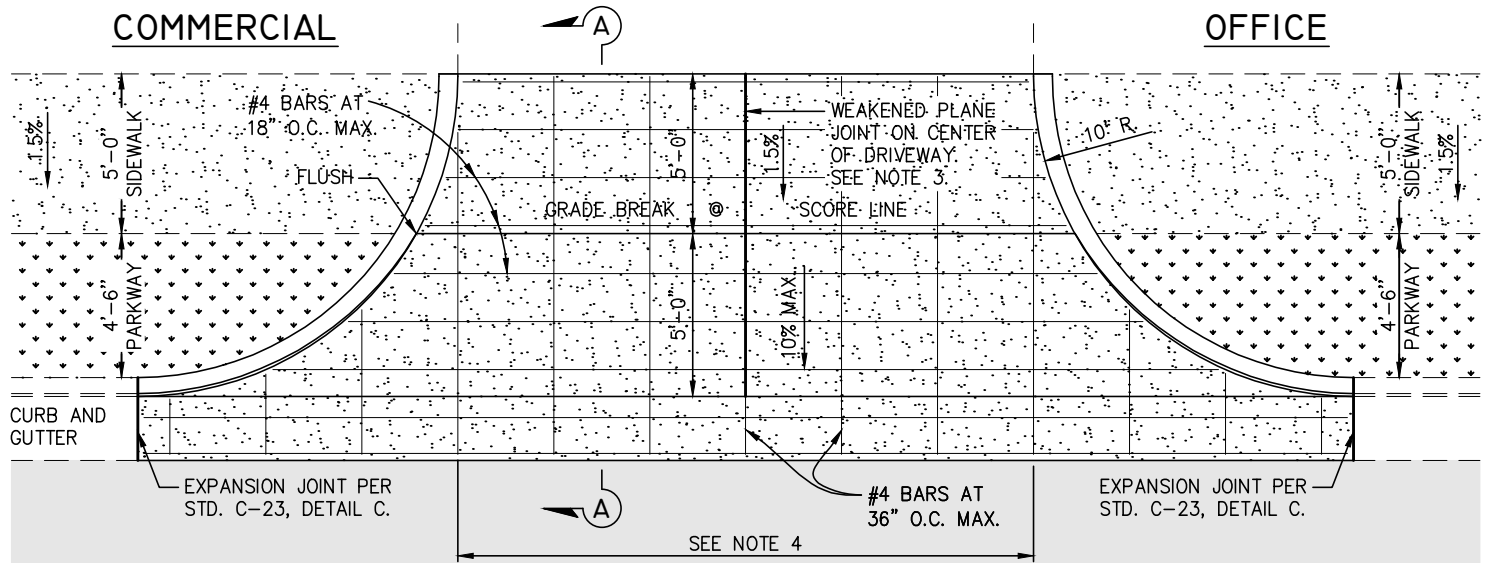
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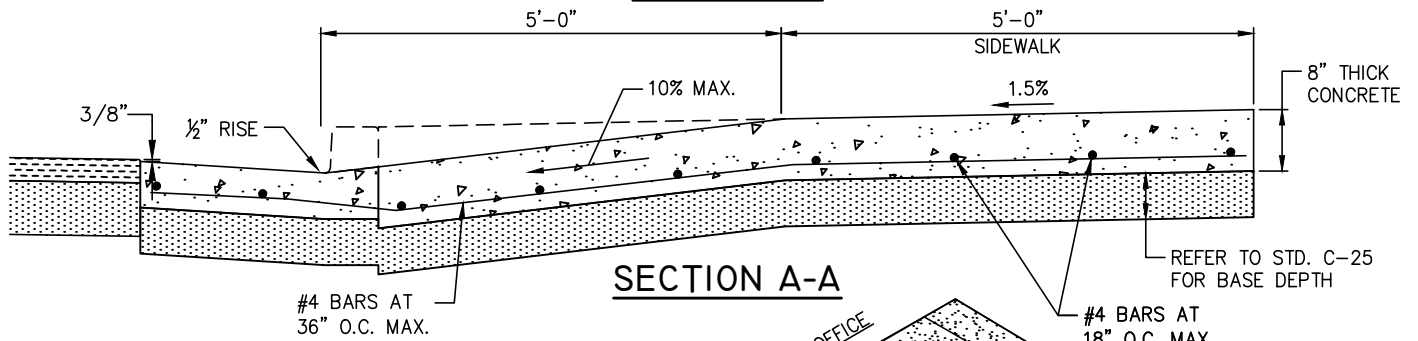
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**RESIDENTIAL DRIVE APPROACH
WITH ROLL TYPE CURB
AND GUTTER**

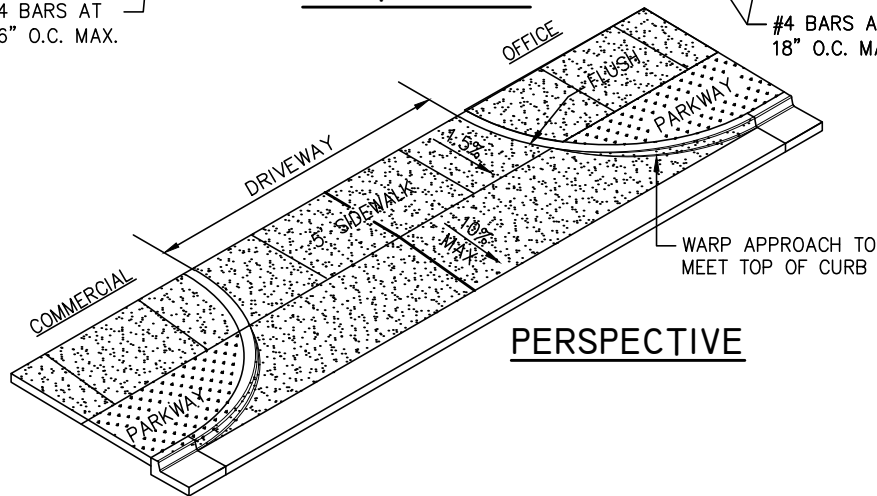
C-19



PLAN VIEW



SECTION A-A



PERSPECTIVE

NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. REFER TO STD. DWG. C-16 FOR DRIVEWAY SPACING AND WIDTH.
5. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
6. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
7. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.



APPROVED BY:

Javier Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

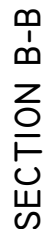
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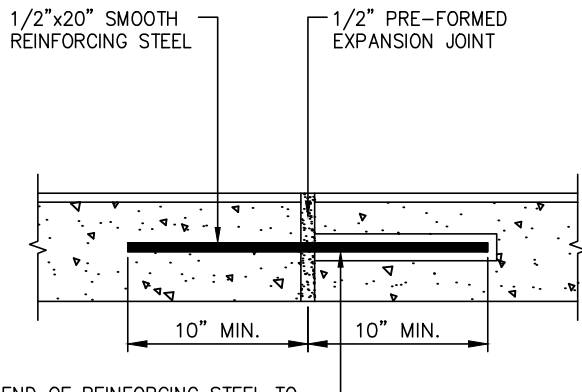
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**COMMERCIAL/OFFICE DRIVE
APPROACH WITH CURB
RETURNS**

C-20

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX). 4" SLUMP $\pm 1"$.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 15' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-23, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. USE CONFIGURATION A WHEN PEDESTRIAN STREET CROSSING IS REQUIRED. OTHERWISE, USE CONFIGURATION B
5. REFER TO STD. DWG. C-16 FOR DRIVEWAY SPACING WIDTH.
6. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
7. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.
9. ALL GRADE BREAKS SHALL HAVE SCORE LINES.

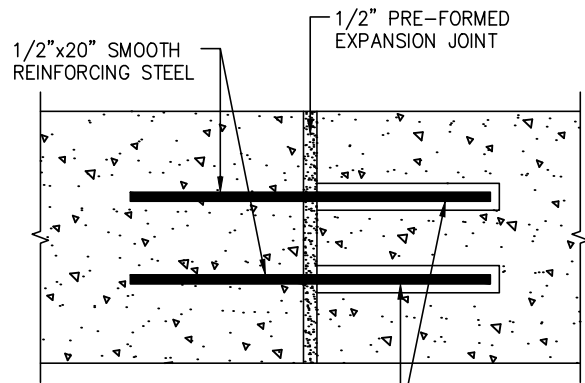




ONE END OF REINFORCING STEEL TO BE WRAPPED WITH BUILDING PAPER, GREASED OR INSTALLED IN 10" METAL SLEEVE TO PERMIT MOVEMENT.

DETAIL A - 1/2" EXPANSION JOINT - PLAN

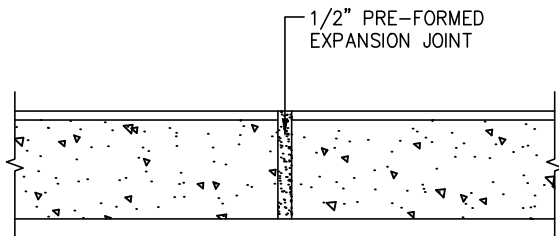
FOR ALLEY APPROACHES AT CURB & GUTTER, AND CROSS GUTTERS AT CURB & GUTTER



ONE END OF REINFORCING STEEL TO BE WRAPPED WITH BUILDING PAPER, GREASED OR INSTALLED IN 10" METAL SLEEVE TO PERMIT MOVEMENT.

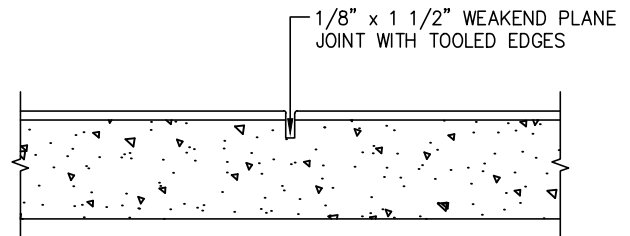
DETAIL B - 1/2" EXPANSION JOINT - ELEVATION

FOR BARRIER TYPE CURB



DETAIL C - 1/2" EXPANSION JOINT

FOR V-GUTTERS AT ALLEY APPROACHES, CATCH BASINS, AND MISCELLANEOUS STRUCTURES



DETAIL D - WEAKENED PLANE JOINT

FOR DRIVE APPROACHES, SIDEWALK AT 15' O.C., CURB & GUTTER AT 15' O.C., AND V-GUTTER AT 15' O.C.

NOTES:

1. 1/2" EXPANSION JOINT AT CONNECTION TO ALLEY APPROACH, CATCHBASINS AND MISC. STRUCTURES.
2. 1/2" EXPANSION JOINT AT EACH SIDE OF EVERY STRUCTURE
3. WEAKENED PLANE JOINTS SHALL BE CONSTRUCTED AT 15' CENTERS AND SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.



APPROVED BY:

Javier Sanchez Jr.

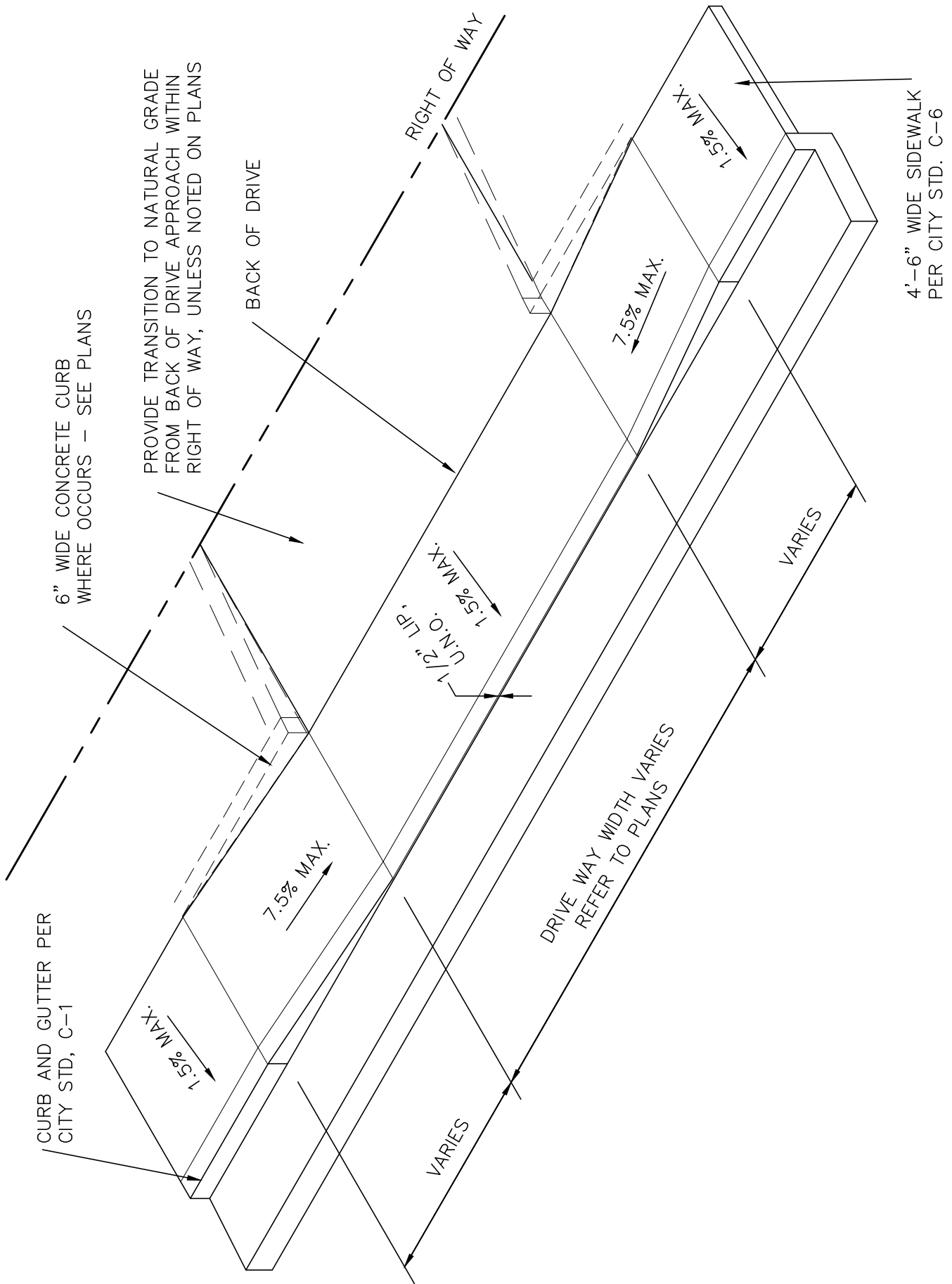
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5/19/2020

DATE

EXPANSION JOINT DETAILS

C-23



APPROVED BY:

Javier Sanchez Jr.

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MANAGEMENT DIRECTOR

5/19/2020

DATE

DRIVE APPROACH WITH
TRANSITION SIDE WINGS

C-24

BASE MATERIAL REQUIRED IN REFERENCE TO THE EXPANSION INDEX:

EXPANSION INDEX LESS THAN 21

1. VERY LOW EXPANSION POTENTIAL SOILS, NON-EXPANSIVE BASE MATERIAL IS NOT REQUIRED.

EXPANSION INDEX 21 TO 50

2. LOW EXPANSION POTENTIAL SOILS, PLACE A MIN. OF 4" OF NON-EXPANSIVE BASE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE WITH WATER 24 HOURS PRIOR TO POURING CONCRETE.

EXPANSION INDEX 51 TO 90

3. MEDIUM EXPANSION POTENTIAL SOILS, PLACE A MINIMUM OF 8" OF NON-EXPANSIVE BASE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE BY PONDING WATER ON IT FOR 24 HOURS PRIOR TO POURING CONCRETE.

EXPANSION INDEX GREATER THAN 90

4. VERY HIGH EXPANSION POTENTIAL SOILS, PLACE A MINIMUM OF 16" OF NON-EXPANSIVE BASE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE WITH WATER 24 HOURS PRIOR TO POURING CONCRETE. PLACE TWO NUMBER FOUR REINFORCING BARS IN THE CURB, CONTINUOUSLY. A PRELIMINARY SOILS REPORT CONTAINING RECOMMENDATIONS FOR MITIGATION CONCERNING SIDEWALK, CURB AND GUTTER CONSTRUCTION IS REQUIRED, IN ORDER TO GAIN APPROVAL OF AN ALTERNATIVE TO THE USE OF 16" OF NON-EXPANSIVE MATERIAL.

NOTE:

IN ANY SUBDIVISION WHERE ANY INDIVIDUAL SOIL SAMPLE HAS AN EXPANSION INDEX GREATER THAN 50, THE CITY ENGINEER MAY REQUIRE ADDITIONAL SOIL SAMPLES AND TESTS, UP TO ONE SET PER THREE ACRES, FOR THE PURPOSE OF DETERMINING THE EXPANSIVE INDEX(ES) FOR THE PROPOSED DEVELOPMENT.

SHRINK/SWELL POTENTIALS:

BASE MATERIAL REQUIRED IN REFERENCE TO THE SOIL CONSERVATION SERVICE CRITERIA

1. AREAS WITH LOW SHRINK/SWELL POTENTIAL. NON-EXPANSIVE MATERIAL IS NOT REQUIRED. NO SOILS REPORT IS REQUIRED FOR BUILDING PERMITS.
2. AREAS CONTAINING SOIL THAT HAS A LOW TO MODERATE SHRINK/SWELL POTENTIAL, REQUIRES A MINIMUM OF 4 INCHES OF NON-EXPANSIVE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE WITH WATER 24 HOURS PRIOR TO POURING CONCRETE. A SOILS REPORT IS REQUIRED FOR ALL BUILDING PERMITS EXCEPT SINGLE FAMILY RESIDENTIAL.
3. AREAS CONTAINING SOIL THAT HAS A MODERATE SHRINK/SWELL POTENTIAL, REQUIRES A MINIMUM OF 8 INCHES OF NON-EXPANSIVE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE WITH WATER 24 HOURS PRIOR TO POURING CONCRETE. A SOILS REPORT IS REQUIRED FOR ALL BUILDING PERMITS.
4. AREAS CONTAINING SOIL THAT HAS A HIGH SHRINK/SWELL POTENTIAL, REQUIRES 16 INCHES OF NON-EXPANSIVE MATERIAL BENEATH CONCRETE STRUCTURES. SATURATE THE BASE MATERIAL AND SUBGRADE WITH WATER 24 HOURS PRIOR TO POURING CONCRETE. PLACE TWO NUMBER FOUR REINFORCING BARS IN CURB, CONTINUOUSLY. A SOILS REPORT IS REQUIRED FOR ALL BUILDING PERMITS.

NOTE:

SEE APPENDIX A FOR SOIL CONSERVATION SERVICE SOILS LEGEND WITH SHRINK/SWELL POTENTIALS AND APPENDIX B FOR SOIL CONSERVATION SERVICE SOILS MAP FOR PORTERVILLE AREA (SEE POCKET AT THE BACK OF THESE STANDARDS).

BASE MATERIAL WILL BE AS SHOWN ABOVE OR AS DETERMINED BY THE CITY ENGINEER.



APPROVED BY:

Javier Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

DATE

SPECIFICATIONS FOR CONSTRUCTION OF CONCRETE IMPROVEMENTS ON EXPANSIVE SOILS

C-25

GENERAL CONCRETE NOTES:

1. ALL CONCRETE SHALL BE CLASS III CONCRETE UNLESS NOTED OTHERWISE.
2. CLASS II CONCRETE SHALL CONTAIN NO LESS THAN 590 POUNDS OF PORTLAND CEMENT PER CUBIC YARD WITH 1" AGGREGATE. 4" SLUMP $\pm 1"$. 3000 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS
3. CLASS III CONCRETE SHALL CONTAIN NO LESS THAN 505 POUNDS OF PORTLAND CEMENT PER CUBIC YARD WITH 1" AGGREGATE. 4" SLUMP $\pm 1"$. 2500 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS.
4. CLASS IIII CONCRETE SHALL CONTAIN NO LESS THAN 420 POUNDS OF PORTLAND CEMENT PER CUBIC YARD WITH 1" AGGREGATE. 4" SLUMP $\pm 1"$. 2500 PSI MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS.
5. WHEN MAXIMUM AMBIENT TEMPERATURE EXCEEDS 50°F. ALL NEW CONCRETE PLACED SHALL BE SPRAYED UNIFORMLY WITH A CURING COMPOUND. CURING COMPOUND SHALL BE APPLIED AT A NOMINAL RATE OF ONE GALLON PER 150 SQUARE FEET, UNLESS OTHERWISE SPECIFIED.
6. ALL WORK CONSTRUCTED BY THESE STANDARDS SHALL BE IN COMPLIANCE WITH ALL CURRENT ADA REGULATIONS.
7. WHERE REBAR IS USED, CONTRACTOR SHALL INSTALL WIRE TIES SECURELY AT ALL REBAR CROSSINGS. CONCRETE BLOCK OR CHAIRS AS APPROVED BY THE CITY ENGINEER SHALL BE INSTALLED PRIOR TO CONCRETE INSTALLATION TO KEEP REBAR IN THE PROPER LOCATION.

CONCRETE CURB AND GUTTER:

1. ALL CURB AND GUTTER, VEE GUTTER, MEDIAN CURB AND LANDSCAPE CURB SHALL BE CLASS III CONCRETE.
2. BARRIER TYPE CURB AND GUTTER SHALL HAVE A MINIMUM GRADIENT OF 0.2 FEET PER 100 FEET OR AS APPROVED BY THE CITY ENGINEER.
3. BARRIER TYPE CURB AND GUTTER ON THE CURVE OF A CUL-DE-SACS AND STREET BULBS SHALL HAVE A MINIMUM GRADIENT OF 0.25 FEET PER 100 FEET OR AS APPROVED BY THE CITY ENGINEER.
4. ROLL TYPE CURB AND GUTTER SHALL HAVE A MINIMUM GRADIENT OF 0.25 FEET PER 100 FEET OR AS APPROVED BY THE CITY ENGINEER.
5. VEE GUTTER SHALL HAVE A MINIMUM GRADIENT OF 0.25 FEET PER 100 FEET OR AS APPROVED BY THE CITY ENGINEER.
6. ALL CURB AND GUTTER, VEE GUTTER, MEDIAN CURB AND LANDSCAPING CURB SHALL BE PLACED ON 6 INCH MOIST AND COMPACT BASE MATERIAL.
7. ALL CURB AND GUTTER, VEE GUTTER, MEDIAN CURB AND LANDSCAPE CURB SHALL HAVE A LIGHT BROOM FINISH.
8. ALL CURB AND GUTTER AND VEE GUTTER SHALL HAVE A WEAKENED PLAN JOINTS CONSTRUCTED AT 15 FOOT CENTERS. MEDIAN CURB AND LANDSCAPING CURB SHALL HAVE A WEAKENED PLAN JOINTS CONSTRUCTED AT 8 FOOT CENTERS. WEAKENED PLANE JOINTS SHALL BE A MINIMUM OF 1-1/2 INCHES IN DEPTH AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUND.
9. ALL EXPOSED SURFACES OF CURB AND GUTTER, VEE GUTTER, MEDIAN CURB AND LANDSCAPING CURB SHALL NOT VARY IN EXCESS OF 0.02 FEET WHEN A 10 FOOT STRAIGHT EDGE IS PLACED ON THE SURFACE, EXCEPT AT GRADE CHANGES OR CURVES.
10. ALL CURB, GUTTER AND VEE GUTTER SHALL BE WATER TESTED FOR FLOW.
11. ALL CURB AND GUTTER, VEE GUTTER, MEDIAN CURB AND LANDSCAPING CURB SHALL BE CURED IN ACCORDANCE WITH THE PROVISIONS IN THE GENERAL CONCRETE NOTES IN THESE IMPROVEMENT STANDARDS.



APPROVED BY:

Jaime Sanchez Jr.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

DATE

CONCRETE SPECIFICATIONS

C-26

SIDEWALKS AND RAMPS:

1. ALL SIDEWALKS AND RAMPS SHALL BE CLASS III CONCRETE.
2. SIDEWALKS AND RAMPS SHALL BE PLACED ON MOIST AND COMPACTED BASE MATERIAL PER DETAIL C-25.
3. SIDEWALKS AND RAMPS SHALL BE STEEL TROWELED AND HAVE A LIGHT BROOM FINISH UNLESS OTHERWISE NOTED. RAMPS SHALL HAVE A HEAVY BROOM FINISH ACROSS THE SLOPE OF THE RAMP.
4. SIDEWALKS AND RAMPS SHALL HAVE WEAKENED PLAN JOINTS CONSTRUCTED AT 15 FOOT CENTERS AND WHERE SHOWN IN THE CITY STANDARDS. WEAKENED PLAN JOINTS SHALL BE A MINIMUM OF 1" IN DEPTH AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
5. ESTABLISHED SIDEWALK PATTERN IN BLOCK SHALL BE MATCHED.
6. SPECIAL SIDEWALK DESIGNS AND MATERIALS SHALL BE SUBJECTED TO APPROVAL BY THE CITY ENGINEER.
7. SIDEWALK INSTALLED IN INFILL OR EXISTING AREAS SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.
8. ALL SIDEWALKS AND RAMPS SHALL BE CURED IN ACCORDANCE WITH THE PROVISIONS IN THE GENERAL CONCRETE NOTES OF THESE IMPROVEMENT STANDARDS.
9. DETECTABLE WARNING SURFACE SHALL BE INSTALLED PER THESE IMPROVEMENT STANDARDS AND AS REQUIRED BY THE CITY ENGINEER.

DRIVE APPROACHES:

1. ALL DRIVE APPROACHES SHALL BE CLASS III CONCRETE UNLESS NOTED OTHERWISE.
2. SINGLE FAMILY RESIDENTIAL DRIVE APPROACHES SHALL BE PLACED ON MOIST AND COMPACTED BASE MATERIAL PER DETAIL C-25.
3. MULTI-FAMILY RESIDENTIAL, OFFICE AND COMMERCIAL DRIVE APPROACHES SHALL BE PLACED ON MOIST AND COMPACTED BASE MATERIAL PER DETAIL C-25.
4. MAJOR COMMERCIAL DRIVE APPROACHES SHALL BE PLACED ON MOIST AND COMPACTED BASE MATERIAL PER DETAIL C-25.
5. DRIVE APPROACHES SHALL BE STEEL TROWELED AND HAVE LIGHT BROOM FINISH.
6. DRIVE APPROACHES SHALL HAVE A WEAKENED PLAN JOINT CONSTRUCTED AT EACH EDGE AND AT THE CENTERLINE. WEAKENED PLAN JOINTS SHALL BE A MINIMUM OF 1-1/2 INCH IN DEPTH AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
7. NO MORE THAN 50 PERCENT OF PROPERTY FRONTAGE SHALL BE USED AS A DRIVE APPROACH.
8. DRIVE APPROACHES ON STATE ROUTES ARE SUBJECT TO APPROVAL BY CALTRANS.
9. ALL EXPOSED SURFACES OF THE DRIVE APPROACH AND FLOW LINES SHALL NOT VARY IN EXCESS OF 0.02 FEET WHEN A 10 FOOT STRAIGHT EDGE IS PLACED ON THE SURFACE, EXCEPT AT GRADE CHANGES OR CURVES.
10. ALL DRIVE APPROACHES SHALL BE CURED IN ACCORDANCE WITH THE PROVISIONS IN THE GENERAL CONCRETE NOTES OF THESE IMPROVEMENTS.



APPROVED BY:

A handwritten signature in blue ink, reading "Javier Sanchez Jr.", is written over a horizontal line.

ENGINEERING & PROJECT
MANAGEMENT DIRECTOR

5/19/2020

DATE

CONCRETE SPECIFICATIONS

C-27



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Consideration of a Joint Powers Agreement Between the City of Porterville and the Tule River Tribe for Development of Wastewater and Recycled Water System Facilities and Establishing the Porterville Recycled Water Authority

SOURCE: City Attorney

COMMENT: In January 2020, the City of Porterville and the Tule River Tribe entered into a Memorandum of Understanding related to the Tribe's ongoing efforts to relocate its resort and casino to a 40-acre parcel owned by the Tribe within the geographical boundaries of the City. The Bureau of Indian Affairs (BIA) issued a Final Environmental Impact Statement (FEIS) in 2019, which identified several off-reservation impacts and recommended mitigation measures to address those impacts. In conjunction with the FEIS, impacts were identified that will require project improvements to the City's water and wastewater systems. The contemplated improvements include replacements and improvements related to the City's existing Wastewater Treatment Plant as conveyed through Lift Stations 7 and 12 and approximately 800 feet of transmission main, and construction of a Tertiary Wastewater System.

The parties have also identified potential opportunities for joint benefits concerning these projects, including the provision of irrigation water to the City's Sports Complex. Consequently, the parties' staff and the City's City Council Ad Hoc Committee are recommending the formation of a Joint Powers Authority in an effort to assist in the financing, operation and maintenance of the needed improvements.

Consideration and approval of a Joint Powers Agreement is the first step in this process. An agreement for the development of the specific wastewater system facilities and improvements, and an agreement for provision of recycled water are also being developed and negotiated. The parties have agreed, when taking into consideration the capacity to be added, that the cost allocation for the proposed projects are approximately 2:1 (City:Tribe). This allocation is also reflected in the proposed makeup of the Board: three voting City representatives, and two voting Tribe representatives.

Pursuant to the proposed terms of this Agreement, the City shall be responsible for the administration of the Agreement and act on the Authority's behalf with regard to the future development agreement(s). The Tribe is responsible for the planning, permitting, design, construction, and repairs needed to the City's existing Wastewater Treatment Plant, and shall further be responsible for the planning, permitting, design and construction of the Tertiary Facilities.

RECOMMENDATION: That the City Council:

1. Consider approval of the Joint Powers Agreement between the City and the Tule River Tribe in the development of wastewater and recycled water facilities, as well as establishing the Porterville Recycled Water Authority; and
2. Authorize the Mayor to sign the Agreement.

ATTACHMENTS: 1. Draft Joint Powers Agreement for Development and Operation of Tertiary Wastewater System Facilities

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

JOINT POWERS AGREEMENT
BETWEEN
CITY OF PORTERVILLE AND
THE TULE RIVER TRIBE
FOR DEVELOPMENT OF WASTEWATER AND RECYCLED WATER SYSTEM
FACILITIES ESTABLISHING THE
PORTERVILLE RECYCLED WATER AUTHORITY

This Joint Powers Agreement (“Agreement”) is entered into and executed as of May 19, 2020, by and between the City of Porterville, a California charter city (“City”), and the Tule River Tribe, a federally-recognized Indian tribe (“Tribe”), pursuant to the Joint Exercise of Powers Act (Gov. Code, § 6500 *et seq.*), who may be referred to herein as the “Parties.”

RECITALS

A. WHEREAS, the City is authorized to enter into a joint powers agreement for the purpose of owning, operating and financing wastewater facilities, including without limitation wastewater system facilities and facilities for the production, delivery and sale of recycled water; and

B. WHEREAS, the Tribe is a public agency for the purposes of California Government Code Section 6500 with full authority to enter into a joint powers agreement with the City; and

C. WHEREAS, the City operates wastewater facilities which provide secondary treatment of sewage and wishes to manage potable water supplies available within the City by making recycled water available for a variety of uses currently supplied with potable water, including irrigation of the City Sports Complex, and irrigation and other uses within the Casino Project being developed by the Tribe; and

D. WHEREAS, a joint powers authority between the City and the Tribe has the power to develop, construct, finance and operate wastewater system and water recycling facilities, including, but not limited to under the Marks-Roos Local Bond Pooling Act of 1985 (Gov. Code, § 6584, *et seq.*).

AGREEMENT

NOW THEREFORE, in consideration of their mutual promises and undertakings set forth herein, the parties agree as follows:

ARTICLE 1. PURPOSE AND POWERS.

1.1 Purpose and Powers. This Agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code, commencing with section 6500, relating to the joint powers common to public agencies. The purpose of this Agreement is to exercise the parties’ joint powers, specifically including, but not limited to:

1.1.1 Public contracting and purchasing related to or the construction, maintenance, repair, improvement and expansion and operation of wastewater collection, treatment, and disposal, including without limitation water recycling and distribution facilities and the production, distribution and sale of recycled water.

1.1.2 Exercising all other powers as may be authorized by law, in addition to the specific powers enumerated herein.

1.2 Designation Per Government Code § 6509. To the extent required by law, the powers exercised by the parties pursuant to this Agreement shall be subject to the restrictions upon the manner of exercising such powers of the City.

ARTICLE 2. CREATION OF AUTHORITY; CITY TO ADMINISTER

2.1 Creation of Authority. The Porterville Recycled Water Authority (“Authority”) is hereby created which shall be a public entity separate from the parties to this Agreement. The Authority shall be responsible for its own debts, liabilities and obligations.

2.2 Delegation of Authority to the City. The parties delegate authority to the City to administer this Agreement, including advertising, selecting and entering into contracts, and acting on Authority’s behalf in connection with future agreements entered into between the parties, including but not limited to an Agreement For Provision of Recycled Water And Tertiary Wastewater Management Facilities For the Tule River Tribe Development Project (dated _____), as amended from time to time; and an Agreement for Development of Wastewater and Recycled Water System Facilities and Improvements (dated ____), as amended from time to time.

ARTICLE 3. GOVERNANCE

3.1 Party Representatives. The City shall be entitled to three voting representatives on the Board of the Authority, as appointed by the City Council. Unless otherwise determined by the City, the City Manager shall additionally be, *ex officio*, a member of the Board. The Tribe shall be entitled to two voting representatives, appointed by the Tribal Council. Unless otherwise determined by the Tribe, the Tribal Chairperson shall additionally be, *ex officio*, a member of the Board. Each Party may designate one alternate Board member by notifying the Authority and the other Party in writing of the person so designated to act when a Board member is unavailable.

3.2 Quorum. A quorum for the transaction of any business shall require the presence of four representatives, who may be alternates.

3.3 Meetings; Frequency. The Board shall meet not less frequently than annually. Meetings shall be called and conducted in accordance with the Brown Act.

ARTICLE 4. FINANCIAL PROVISIONS

4.1 Treasurer. Pursuant to Government Code Sections 6505 and 6505.5 governing the accountability of all funds and report of all receipt and disbursement for the Authority, the

treasurer of the City shall be treasurer (“Treasurer”) of the Authority. The Treasurer shall possess the powers of, and shall perform those functions required by, Government Code Sections 6505, 6505.5 and all other applicable laws and regulations. The Board shall also designate an Auditor/Controller for the Authority pursuant to Government Code Sections 6505 and 6505.5 or shall cause an independent audit to be made by a certified public accountant or public accountant in compliance with Government Code Section 6505, as applicable.

4.2 Authority to Handle Property. The City Manager of the City or his or her designee shall have charge of, handle, or have access to any property of the Authority and shall be required to file an official bond, which may be a master bond.

4.3 Surplus Funds. The Authority shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

4.4 Contributions Required. The parties agree that each will contribute to the capital and operating costs of the Authority in accordance with the annual budget approved by the Board and the initial budget for commencement of operations.

4.5 Quarterly Financial Reports. The City shall provide quarterly financial reports to the Board, provided that the Board may prescribe the form and timing of such reports.

4.6 Annual Statement of Financial Condition. Prior to the end of each operating year, a certified public accounting firm, will be selected by the Board, and, not more than ninety (90) days after the end of the year, a report certifying the year-end financial condition of the Authority, including statements of income and expenses for the year, assets and liabilities, and auditor’s notes, if appropriate, shall be provided to the parties by the accounting firm selected for that purpose. The cost of the report shall be considered an operating expense of the Authority. The annual audit shall be filed with each of the parties and as required by law.

4.7 Purpose of Contributions. The parties agree that (a) contributions from their respective treasuries may be made for the purpose(s) set forth in this Agreement, (b) payments of public funds may be made to defray the cost of such purposes, (c) advances of public funds may be made for the purpose(s) set forth in this Agreement, such advances to be repaid as provided in this Agreement, or and (d) personnel, equipment or property of one or more of the parties may be used in lieu of other contributions or advances if agreed to in writing by the parties. The funds may be paid to and disbursed by the Authority.

4.8 Repayment of Contributions Upon Termination. Upon termination of this Agreement, contributions shall be repaid in proportion to contributions made by the parties, as allowed under Government Code Section 6512.1.

4.9 Fiscal Year. Unless otherwise determined by resolution of the Board, the fiscal year of the Authority shall commence on July 1 each year.

ARTICLE 5. PROJECT SELECTION AND BUDGETS

5.1 Development of Wastewater Improvements and Recycled Water Facilities. The Tribe shall be responsible for the planning, permitting, design and construction of repairs, replacements and improvements related to the City's existing Wastewater Treatment Plant as conveyed through Lift Station Nos. 7 and 12 and approximately 800 feet of transmission main ("Wastewater Improvements") to meet current City specifications and increase capacity to serve the Tribe's Casino and Resort Project, to be acquired, operated and maintained by the City and financed with the assistance of the Authority. Further, the Tribe shall be responsible for the planning, permitting, design and construction of Tertiary Wastewater System Facilities ("TWSF") to be financed, acquired, operated and maintained by the Authority. The TWSF shall include facilities to divert secondary effluent from the City's wastewater disposal pipeline near the Tribe's Casino and Resort Project and the City Sports Complex within the City.

5.2 Approval of Wastewater Improvements and TWSF. To the extent required by municipal ordinance, regulation or rule, the Tribe shall at its sole cost submit to the City for approval the Wastewater Improvements and the TWSF to secure any necessary discretionary permits and environmental review from the City and other regulatory authorities. It is anticipated that Tribe shall submit 60%, 90% and 100% designs to City for review. Nothing in this Agreement shall be construed to affect the City's regulatory authority over the Wastewater Improvements or the TWSF or any project proposed by the Tribe, except as expressly provided herein. However, the parties will collaborate to determine the most efficient process of environmental, planning and building review and permitting for the Wastewater Improvements and for the TWSF to reasonably expedite the facilities to be acquired, financed and operated under this Agreement.

5.3 Responsibility for Costs. The Tribe shall be solely responsible for the costs, debts and liabilities incurred to plan, design and construct the Wastewater Improvements and the TWSF, including payment for any costs or fees for submissions to the City. Unless otherwise agreed by the parties, the Tribe shall complete the Wastewater Improvements and dedicate them to the City, whereupon the City shall transfer the Wastewater Improvements to the Authority as a capital contribution subject to installment purchase by the City in connection with the Authority's issuance of bonds to finance the Wastewater Improvements. The Tribe shall solely retain all ownership interests in the TWSF until their acquisition by the Authority, unless an alternative financing structure is approved by the parties.

ARTICLE 6. LIABILITY; INDEMNIFICATION

6.1 Allocation of Liabilities. As to any debts or liabilities based upon California Government Code Section 895.2, pursuant to the provisions of California Government Code Section 895.4, this Article allocates such liabilities (e.g., the vicarious liability imposed by law as a result of the existence of this joint powers agreement). The City and the Tribe shall be liable for any such liability imposed by law in proportion to their responsibility for such debts and liabilities incurred in the performance of this Agreement. The rules therefore as set forth in California Civil Code § 2778 are hereby made a part of this Agreement.

6.2 Defense and Indemnity Obligation. The Tribe shall defend, indemnify and hold the City, its City Council members, officials, officers, employees and agents harmless from and against all claims, demands, liability, costs, expenses, damages, injury or loss (including reasonable attorneys' fees) to which the City, its City Council members, officials, officers, employees and agents may be subject by reason of any claims challenging the validity of this Agreement or any action taken in furtherance of this Agreement, including but not limited to, any challenge to the approval of the TWSF or any contract to implement the TWSF, alleged wrongdoing, misconduct, negligence, or fault by the Tribe, its council members, officials, officers, employees or agents in the performance of this Agreement, and including any debts or liabilities incurred in the performance of this Agreement.

6.3 Notice of Third-Party Claim. Upon receipt of any third-party claim, demand or other notice that may result in an indemnity obligation of the other party under this Article, the receiving party shall provide a copy of such claim, demand or other notice to the other party as soon as reasonably practicable, but in any event within ten (10) calendar days of receipt.

ARTICLE 7. TERM AND TERMINATION

7.1 Effective Date; Term. This Agreement shall be effective as of the date of this Agreement first written above. It shall continue in full force and effect for a term of fifty (50) years from the effective date, unless terminated as hereinafter provided, except that notwithstanding any other provision of this Agreement, this Agreement shall continue in full force and effect during the term of any outstanding bonds issued by the Authority, or until all indebtedness of the Authority is retired.

7.2 Termination Option. Either party may elect to terminate this Agreement by giving not less than twelve months prior written notice to the other party, whereupon this Agreement will terminate at the end (June 30) of the following fiscal year, provided that, (1) no such notice shall be effective during the term of any outstanding bonds or indebtedness of the Authority; or (2) if there are any outstanding bonds or indebtedness of the Authority or any party in connection with wastewater or recycling facilities to be developed by the Authority, City may acquire such facilities and terminate this Agreement by making provision for retiring, defeasing, or otherwise satisfying all outstanding obligations incurred to finance such facilities.

7.3 Parties' Rights and Duties on Expiration or Termination. Should this Agreement expire at the end of its term, or if it is terminated for any reason, the parties shall continue to work together until all obligations incurred prior to expiration or notice of termination, have been fully performed. No further obligations will be incurred.

ARTICLE 8. MISCELLANEOUS

8.1 Governing Law. The validity of this Agreement and any of its terms or provisions as well as the rights and duties of the parties shall be governed by the laws of the State of California.

8.2 Entire Agreement. This Agreement contains the entire Agreement of the parties and shall be binding upon and inure benefit of the parties, their successors and assigns.

8.3 Additional Parties. Nothing herein shall preclude the addition of other governmental entities as parties to this Agreement, so long as the parties agree to such addition. If an entity is added as a party, it shall be bound by the terms and conditions of this Agreement.

8.4 Notices. Notices required by law or by this Agreement, shall be deemed sufficient if given, (a) by email to the following, or (b) in writing and deposited in the United States Mail, postage prepaid, to the following:

City of Porterville: McCormick, Kabot, Jenner & Lew
Attn: Julia Lew, City Attorney
4010 South Demaree Street
Visalia, CA 93277
T: (559) 734-6729
E: jmlaw@mkjw.com

Tule River Tribe: Tule River Indian Tribe
Attn: Neil Peyron, Chairman
340 N. Reservation Road
Porterville, CA 93257
T: (559) 781-4271
E: neil.peyron@tulerivertribe-nsn.gov

With copy to: Procopio, Cory, Hargreaves & Savitch LLP
Attn: Kerry Patterson
525 B Street, Suite 2200
San Diego, CA 92101
T: (619) 515-3295
E: kerry.patterson@procopio.com

Notices shall be deemed given (a) in the case of email, upon receipt of such email, or (b) in the case of United States Mail, five (5) calendar days after deposit in the mail.

8.5 Severability. If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall be to the extent judged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, or conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent allowed by law.

8.6 Agreement Not Partnership or Joint Venture; No Third-Party Beneficiaries. Nothing in this Agreement shall be deemed to establish relationships between the parties other than those expressly described and set forth. The agreements contained herein are made solely for the benefit of the parties, and shall not be construed as benefiting any person who is not a party to this Agreement.

8.7 Assignment. No party may assign any right, claim or interest it may have under this Agreement.

8.8 Binding Effect. This Agreement shall be binding upon the successors of the parties.

8.9 Survival. Notwithstanding the termination of this Agreement, the defense, indemnification and hold harmless provisions shall survive and be fully enforceable.

8.10 Waiver of Terms; Effect. By action of each party's governing boards, the time specified in this Agreement for performance of any act by the parties, may be extended or waived, for good cause. Any such extension or waiver shall affect only the time period to which it is directed, and it shall not be deemed applicable to subsequent deadlines relating to the subject matter of the extension or waiver, nor shall it be deemed to apply to any other time constraints or requirements contained in this Agreement.

8.11 Agreement as Integrated Document; Titles and Headings Not Part. This Agreement fully and completely integrates all agreements and understandings of the parties regarding its subject matter. Titles and headings contained herein are not a part of the agreement of the parties. They are included only for descriptive purposes, and shall not be deemed as incorporated into this Agreement for any other purposes.

8.12 Amendment; Method Prescribed. This Agreement may be amended at any time, by written agreement of the parties, acting by and through their governing boards.

8.13 Authority to Enter into Agreement. Each party represents that it has the full power and authority to enter into this Agreement and to carry out the powers contemplated by it. Each party further represents that it has taken all action necessary to authorize the execution, delivery and performance of the Agreement. Each person signing below warrants that he/she has full power and authority to bind the party under which her/his signature appears.

ARTICLE 9: DISPUTE RESOLUTION; LIMITED WAIVER OF SOVEREIGN IMMUNITY.

9.1 Limited Waiver of Sovereign Immunity. In the event of a dispute between the Tribe and the City (and only the City) over the interpretation, application, or enforcement of this Agreement, the Tribe hereby expressly grants to the City a limited waiver of the Tribe's sovereign immunity, solely for actions brought by the City, in accordance with the dispute resolution provisions provided herein; provided, however, that any award shall be limited to actual damages and shall specifically exclude punitive, consequential, incidental, expectancy and all other special damages. This limited waiver of sovereign immunity does not extend to any action brought against any Tribal Council Member, Tribal employee, Tribal agent, Tribal member, or any other individual acting on behalf of the Tribe and does not extend to any third parties bringing an action against the Tribe. This limited waiver of sovereign immunity shall not diminish or otherwise affect any defense or immunity to which such persons are entitled under the laws of the applicable jurisdiction. Except as expressly set forth herein, the Tribe does not waive, limit or modify its sovereign immunity as it applies to this or any other matter.

9.2 Dispute Resolution. This Section shall govern the resolution of all controversies or claims between the Tribe and the City that arise from this Agreement and any modifications hereto (collectively, "Arbitrable Disputes"). Wherever this Agreement makes reference to any means of resolving Arbitrable Disputes between the Parties, the Parties agree to follow the meet

and confer and mediation procedure described below prior to initiating the arbitration procedures.

(a) Voluntary Resolution, Meet and Confer Obligation. Whenever possible, the Tribe and the City shall make their best efforts to informally resolve disputes that occur under this Agreement. In order to foster a spirit of cooperation and efficiency in the administration of the terms and conditions of this Agreement, disputes between the Tribe and the City shall first be subjected to a good faith meet and confer process as follows:

(i) The aggrieved Party shall give the other, as soon as possible after the event giving rise to the concern, written notice setting forth, with specificity, the issues to be resolved. Notice shall be provided consistent with Section (c). Said notice shall suggest a date, time and place for the meeting. The Tribe and the City may jointly decide to meet at another time and place; provided, however, the Parties agree that such meeting shall commence within fifteen (15) calendar days after the date that the original notice was given to the applicable Party, unless the Parties agree that there is good cause to extend this time limit.

(ii) The Parties agree that the meet and confer, including proceedings or discussions concerning the proposed meet and confer, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during a meet and confer by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding, including mediation and non-binding arbitration, involving the Parties; provided, however, that evidence otherwise subject to discovery or otherwise admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the meet and confer.

(iii) Absent mutual consent of the Parties, if a noticed meeting fails to commence within the fifteen (15) calendar day period, or if a reasonable attempt to schedule or reschedule the meeting has not been made within those fifteen (15) calendar days, then the meet and confer obligation imposed under this Section shall be deemed to have been satisfied and the Parties shall be free to pursue their rights and remedies under Subsection (b) herein, unless the reason for such failure to meet and confer is the refusal of the Party asserting a claim to participate in the meet and confer, in which event said claim will be deemed to have been waived.

(iv) If the dispute is not resolved to the satisfaction of the Parties within thirty (30) calendar days after the first meeting, then upon the written request of either Party, the dispute may be submitted to non-binding mediation in accordance with this Section ("Mediation Request"). The disputes submitted to non-binding mediation shall be limited to claims that this Agreement has been breached by either the Tribe or the City.

(b) Mediation. In the event a dispute arising under this Agreement is not resolved through the above-described meet and confer process, within thirty (30) days after notice is provided through a Mediation Request, the Tribe and the City agree to participate in non-binding

mediation administered by a mediator mutually agreed to by the Parties, to help mediate and settle the dispute as soon as practicable. The mediation shall proceed as follows:

(i) The mediation shall be held at a mutually agreeable location within Tulare County, California.

(ii) The Parties shall work together to select a single mediator, but if the Parties cannot agree on a mediator within forty-five (45) days of requesting Mediation Request, each Party will provide three (3) names of mediators based on substantive and procedural knowledge, availability, and location. Each side will have an opportunity to strike 1 name and, to the extent two mediators remain, rank the remaining names (1-2, with 1 being the most favorable). The numbers will be added together and the mediator whose rank is the lowest, which is most favorable, will be chosen mediator.

(iii) The mediator shall meet with and hear presentations by the Parties as soon as practicable after appointment.

(iv) Mediation will be conducted consistent with California Evidence Code Sections 1115-1128. The mediator shall owe a professional duty to both the Tribe and the City, and shall be barred from testifying in any litigation or arbitration concerning any information obtained or disclosed in the course of the mediation.

(v) Each side shall bear its own costs and attorneys' fees, and one-half of all fees and expenses of the mediator.

(vi) Unless otherwise agreed upon by the Parties in writing, the mediation shall be completed within ninety (90) days of the selection of the mediator.

(vii) The mediator's decision shall not be binding on or admissible against either Party. The Arbitrable Dispute shall be resolved in accordance with the arbitration provisions set forth in Section (c) below if: (1) a Party elects to reject the mediator's decision; (2) either Party refuses to participate in the mediation process after mediation filing; or (3) the mediator does not meet with the Parties.

(viii) The Parties agree that the mediation, including proceedings or discussions concerning the mediation, is to be considered a confidential settlement negotiation for the purpose of all state and federal rules protecting disclosures made during such conferences from later discovery or use in evidence. All conduct, statements, promises, offers, views and opinions, oral or written, made during the mediation by any Party or a Party's agent, employee, or attorney shall be deemed to be confidential and shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding, including and non-binding arbitration, involving the Parties; provided, however, that evidence otherwise subject to discovery or admissible is not excluded from discovery or admission into evidence simply as a result of it having been used in connection with the mediation.

(c) Arbitration. Following the satisfaction of the meet and confer and mediation requirement, any controversy(ies) or claim(s) arising out of or relating to this Agreement that was not resolved during the meet and confer or mediation (as applicable) must be resolved

through binding arbitration. The arbitration shall be held only in accordance with the following procedures:

(i) Either Party may initiate the applicable arbitration by delivering a written notice to the other Party that states the specific issue(s) in dispute, the relevant provision(s) of the Agreement, and the relief requested.

(ii) Within twenty-one (21) calendar days after delivery of such notice, each Party shall notify the other of the name of a practicing lawyer or retired judge with whom the notifying Party desires to have serve as an arbitrator. The lawyer or retired judge shall have experience in California water law and Federal Indian law, and whose law firm, if applicable, has at no time represented or acted on behalf of either of the Parties or any person with control over either of the Parties. If either Party fails to act within the twenty-one (21) calendar day period, the arbitrator who should have been appointed by that Party will be appointed pursuant to the same procedures followed when agreement cannot be reached as to the third arbitrator.

(iii) Within ten (10) calendar days after arbitrators are appointed by each Party, the two appointed arbitrators shall meet (in person or by phone) to appoint a third arbitrator with the same qualifications and background. Together, the three arbitrators shall comprise the Arbitration Panel. In the event agreement cannot be reached on the appointment of a third arbitrator at the meeting held within the ten (10) calendar day period, the third arbitrator shall be selected by the Judicial Arbitration and Mediation Service, or such other reputable provider of Alternative Dispute Resolution services as may be agreed by the Parties or, in the absence of such agreement, by the Party requesting arbitration. In the event of any subsequent vacancy or inability to perform, the arbitrator who resigns or becomes unable to perform shall be replaced in accordance with the provision of this Section as if such replacement were an initial appointment to be made hereunder. Notwithstanding the foregoing, the Parties may agree to use a single arbitrator as the Arbitration Panel, provided that the Parties agree on the arbitrator to be appointed.

(iv) Each Party shall have the right to conduct discovery in connection with the arbitration proceedings, but such discovery shall be limited to the pre-hearing production of relevant documents and to such depositions, limited both in number of depositions and duration, as the Arbitration Panel may approve by majority vote.

(v) The Arbitration Panel shall hear any and all issues of law and of fact properly raised pursuant to the procedures herein and shall make its decision by majority vote within thirty (30) calendar days after the close of evidence and briefing in the arbitration. The decision shall be issued in writing and include findings of fact, conclusions of law, and the reasons on which the decision is based.

(vi) The Arbitration Panel shall have no power to vary or modify any terms of this Agreement, or to decline or fail to follow applicable tribal, state or federal statutory or common law.

(vii) Each Party to the arbitration shall pay its own attorneys' and expert witness fees and any other costs associated with the arbitration. The Arbitration Panel shall determine by

majority vote who shall bear the fees and expenses of the Arbitration Panel or whether the fees and expenses of the Arbitration Panel shall be shared by the Parties, and if so, in what proportions. The Arbitration Panel's determination as to the allocation of the fees and expenses of the arbitration shall be binding on the Parties.

(viii) The arbitration shall be held at a mutually agreeable location within Tulare County, California.

(d) Jurisdiction of Courts. A Party that has participated in arbitration as set forth in Subsection (c) of this Section (or who has made a good faith effort to do so despite the other's failure to participate) may initiate judicial proceedings to confirm, enforce or vacate the applicable arbitration award in the United States District Court for the Eastern District of California. If, and only if, the United States District Court for the Eastern District of California determines that it is without jurisdiction, the Tribe consents to be sued in the Superior Court of the State of California for the County of Tulare, but solely to compel, enforce, modify or vacate any arbitration award.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers as of the date first above written.

City of Porterville:

By: _____

Printed Name: Martha A. Flores

Title: Mayor

Tule River Tribe:

By: _____

Printed Name: Neil Peyron

Title: Chairman



CITY COUNCIL AGENDA – MAY 19, 2020

SUBJECT: Permanent Local Housing Allocation Funds

SOURCE: Community Development

COMMENT: The California Department of Housing and Community Development (HCD) has announced the availability of approximately \$195 million in funding for the Permanent Local Housing Allocation (PLHA) program Entitlement and Non-entitlement Local government formula component Notice of Funding Availability (NOFA). This NOFA is funded from funds deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2019.

Funding for this NOFA is provided pursuant to Senate Bill (SB) 2 (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorizes HCD to allocate 70 percent (70%) of monies collected and deposited in the Fund, beginning in calendar year 2019, to local governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to local governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities.

As an Entitlement Local government, the City of Porterville is eligible for a fiscal year 2019-2020 formula allocation of PLHA funds in the amount of \$342,754.

PLHA funds must be used to carry out one or more of the eligible activities listed below:

1. The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.
2. The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent (120%) of Area Median Income (AMI), or 150 percent (150%) of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than thirty (30) days. See Appendix B for a list of high-cost areas in California.
3. Matching portions of funds placed into Local or Regional Housing Trust Funds.
4. Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section

34176.

5. Capitalized Reserves for Services connected to the preservation and creation of new Permanent supportive housing.
6. Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
7. Accessibility modifications in Lower-income Owner-occupied housing.
8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
9. Homeownership opportunities, including, but not limited to, down payment assistance.
10. Fiscal incentives made by a county to a city within the county to incentivize approval of one or more Affordable housing projects, or matching funds invested by a county in an Affordable housing development project in a city within the county, provided that the city has made an equal or greater investment in the project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an Affordable housing project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the Affordable housing project.

In order to participate in the formula allocation an Entitlement Local government must develop a five-year plan detailing the manner in which allocated funds will be used for eligible activities. The Plan must be authorized and adopted by the City Council by Resolution, and the public must have adequate opportunity to review and comment on its content. The deadline to submit an application is July 27, 2020.

In response to the NOFA, staff has reached out to community partners. The suggested uses for the funds include: financial support of the navigation center, permanent supportive housing assistance, Hotel/motel voucher program, rapid re-housing assistance, and flexible funds to reduce financial hurdles in being housed such as payments for deposits and initial utility expenses. The City is able to partner with community partners as sub-recipients of the grant funds to carry out the activities of approved programs. At this time, staff is requesting that the Council consider the PLHA eligible activities identified and provide direction for the development of a five-year Plan to be considered for adoption by the Council at its meeting on June 16, 2020.

RECOMMENDATION:

That the City Council:

- 1.) Consider the eligible activities for Permanent Local Housing Allocation funds; and
- 2.) Provide direction to staff regarding the development of a five-year Plan in response to the NOFA.

ATTACHMENTS: 1. PLHA Guidelines

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

Permanent Local Housing Allocation Final Guidelines



**Gavin Newsom, Governor
State of California**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Douglas R. McCauley, Acting Director
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 150
Sacramento, CA 95833

October 2019

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

In consultation with stakeholders, the California Department of Housing and Community Development (Department) may adopt Guidelines to implement this Section, including determining allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the Department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Title 2 Government Code, Part 1 of Division 3).

NOTE: Authority Cited: Health and Safety Code Section 50470, subdivision (d).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of these Guidelines, including, but not limited to, grant award amounts.

INTRODUCTION

Chapter 364, Statutes of 2017 (SB 2, Atkins) was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 70 percent of the revenue collected, beginning in calendar year 2019, to provide financial assistance to local governments for eligible housing-related projects and programs to assist in addressing the unmet housing needs of their local communities. This program is hereafter referred to as the Permanent Local Housing Allocation (PLHA) program.

Guidelines for the PLHA program are organized into five Articles as follows:

Article I. General provisions: This article includes information on the purpose of the Guidelines, program objectives, and definitions used throughout the document.

Article II. Program funding: This article describes allocation formulas and methodologies, and award amounts.

Article III. Formula allocation component: This article describes the requirements for Applicants to apply for funds under the formula allocation of the PLHA program.

Article IV. Competitive allocation component: This article describes requirements and uses for PLHA competitive allocation funds.

Article V. Administration: This article describes administrative functions such as terms, non-performance remedies, and reporting and monitoring requirements.

Permanent Local Housing Allocation (PLHA) Program: 2019 Guidelines

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ARTICLE I. GENERAL PROVISIONS

Section 100. Purpose and Scope

- (a) These Guidelines (hereinafter “Guidelines”) implement, interpret, and make specific Chapter 364, Statutes of 2017 (SB 2, Atkins - hereinafter “SB 2”) as authorized by Health and Safety Code (HSC) Section 50470, which created the Building Homes and Jobs Trust Fund and the PLHA program. The principal goal of this program is to make funding available to eligible local governments in California for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. Twenty percent of the funding in the Building Homes and Jobs Trust Fund is required to be expended for Affordable Owner-Occupied Workforce Housing, and the program prioritizes investments that increase the supply of housing to households that are at or below 60 percent of the Area Median Income (AMI), adjusted for household size.
- (b) These Guidelines establish terms, conditions, and procedures for local governments to submit applications to the Department for funds from the PLHA program’s three components, as listed below:
 - (1) Entitlement formula component per HSC 50470(b)(2)(B)(i)(I)
 - (2) Non-entitlement formula component per HSC 50470(b)(2)(B)(i)(II)
 - (3) Non-entitlement competitive grant program component per HSC 50470(b)(2)(B)(i)(I) (eligible Applicants are the same as for component 2 above)
- (c) The non-entitlement competitive grant program component prioritizes assistance to persons experiencing or At risk of homelessness.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(A), subdivision (b)(2)(B)(i) and subdivision (b)(2)(B)(ii)(I-V).

Section 101. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in HSC Section 50470.

- (a) “Accessory dwelling unit” (ADU) means a dwelling unit which is attached, detached or located within the living area of the existing dwelling or residential dwelling unit and which provides complete independent living facilities for one or more persons pursuant to Government Code (GC) Section 65852.2 and 65852.22. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling. An Accessory dwelling unit also includes the following: an efficiency unit, as defined in Section 17958.1 of the HSC, or a manufactured home, as

defined in Section 18007 of the HSC.

(b) "Activity" means any single eligible undertaking carried out as part of an Applicant's allocation(s) under the Program.

(c) "Affordable" means a housing unit that satisfies at least one of the following criteria:

1. If the unit is being rented to low-income, Very low-income or Extremely low-income households, it complies with the Multifamily Housing Program guidelines Section 7312 and the Section 7301 definition of "Affordable Rent"; or
2. If the unit is being sold, it is offered at an "Affordable housing cost", as published in the Fannie Mae Selling Guide, Part B, Debt to Income Ratios, as updated annually (<https://www.fanniemae.com/content/guide/selling/b3/6/02.html#DTI.20Ratios>), and it complies with the income limits stated in the definitions of Moderate-Income and Lower-Income in this section; or
3. If the unit is being rented to Moderate-Income households, it is available at a gross rent, including a utility allowance, that does not exceed 30 percent of the applicable income eligibility level, and complies with the definition of Moderate-Income in these guidelines

(d) "Affordable Owner-Occupied Workforce Housing" (AOWH) means owner-occupied housing per HSC Section 50092.1 that is affordable to persons and families of low or moderate income, as that term is defined in HSC Section 50093, except in High-cost areas where Moderate-income shall include households earning up to 150 percent of AMI.

(e) "Annual Progress Report" (APR) means the Housing Element APR required by GC Section 65400 on the prior year's activities and due to the Department April 1 of each year.

(f) "Annual Report" means a form issued by the Department and completed by a Local government awarded PLHA funds on which the Local government documents the uses and expenditures of any allocated funds and outcomes achieved.

(g) "Applicant" means an eligible Local government applying for the program to administer one or more eligible activities. Applicant also means a Local or Regional Housing Trust Fund delegated by an eligible Local government to apply for the program and administer its allocation in accordance with all program rules.

- (h) “Area Median Income” or “AMI” means the most recent applicable county median family income published by the Department, available at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>
- (i) “At risk of homelessness” means the same as defined in Title 24 Section 578.3 of the Code of Federal Regulations and also includes any household receiving rental assistance funded by the California Emergency Solutions and Housing (CESH) program or the California Homeless Emergency Aid Program (HEAP).
- (j) “Capitalized Reserve for Services” means the reserve funded by the Local government pursuant to Section 301(a)(5) to address project supportive service budget deficits attributable to shortfalls in service funding sources.
- (k) “Comprehensive Housing Affordability Strategy” or “CHAS” means annual data compiled by the United States Census Bureau for the U.S. Department of Housing and Urban Development (HUD) to document the extent of housing problems and housing needs, particularly for low-income households.
- (l) “Community Development Block Grant” or “CDBG” means the program created pursuant to Title I of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq., as amended.
- (m) “Department” means the California Department of Housing and Community Development.
- (n) “Extremely Low Income” has the meaning set forth in HSC Section 50106, which is a maximum of 30 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (o) “Fund” means the Building Homes and Jobs Trust Fund pursuant to HSC Section 50470.
- (p) “High-cost area” means those counties defined as high cost by the Federal Housing Finance Agency (at: <https://www.fhfa.gov/DataTools/>) and those counties for which HUD adjusted the Very low income and low-income rents due to high costs (at: https://www.huduser.gov/portal/pdrdatas_landing.html), as published by the Department in the annual PLHA Notice of Funding Availability.
- (q) “Local government” means any city, including a charter city, any county, including a charter county, or a city and county, including a charter city and county.

- (r) "Local Housing Trust Fund" or "Regional Housing Trust Fund" means a public, joint public and private fund or charitable nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which was established by legislation, ordinance, resolution (including nonprofit articles of incorporation), or a public-private partnership organized to receive specific revenue to address local or regional housing needs.
- (s) "Low or Lower Income" has the meaning set forth in HSC Section 50079.5, which is a maximum of 80 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (t) "Moderate-Income" has the meaning set forth in HSC Section 50093, which is a maximum of 120 percent AMI, or in High-cost areas, 150 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (u) "Non-entitlement local government" means a Local government in an area which is not a metropolitan city or part of an urban county, a Local government that, as of September 1, 2017, was an incorporated city with a population of less than 50,000 or a county with an unincorporated area population of less than 200,000 persons which had not entered into a three-year Urban County Cooperation Agreement, or a Local government that was not otherwise entitled to receive CDBG funds directly from HUD.
- (v) "Operating subsidies" means payments to owners of affordable housing developments that make the housing more affordable by covering a portion of the ongoing costs of operating the development. Such payments would have the same effect as rental assistance.
- (w) "Owner-occupied" means a dwelling which is occupied by the owner and includes a single family dwelling or a dwelling unit in a stock cooperative, as defined by Business and Professions Code (BPC), Section 11003.2, a community apartment project, as defined by BPC Section 11004, or a condominium project, as defined by subdivision (c) of BPC Section 11004. 5.
- (x) "Plan" means the document submitted by the Applicant to the Department as part of a complete application in which the Applicant proposes to use allocated funds for at least one eligible Activity. The Plan shall have a term of five years. In succeeding years, the Local government is required to obtain the approval of the Department for any amendments made to the Plan, as set forth in Section 302(c)(5).
- (y) "Permanent Local Housing Allocation Program", "Program", or "PLHA" means the program developed to annually allocate 70 percent of the moneys deposited into the Fund pursuant to HSC Section 50470(b)(2)(B)(i).

- (z) “Permanent supportive housing” has the same meaning as in HSC Section 50675.14, that is, housing with no limit on the length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Permanent supportive housing may include associated facilities if used to provide services to housing residents. Permanent supportive housing does not include “health facility” as defined by HSC Section 1250 or any “alcoholism or drug abuse recovery or treatment facility” as defined by HSC Section 11834.02 or “Community care facility” as defined in HSC Section 1502, “Mental health rehabilitation centers” as defined in Section 5675 of the Welfare and Institutions Code (WIC), or other residential treatment programs.
- (aa) “Regional Housing Needs Allocation” or “RHNA” means the share of the regional housing need represented by persons at all income levels within the area significantly affected by the general plan of the city or county allocated to an Applicant Local government pursuant to GC Section 65584(b).
- (bb) “Sponsor” means the legal entity or combination of legal entities with continuing control of a Rental Housing Development. Where the borrowing entity is or will be organized as a limited partnership, Sponsor includes the general partner or general partners who have effective control over the operation of the partnership, or, if the general partner is controlled by another entity, the controlling entity. Sponsor does not include the seller of the property to be developed as the rental housing Project, unless the seller will retain control of the Project for the period necessary to ensure Project feasibility as determined by the Department.
- (cc) “Very Low Income” has the meaning set forth in HSC Section 50105, which is a maximum of 50 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470.5 and 50470, subdivision (b)(2).

ARTICLE II. PROGRAM FUNDING

Section 200. Allocations

- (a) SB 2 created a dedicated revenue source for affordable housing and directed the Department to make available 70 percent of the moneys in the Building Homes and Jobs Trust Fund, collected on and after January 1, 2019, to Local governments through the following allocations:

(1) Ninety percent of the moneys available shall be allocated based on the formula used under Federal law to allocate CDBG funds within California. This is the formula specified in Title 42 United States Code (USC), Section 5306.

(A) The amount of funds awarded to each Local government eligible for the entitlement formula component shall be determined by the 90 percent of PLHA funds available pursuant to this paragraph (1) and the percentage of funds received by the entitlement Local government in the CDBG federal fiscal year 2017 allocation process performed by HUD.

(B) Through the formula specified in paragraph (1), the percentage of funds allocated to Non-entitlement local governments shall be distributed to Non-entitlement local governments through a competitive grant program.

(2) Ten percent of the moneys available shall be allocated equitably among Non-entitlement local governments. The equitable allocation awarded to each Local government eligible for the Non-entitlement formula component shall be based on the sum of: (1) 50 percent of the funding available for the Non-entitlement formula component divided by the number of local governments eligible for the Non-entitlement formula component and (2) 50 percent of the funding allocated in proportion to each Non-entitlement local government's share of the total most severe housing need in California's Non-entitlement local governments, based upon the most recent HUD Comprehensive Housing Affordability Strategy.

(b) After funds are appropriated by the Legislature as part of the budget act, the Department will issue one or more Notices of Funding Availability (NOFA). Local governments shall submit an application under the NOFA pertaining to the specific allocation for which the Local government is eligible.

(c) It is recommended that Local governments that were urban counties in accordance with the distribution of funds pursuant to the formula specified in 42 USC, Section 5306 for the federal fiscal year 2017 provide a proportional share of their allocations to Local governments within their county with which they had a three-year Urban County Cooperation Agreement as of September 1, 2017, provided that these Local governments meet the threshold requirements of the PLHA and expend sub-allocated funds for eligible activities within the deadlines of the Standard Agreement governing the sub-allocation.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

Section 201. Award Amounts

(a) The formula allocation amounts derived pursuant to the formulas in Section 200 will be announced in the NOFA.

- (b) The maximum application amount and the minimum application amount for the competitive allocation will be stated in the NOFA.
- (c) An Applicant may apply for its formula allocation from the current and two prior NOFAs for which it did not receive an award, provided that the award meets the requirements of Section 304(a).

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

ARTICLE III. FORMULA ALLOCATION COMPONENT

Section 300. Eligible Applicants

- (a) Eligible Applicants for the entitlement formula component described in Section 100(b)(1) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section 5306.
- (b) Eligible Applicants for the non-entitlement formula component described in Section 100(b)(2) and the competitive grant program component described in Section 100(b)(3) are limited to the Non-entitlement local governments.
- (c) A Local government may delegate another Local government to submit an application and administer on its behalf its formula allocation of Program funds, provided that the Local governments enter into a legally binding agreement and the funds are expended for eligible Activities and consistent with Program requirements. The delegating Local government shall be identified in the application. The administering Local government shall be responsible for all Program requirements.
- (d) A Local government may delegate a Local or Regional Housing Trust Fund to submit an application and administer on its behalf its formula allocation of Program funds, provided that the Local government enters into a legally binding agreement with the Local or Regional Housing Trust Fund and the funds are expended for eligible Activities and consistent with Program requirements. The delegating Local government shall be identified in the application. The Local or Regional Housing Trust Fund shall be responsible for all Program requirements.
- (e) An Applicant shall not be eligible to receive a new allocation of PLHA funds if it has an uncommitted amount of formula PLHA funds greater than the following:
 - (1) Four times the pending annual allocation if the pending annual allocation is \$125,000 or less;
 - (2) \$500,000 if the pending annual allocation is greater than \$125,000 and less than \$500,000;

- (3) The amount of the pending annual allocation if the pending allocation is \$500,000 or more.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

Section 301. Eligible Activities

(a) Eligible Activities are limited to one or more of the following:

- (1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is Affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary Operating subsidies.
- (2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory dwelling units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.
- (3) Matching portions of funds placed into Local or Regional Housing Trust Funds.
- (4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.
- (5) Capitalized Reserves for Services connected to the preservation and creation of new Permanent supportive housing.
- (6) Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
 - (A) This Activity may include subawards to Administrative Entities as defined in HSC Section 50490(a)(1-3) that were awarded CESH program or HEAP funds for rental assistance to continue assistance to these households.
 - (B) Applicants must provide rapid rehousing, rental assistance, navigation centers, emergency shelter, and transitional housing activities in a manner consistent with the Housing First practices described in 25 CCR, Section 8409, subdivision (b)(1)-(6) and in compliance with WIC Section 8255(b)(8). An Applicant allocated funds for the new construction, rehabilitation, and preservation of Permanent supportive housing shall incorporate the core

components of Housing First, as provided in WIC Section 8255, subdivision (b).

- (7) Accessibility modifications in Lower-income Owner-occupied housing.
 - (8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
 - (9) Homeownership opportunities, including, but not limited to, down payment assistance.
 - (10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more Affordable housing Projects, or matching funds invested by a county in an Affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an Affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the Affordable housing Project.
- (b) A Local government that receives an allocation shall use no more than 5 percent of the allocation for costs related to the administration of the Activity(ies) for which the allocation was made. Staff and overhead costs directly related to carrying out the eligible activities described in Section 301 are “activity costs” and not subject to the cap on “administrative costs.” A Local government may share any funds available for administrative costs with entities that are administering its allocation.
 - (c) Two or more Local governments that receive PLHA allocations may expend those moneys on an eligible jointly funded project as provided for in Section 50470 (b)(2)(B)(ii)(IV). An eligible jointly funded project must be an eligible Activity pursuant to Section 301(a) and be located within the boundaries of one of the Local governments.
 - (d) Entitlement Local governments may use the flow of PLHA funds to incentivize private lender loans and to guarantee payments for some or all public agency bond financings for activities consistent with the uses identified in Section 301 “Eligible Activities”. This loan guarantee Activity must be identified and fully explained in the Applicant’s “Plan”.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivisions (b)(2)(B)(ii)(IV), (b)(2)(D)(i-x), and (b)(3).

Section 302. Threshold Requirements

Applicants must meet all the following threshold requirements for participation in the formula allocation:

- (a) **Housing Element compliance:** The Applicant and any delegating Local government, if applicable, must have a Housing Element that has been adopted by the Local

government's governing body by the application deadline and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585. A Local government's current Housing Element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element>.

- (b) **APR on the Housing Element submitted to the Department:** The Applicant and any delegating Local government, if applicable, must submit to the Department the APR required by GC Section 65400 for the current or prior year by the application deadline date.
 - (1) Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a Local government, please contact the Department for more information.
- (c) Submit, by the deadline specified in the NOFA, on a form made available by the Department, a complete application which shall meet the following minimum requirements:
 - (1) Application requests an allocation pursuant to Section 200 in order to carry out one or more of the eligible activities described in Section 301. Except for a jointly funded project as described in Section 301(c), any activities must be carried out within the jurisdiction of the Applicant Local government.
 - (2) Submission of the application is authorized by the governing boards of the Applicant.
 - (3) Certification in the resolution that, if the Local government proposes allocation of funds for any Activity to another entity, the Local government's selection process shall avoid conflicts of interest and shall be accessible to the public. For the purposes of this paragraph, "entity" means a housing developer or program operator; "entity" does not mean an administering Local government to whom a Local government delegates its PLHA formula allocation, pursuant to Section 300(d).
 - (4) A Plan detailing:
 - (A) The manner in which allocated funds will be used for eligible Activities.
 - (B) A description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of AMI. Programs targeted at households at or below 60 percent of AMI will be deemed to meet this requirement.

- (C) A description of how the Plan is consistent with the programs set forth in the Local government's Housing Element.
- (D) Evidence that the Plan was authorized and adopted by resolution by the Local government and that the public had an adequate opportunity to review and comment on its content.
- (E) The following for each proposed Activity:
 - (i) A description of each proposed Activity, pursuant to Section 301, and the percentage of funding allocated to it. The description shall specifically include the percentage of funds, if any, directed to AOWH.
 - (ii) The projected number of households to be served at each income level and a comparison to the unmet share of the RHNA at each income level.
 - (iii) A description of major steps/actions and a proposed schedule required for the implementation and completion of the Activity.
 - (iv) The period of affordability and level of affordability for each Activity. Rental Projects are required to have affordability periods of at least 55 years.
- (5) The Plan submitted in response to the NOFA shall be for a term of five years. Local governments shall obtain approval of the Department for amendments made to the Plan in each succeeding year of the term of the Plan. Reallocations of more than 10 percent of funds among Activities require amendment of the Plan, with approval granted by the governing body at a publicly noticed public meeting.
- (6) A certification that, if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the following requirements if the property is no longer the primary residence of the homeowner due to sale, transfer or lease, unless it is in conflict with the requirements of another public funding source or law:
 - (A) The PLHA loan and any interest thereon shall be repaid to the Local government's PLHA account. The Local government shall reuse the repayments consistent with Section 301; or
 - (B) The initial owner and any subsequent owner shall sell the home at an Affordable housing cost to a qualified Lower-Income or Moderate-Income household; or
 - (C) The homeowner and the Local government shall share the equity in the unit pursuant to an equity-sharing agreement. The grantee shall reuse the proceeds

of the equity-sharing agreement consistent with this section.

- (7) A certification that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make the PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project. The loan shall be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Local government-approved underwriting of the Project for a term of at least 55 years.
- (8) A Program income reuse plan describing how repaid loans will be reused for eligible activities specified in Section 301.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 303. Application Review

- (a) Applicants must submit a complete application by the deadline stated in the NOFA in order to be eligible for funding. Application forms provided by the Department will be available upon release of the NOFA and will require Applicants to submit the forms and other documents to demonstrate that the Local government has met threshold requirements.
- (b) The Department may request additional information to complete its review.
- (c) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.
- (d) The Department may issue an Over-the-Counter formula allocation NOFA after completing the NOFA process so that Local governments who were not able to submit formula allocation applications by the application deadline will have another opportunity to do so.
- (e) If funding proposed in Local government Plans for AOWH activities is lower than 20 percent of the moneys available in the Fund, the Department may require Local governments to use a specific percentage of their annual formula allocations in some future year for AOWH activities as part of the annual funding process.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(A).

Section 304. Deadlines and Funding Requirements

- (a) The initial PLHA application, including the Plan, must be submitted within 48 months of the budget appropriation (for example, the budget appropriation for 2019 is July 1, 2019, so the application deadline is June 30, 2023).
- (b) Funds allocated to Local governments that do not submit a complete application by the deadline stated in subsection (a) will revert to the Housing Rehabilitation Loan Fund for the Multifamily Housing Program or for Department-administered technical assistance to Local governments.
- (c) A Local government may petition the Department to return any funds allocated to it to be used for the Multifamily Housing Program.
- (d) Except for predevelopment expenses for construction projects funded by PLHA and costs to develop and prepare the Plan and the PLHA application, no costs incurred more than one year prior to commitment by the Local government may be paid from PLHA funds. Reimbursement of expenses to prepare the Plan and the PLHA application are subject to the cap on administrative fees.
- (e) After the Standard Agreement and attachments have been finalized, the Local government will follow provided instructions for signing all required documents. The Local government must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instruction.
- (f) After the Standard Agreement has been executed by the state, the Local government may submit a request for 100 percent of the funds allocated to be used for eligible expenditures for the Activity(ies) that received the award, and subject to the terms and conditions of the Standard Agreement.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i) and subdivision (b)(2)(B)(ii)(VI).

ARTICLE IV. COMPETITIVE ALLOCATION COMPONENT

Section 400. Eligible Applicants

- (a) Eligible Applicants for the non-entitlement competitive allocation described in Section 100(b)(3) are limited to Non-entitlement local governments. For development of Rental Housing Projects, the Sponsor must be a co-Applicant.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I).

Section 401. Eligible Activities

- (a) Eligible Activities are limited to the following and must take place within the jurisdiction of the Applicant Local government:
 - (1) Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing; or
 - (2) Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, or rental assistance, supportive services and case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I)(ia), (b)(2)(B)(i)(I)(ib) and subdivision (b)(2)(B)(ii)(V).

Section 402. Threshold Requirements

Applicants must meet all the following threshold requirements for participation in the competitive allocation:

- (a) **Housing Element compliance:** The Applicant must have a Housing Element that has been adopted by the jurisdiction's governing body by the application deadline date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585. A Local government's current Housing Element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element>.
- (b) **APR on the Housing Element submitted to the Department:** The Applicant must submit to the Department the APR required by GC Section 65400 for the current or prior year by the application deadline date.
 - (1) Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a Local government, please contact the Department for more information.
- (c) Submit by the deadline specified in the NOFA, on a form made available by the Department, a complete application which shall meet the following minimum requirements:
 - (1) Application requests a grant pursuant to Section 100(b)(3) in order to carry out one

or both of the eligible Activities set forth in Section 401.

- (2) Submission of the application is authorized by the governing board of the Applicant and by the developer co-applicant, if any.
- (3) Certification in the resolution that, if the Local government proposes allocation of funds for any Activity to another entity, the selection process shall avoid conflicts of interest, and shall be accessible to the public.
- (4) Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review and commitments of other funding and resources required, as further set forth in the NOFA;
- (5) Underwriting requirements:
 - (A) Uniform Multifamily Regulations Subchapter 19 of Title 25, Division 1, Chapter 7 (commencing with Section 8300), as amended from time to time, and the Multifamily Housing Program Guidelines (commencing with Section 7300), as amended from time to time, are hereby incorporated by reference into this subchapter and shall apply to Rental Housing Developments receiving assistance under the PLHA competitive allocation. In the event of a conflict between the provisions of Subchapter 19 and these Guidelines, the provisions of these Guidelines shall prevail.
 - (i) Section 8312(c) of the Uniform Multifamily Regulations is hereby amended to read:
 - (c) For Projects utilizing 4 percent tax credits, Developer Fee payments shall not exceed the amount that may be included in Project costs pursuant to 4 CCR, Section 10327. In addition, the Developer Fee paid from development funding sources shall not exceed the following:
 - (1) For acquisition and/or rehabilitation Projects, or adaptive reuse Projects, the lesser of the amount of Developer Fee in Project costs or \$2,000,000.
 - (2) For new construction Projects, the base limit shall be the lesser of the amount that may be included in Project costs or \$2,200,000. To arrive at the final limit on Developer Fee paid from development funding sources, the base limit shall then be multiplied by a ratio that is the average of (i) the difference between 2 and the Project's high-cost ratio, as calculated pursuant to 4 CCR, Section 10317(i)(6) or successor language and (ii) 100 percent.
 - (ii) Section 8312(d) of the Uniform Multifamily Regulations shall not apply.
 - (iii) Section 8314(a)(1)(A) of the Uniform Multifamily Regulations is amended to read:
 - (A) Approved deferred Developer Fee, pursuant to Section 8312, provided that the aggregate of the Developer Fee paid from sources and paid as deferred shall not exceed \$3,500,000.

(B) Period of affordability: All assisted rental units shall be restricted for not less than 55 years.

(C) All development Projects shall demonstrate fiscal integrity.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 403. Selection Criteria

(a) Applications submitted within a competitive funding round shall be evaluated using the following criteria. Total available points shall equal 100.

1. Priority Points – 25 points

A. Population - 5 points

- (i) If the Applicant is a county that has a population of 200,000 or less within the unincorporated areas of the county, the Applicant shall receive all points.

B. Prior Award – 5 points

- (i) If the Applicant did not receive an award based on the formula specified in 42 USC, Section 5306 in 2016, the Applicant shall receive all points.

And either C (i) or C (ii) or C (iii) below:

C. Activity

- (i) Assistance for Homeless Persons through Program Activities – 15 points

- (a) Applications to assist persons experiencing or At risk of homelessness, including, but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to navigation centers shall receive all points.

Or

- (ii) Assistance to Homeless Persons through Development of Navigation Centers– 15 points

- (a) Applications for construction of navigation centers shall receive all points.

Or

(iii) Assistance for Homeless Persons through Rental Projects – 15 points

- (a) Applications for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10 percent of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness shall receive all points.

2. Evaluation Criteria – 75 points

Precise scoring for these factors will be set forth in the NOFA.

A. Community Need – 30 points

- (i) Applicants will receive up to a maximum of 30 points based on the rate of households experiencing the most severe housing need according to the most recent HUD CHAS dataset in the Applicant Local government. Applicants will receive points in proportion to this percentage.

B. Applicant Administrative Experience – 15 points

- (i) Applicants with prior experience administering local, state or federal affordable housing or community development programs or who have entered into a contract with an entity with prior experience in the implementation of local, state or federal affordable housing or community development programs will receive up to 15 points.

C. Demonstrated Capacity – 30 points

- (i) Capacity points will be based on:

- (a) Sponsor experience in Affordable Rental Housing Development and ownership (Up to 30 points) or
- (b) Navigation center development experience (for development of these facilities) (Up to 30 points) or
- (c) Program Operator experience (for non-development Activities) (Up to 30 points)

- (b) Where applications requesting funds for more than one eligible Activity pursuant to Section 401 are permitted by the NOFA, each Activity will receive a separate score for each rating factor, and have an individual Activity total. It is possible that one Activity may score highly enough to receive an award, and the other Activity does not.

- (c) In the event of tied point scores and insufficient funding for both applications, the Department shall rank the tied applications as follows:

- (1) If one of the tied applications is for an Affordable Rental Housing Development and the other is for a program Activity or development of a navigation center, the

- Affordable Rental Housing Development application will be selected for funding;
- (2) If one of the tied applications is for a navigation center and the other is for a program Activity, the navigation center will be selected for funding;
 - (3) If both of the tied applications are for Affordable Rental Housing Developments, the Project with the lowest weighted average affordability of Restricted Units will be selected;
 - (4) If both of the tied applications are for navigation centers, the facility that provides overnight shelter to the greatest number of people will be selected;
 - (5) If both of the tied applications are for programs, the Local government with the highest rate of households experiencing the most severe housing need according to the most recent HUD CHAS dataset will be selected.
- (d) In the event there are insufficient funds to fulfill the entire funding request for the next highest scored application (Application A), the Department will determine whether Application A is feasible without the full funding request. If Application A is not feasible without full funding, the Department may offer the remaining funds to the application whose score is immediately below Application A. If the remaining funds are insufficient to fulfill the funding request for that application (Application B), the Department will again determine whether this application is feasible without the full funding request. If Application B is not feasible without the full funding request, the Department will perform the same analysis for the application whose score is immediately below Application B.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I)(ia) and subdivision (b)(2)(B)(ii)(V).

Section 404. Application Review

- (a) Applicants must submit a complete application by the deadline stated in the NOFA in order to be eligible for funding. Application forms provided by the Department will be available upon release of the NOFA and will require Applicants to submit the forms and other documents to demonstrate that the Local government has met threshold requirements. The application will require submission of documentation adequate to demonstrate that the application has earned the appropriate number of points.
- (b) The Department may request additional information to complete its review, provided that the new information would not affect scoring.
- (c) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 405. Deadlines and Funding Requirements

- (a) Applicants will be required to enter into a state Standard Agreement (Standard Agreement) that will set forth conditions for funding and milestones that are required to be met.
- (b) After the Standard Agreement and attachments have been finalized, the Local government will follow provided instructions for signing all required documents. The Local government must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions or risk forfeiting the grant award.
- (c) Except for predevelopment expenses for construction projects funded by PLHA and the costs to develop and prepare the PLHA application, no costs incurred more than one year prior to commitment by the Local government may be paid from PLHA funds. Reimbursement of expenses to prepare the PLHA application is subject to the cap on administrative fees.
- (d) Grant funds shall not be disbursed until:
 - (1) the Department authorizes loan closing, in the case of development projects; or
 - (2) all general and special conditions have been complied with, in the case of other Activities.
- (e) If funds are used for the development of an Affordable Rental Housing Development, the Local government shall make the PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the project. The loan shall be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Department-approved underwriting of the project for at least 55 years.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(VI).

ARTICLE V. ADMINISTRATION

Section 500. Accounting Records

- (a) The grantee shall establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the approved work plan, budget, and schedule. Separate bank accounts are not required.
- (b) The grantee shall maintain documentation of its financial records for expenditures incurred during the course of the PLHA Activity in accordance with generally accepted accounting principles. Such records shall be kept for at least five years after the close-out report is submitted to the Department.

- (c) The Department or its designated representative shall have the right to review and copy any records and supporting documentation pertaining to the PLHA grant.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(III) and subdivision (b)(2)(B)(IV) and subdivision (b)(3).

Section 501. Audits/Monitoring of Project Files

- (a) Grantee shall maintain PLHA files which, at a minimum, should include the following information and reports:
 - 1) Project/Activity description
 - 2) Land/site Information
 - 3) Planning & zoning history (as appropriate)
 - 4) Records of public hearings and public comments
 - 5) Relocation needs (as appropriate)
 - 6) Contracts, loan and grant agreements, Standard Agreement
 - 7) Environmental records & reports/findings (as appropriate)
 - 8) Design/engineering reports & plans (as appropriate)
 - 9) Description of targeted beneficiaries, services to be provided, household incomes, special needs
 - 10) PLHA Activity costs, invoices, purchase orders, sources and uses of funds for PLHA Activities, terms & conditions of financings, draws and all supporting documentation, change orders (as appropriate)
 - 11) Activity schedule and amendments
 - 12) History of Plan amendments
 - 13) Procurement policy used for PLHA Activity(ies)
- (b) The grantee shall maintain such records for possible audit for a minimum of three years after the close-out report is submitted, unless a longer period of records retention is stipulated in the Standard Agreement.
- (c) The grantee shall be responsible for monitoring Rental Housing Developments that received PLHA funds for the term of the loan, including, but not limited to, the Projects' compliance with the occupancy and rent requirements set forth in the Regulatory Agreement, compliance with reserve requirements, and the compliance with habitability standards.
- (d) The grantee shall be responsible for monitoring AOWH loans to assure that the homes remain Owner-occupied.
- (e) If requested by the Department, the grantee shall obtain a report from a qualified,

licensed third party that certifies to the amounts of disbursement and identifies the specific Activities for which the disbursements were made. Such a report is permitted to be a component of the A-133 audit.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(IV) and subdivision (b)(3).

Section 502. Cancellation and Termination

- (a) In the event that it is determined, at the sole discretion of the Department, that the grantee is not meeting the terms and conditions of the Standard Agreement, the Department shall issue a notice to stop work. Immediately upon receiving the written notice to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine the grantee's compliance with the terms and conditions after issuance of a stop work order, and to deliver a written notice to the grantee to resume work under this Standard Agreement.
- (b) The Department shall terminate the Standard Agreement if the grantee is not in compliance with the Guidelines or the terms and conditions of the Standard Agreement. At least 30 days prior to the effective date of the termination of the Standard Agreement, the Department shall provide written notice to the grantee of its intent to cancel the funding allocation. The notice shall specify the reason for early termination and may permit the grantee or the Department to cure any deficiency(ies) prior to the early termination date. The grantee will submit requested documents to the Department within 30 days of the early termination notice.
- (c) Failure to meet reporting requirements will result in notice to the grantee that it must satisfactorily cure any deficiencies within three months of the notice or it will forfeit the following year's PLHA formula allocation and be ineligible for a competitive award. The Local government will forfeit subsequent PLHA formula allocations and be ineligible for a competitive award until the Department determines that the Local government has met reporting requirements.
- (d) The Department may, as it deems appropriate or necessary, request the repayment of funds from a Local government or offset future years' funds, or pursue any other remedies available to it by law for failure to comply with the Guidelines and/or the terms and conditions of the Standard Agreement.
- (e) Co-Applicants may be adversely impacted by a notice to stop work and/or termination if one grantee is deemed by the Department to not meet the terms and conditions of the Standard Agreement, or fails to meet the reporting requirements outlined in Section 503.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(IV) and subdivision (b)(3).

Section 503. Reporting

- (a) The Department shall provide grantees with reporting formats and instructions.
- (b) Annual Reports are required from all grantees pursuant to HSC Section 50470(b)(2)(B)(ii)(III) each year by July 31 for the term of the Standard Agreement. The Annual Report shall document the uses and expenditures of all awarded allocations and outcomes achieved. This report must be signed by both the Local government's PLHA administrator and the Local government's City Manager (or his/her designee), or Chief Executive Officer (or his/her designee) or Chief Financial Officer (or his/her designee). The Annual Report must describe any proposed amendment(s) to the approved Activity and schedule.
- (c) Upon expenditure of all allocated funds and completion of the Activities funded by PLHA, the grantee shall submit a close-out report, which will be part of the Annual Report.
- (d) The Department may request additional information as needed to meet other applicable reporting or audit requirements.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(III) and subdivision (b)(2)(B)(ii)(IV).



CITY COUNCIL AGENDA – MAY 19, 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 May 5, 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 thirty-eight (38) 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 responded 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 gatherings of any size not occur. Consistent with the State and County's modified Orders regarding outdoor recreation and operating restrictions, at its meeting of May 5, 2020, the Council acted to reopen the City's golf course (including requiring participants to wear face coverings), OHV Park and tennis courts.

Having already suffered the cancellation of the Iris Festival, Cinco de Mayo Parade, and KJUG Summer Concert Series among other community events to avoid mass gatherings, it is becoming apparent that the shelter-at-home Order will have continued affects on the upcoming Military Banner Ceremony (Memorial Day weekend), Freedom Fest (July 4th weekend), and potentially as far-reaching as Pioneer Days (October), Veterans Day Parade, Christmas Tree-Lighting Ceremony (Thanksgiving weekend) and the Children's Christmas Parade (December).

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 reinforced the message to customers that regular payments must still be made and has led to now generally usual payment. In the City's first billing cycle given the Council's action on March 17, 2020, approximately \$30,000 in utility accounts were paid later than usual experience, with the corresponding total loss in late fees of \$18,000. At its meeting on April 21, 2020, the Council acted to continue the moratorium of utility turnoff for non-payment consistent with the Executive Order, and to continue to not charge late fees until further action by the Council.

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 initially indicated its appropriation to the City of approximately \$40,000 based upon recent homeless population counts, which City staff recommended 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 same week. Staff estimated that the \$40,000 would allow the daily lunch program to continue through the month of April 2020. Subsequently, the CoC indicated it was attempting to match its funding allocation with the County's as the required 25% match to larger federal FEMA funding of approximately \$1.2 million. 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 June

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). To assist in this ever-changing subject, at its meeting on April 21, 2020, the Council acted to appoint Vice Mayor Reyes and Council Member Gurrola to form an Ad Hoc Committee to coordinate with the City Attorney and City Manager in the application of the State and County guidelines in regard to essential and non-essential businesses. The Committee has continued to meet several times per week in review of local complaints and compliance with State and County Orders.

On Tuesday, April 28, 2020, Governor Newsom announced his 4 Stage plan for reopening the California economy and gradual modification of his stay-at-home Order, which his presentation is enclosed. The Governor indicated that moving from current Stage 1 to State 2 would likely occur in several weeks and allow non-essential "low-risk" retail to reopen with requisite 6' social distancing. The Governor indicated "high-risk" personal services would likely be allowed later this Summer. On May 4, 2020, Governor Newsom issued Executive Order N-60-20, allowing the reopening of lower-risk businesses and spaces in Stage 2 beginning May 8, 2020, including manufacturing, retailers (pick-up and delivery) and warehouses. The Order also allowed Counties to proceed more quickly through Stage 2 given certain State-determined public health metrics were met including: 1) sustained reduction or stability in new cases for fourteen (14) days; 2) adequate diagnostic testing capacity and test results, including the ability to test all individuals with COVID-19 symptoms, same-day testing widely available for hospitalized patients, healthcare workers and workers in essential roles, close contacts for confirmed cases, and outpatients with symptoms; 3) public health department's capacity to rapidly interview new cases, identify close contacts, and ensure isolation and quarantine are effective; and 4) health care system capacity to respond to potential surges. At its meeting on May 12, 2020, the Tulare County Board of Supervisors considered its draft plan for compliance with the Executive Order (attached). Of note, the Tulare County Public Health Officer issued a health advisory on May 7, 2020, that county residents should wear face coverings when in public (attached).

Most of the City's workforce has been deemed essential under the State's guidelines, which the City has directed its limited non-essential workers to remain at home and available for assignment if necessary, and has implemented a rotation of its essential workforce as much as possible to reduce employees public exposure. Employees required to be at work during the shelter-at-home

Order are accruing special leave for later utilization and/or payment, as well as employees that are working from home. Compounding the challenge for the City's workforce has been the temporary closure of local non-profit contractor Promoting Self Worth (PSW) due to its workforce being disabled and considered highly vulnerable to COVID-19, thus causing City staff to address the contracted essential services of graffiti removal and the care for a significant number of Landscape and Lighting Maintenance Districts (LMD). PSW returned to performing its contracted services with the City beginning the week of May 11, 2020.

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 have been completed to prepare the facility's infrastructure, with no timeline yet provided for necessary medical improvements expected to begin. 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 May 8, 2020, the City received notice from the County that the State intended to immediately relocate approximately forty (40) foster youth from across the state with COVID-19 to PDC, however, on May 9, 2020, the County notified the City that the State had changed its plans and would not be relocating the youth to PDC, likely to ensure regional patient surge capacity.

As part of the Governor's commitment to broader testing in rural and underserved areas of the state, the State established a contracted large-scale testing facility at the Veterans Memorial Building, beginning operations on Tuesday, May 5, 2020. Up to 130 tests are expected to be performed each day (Monday - Friday) for the next several months, which testing will be available to everyone by appointment. Given initial low utilization, City staff has initiated a local messaging campaign for local residents to be tested.

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. On April 24, 2020, President Trump signed the Paycheck Protection Program and Healthcare Enhancement Act (H.R. 266), which provided approximately \$400 billion in additional business assistance (\$321 billion) and medical support and testing (\$75 billion). 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. At its meeting on May 5, 2020, the Council acted to amend its federal Community Development Block Grant (CDBG) 5-Year Action Plan and program the \$490,000 CDBG-CV business assistance funds received, which staff is awaiting final approval from the Housing and Urban Development (HUD) Department.

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 (\$2.8 million) and Budget Stabilization (\$4.3 million), 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. The League of California Cities has estimated cities in California will collectively lose \$7 billion in revenue through the 2020-2021 fiscal year, and the State has forecasted that it will lose \$54 billion, exhausting its reserves and requiring significant State program reductions.

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 (Updated)
 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. Governor Newsom Update on California Pandemic Roadmap
 15. Governor Newsom Executive Order N-60-20 - State Stage 2 Reopening and County Plan Guidelines
 16. Tulare County Public Health Amended Order: April 8, 2020
 17. Tulare County Public Health Amended Order: May 5, 2020
 18. Tulare County Public Health Advisory - May 7, 2020: Face Coverings
 19. Tulare County Public Health Amended Order: May 8, 2020
 20. Tulare County Public Health Draft Reopening Plan: May 12, 2020

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

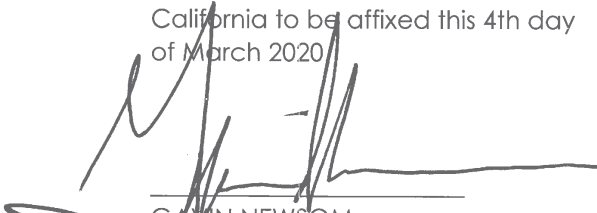
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

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

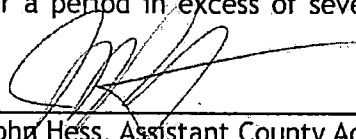
NOW THEREFORE, the Tulare County Coordinator of Emergency Services hereby:

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

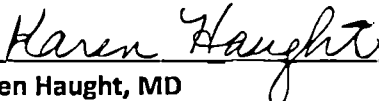
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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

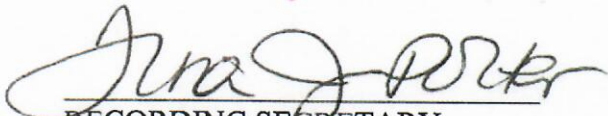
NOES: 0

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, a 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:

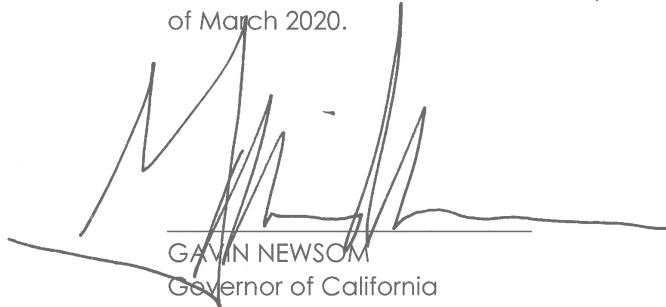
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice 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:

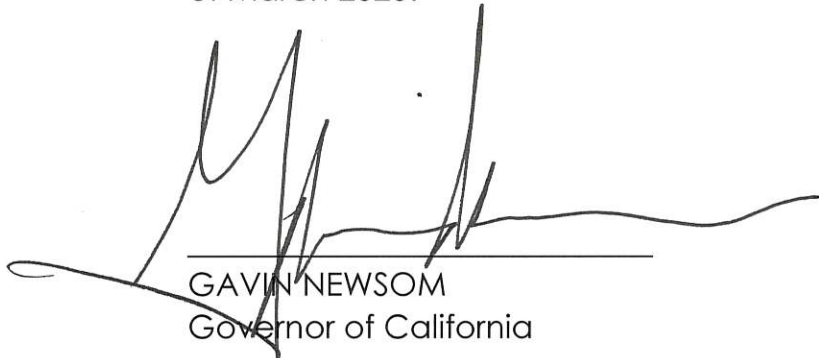
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing 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

ESSENTIAL WORKFORCE

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.

Sector Index:

1. [Health and Public Health Sector](#)
2. [Emergency Services Sector](#)
3. [Food and Agriculture Sector](#)
4. [Energy Sector](#)
5. [Water and Wastewater Sector](#)
6. [Transportation and Logistics Sector](#)
7. [Communications and Information Technology Sector](#)
8. [Government Operations and Other Community-Based Essential Functions](#)
9. [Critical Manufacturing Sector](#)
10. [Financial Services Sector](#)
11. [Chemical Sector](#)
12. [Defense Industrial Base Sector](#)
13. [Industrial, Commercial, Residential and Sheltering Facilities and Services](#)

Relevant Guidance For All Sectors:

- [Face Coverings Guidance](#)
 - [Orientación Sobre el Uso de Mascarillas de Tela](#)
- [Self-Isolation for Older Adults and Those Who Have Elevated Risk](#)
 - [Aislamiento para Adultos Mayores y Personas que Tienen un Riesgo Elevado](#)
- [Employers, health care workers and workers in general industry](#)

1. 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, if remote working is not practical:

1. Health care providers and caregivers (including physicians, dentists, psychologists, mid-level practitioners, nurses, assistants, and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers and providers serving individuals with disabilities including developmental disabilities; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists).
2. Workers required for effective clinical, command, infrastructure, support service, administrative, security and intelligence operations across the direct patient care and full healthcare and public health spectrum, including accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians; emergency medical services workers; prehospital workers including but not limited to urgent care workers; inpatient and hospital workers; outpatient care workers; home care workers; workers at long-term care facilities, residential and community-based providers; workplace safety workers).
3. Workers needed to support transportation to and from healthcare facilities and provider appointments.
4. Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
5. Vendors and suppliers (including imaging, pharmacy, oxygen services, durable medical equipment)
6. Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
7. Workers in other medical and life science 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, and retail facilities specializing in medical goods and supplies, including cannabis).
8. Workers for health manufacturing (including life science companies, and companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, and distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical

- gases, pharmaceuticals (including materials used in radioactive drugs, and cannabis products), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, personal hygiene products, and tissue and paper towel products.
9. Public health / community health workers, including those who compile, model, analyze and communicate public health information.
 10. Behavioral and mental health workers responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or behavioral services.
 11. Donors of blood bone marrow, blood stem cell, or plasma and the workers of the organizations that operate and manage related activities.
 12. Workers that manage health plans, billing, and health information.
 13. Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information.
 14. Workers performing IT and cybersecurity functions at healthcare and public health facilities.
 15. Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions.
 16. Pharmacy employees, including workers necessary to maintain uninterrupted prescription filling.
 17. Workers in retail facilities specializing in medical goods and supplies.
 18. Public health and environmental health workers, including workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission; Public health/ community health workers (including call center workers) who conduct community- based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information.
 19. Mortuary services providers, including workers performing mortuary, funeral, cremation burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers and coffin makers.
 20. 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 and mental health services to the family members, responders, and survivors of an incident.
 21. Workers supporting veterinary hospitals and clinics.

Relevant Sector Guidance:

- [All Facility Letters for health care facilities, including long-term care facilities](#)
- [Health care facilities, Skilled Nursing Facilities](#)
- [Individuals with Access and Functional Needs](#)
- [Medical Waste Management - Interim Guidelines](#)
- [Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients](#)
- [Prioritization of Patients for Laboratory Testing for COVID-19](#)
- [Veterinary Professionals and Premises](#)
- Regional Centers:
 - [Visits to Licensed Residential Facilities](#)
 - [Risk Mitigation Strategies for ARFPSHN, ICF/DD-CN](#)
- [Adult and Senior Care Facilities](#)

- [Cuidado a los Adultos Mayores](#)
- [Community care facilities, including assisted living facilities and child care](#)
- [Medi-Cal Managed Care Health Plans: COVID – 19 Screening and Testing](#)
- [Coverage Options Fact Sheet](#)
 - [Opciones De Cobertura](#)
- [Department of Managed Health Care All Plan Letter](#)
- [California Department of Insurance Bulletin](#)

2. 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, if remote working is not practical:

1. Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, corrections, rehabilitation and reentry, search and rescue, hazardous material response, and technicians supporting maritime and aviation emergency response.
2. Public Safety Answering Points and 911 call center employees; personnel involved in access to emergency services including the emergency alert system and wireless emergency alerts.
3. Fusion Center employees
4. Workers who support weather disaster / natural hazard monitoring, response, mitigation, and prevention, including personnel conducting, supporting, or facilitating wildfire mitigation activities
5. Workers – including contracted vendors -- who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and emergency service response operations (including safety equipment, electronic security, and uniforms)
6. Workers responding to abuse and neglect of children, elders and dependent adults.
7. Animal control officers and humane officers
8. Security staff to maintain building access control and physical security measures
9. Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.

Relevant Sector Guidance:

- [Public Health Guidance about COVID-19 for California State Prisons](#)
- [First responders, including paramedics and EMTs](#)

3. 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 sector is critical to maintaining and securing our food supply.

Essential Workforce, if remote working is not practical:

1. Workers supporting groceries, pharmacies, convenience stores, and other retail that sells food or beverage products, and animal/pet food, retail customer support service, information technology support staff, for online orders, pickup/takeout or delivery.
2. Workers supporting restaurant carry-out and quick serve food operations, including food preparation, carry-out and delivery food employees.
3. Food manufacturer employees and their supplier employees to include those employed in food ingredient production and processing-facilities; aquaculture and seafood harvesting 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, including recycling operations and processing.
4. Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport.
5. Farmers, farm and ranch workers, support service workers and their supplier employees producing food supply domestically and for export to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; those engaged in producing and harvesting field crops; cannabis growers; agricultural and commodity inspection; fuel ethanol facilities; storage facilities; biodiesel and renewable diesel facilities; and other agricultural inputs
6. Employees and firms supporting food, feed, and beverage distribution and ingredients used in these products including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
7. Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
8. Workers supporting the growth and distribution of plants and associated products for home gardens.
9. Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19
10. Workers in animal diagnostic and food testing laboratories
11. Workers essential for assistance programs and government payments
12. Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.

13. Employees of companies engaged in the production, storage, transport, and distribution of chemicals; medicines, including cannabis; vaccines; and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
14. Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
15. Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and material, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal medical materials; transportation of deceased animals for disposal; and associated regulatory and government workforce
16. Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products
17. Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution
18. Workers at animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals.

Relevant Sector Guidance:

- [Food, Beverage, Other Services](#)
 - [Alimentos, Bebidas y Otros Sitios de Servicios Relacionados](#)
- [Food Industry and Food Supply Chain](#)

4. 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. 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, if remote working is not possible:

1. Workers supporting the energy sector, regardless of the energy source, segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, physical and cyber security of the energy system, including power generation, transmission and distribution.
2. Workers supporting the energy sector, regardless of the energy source, needed for construction, manufacturing, transportation and logistics, maintenance, and permitting.
3. IT and OT technology for essential energy sector operations including support workers, customer service operations, call centers, and emergency response and customer emergency operations; energy management systems, control systems, Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
4. Workers providing services related to energy sector fuels and supply chains, supporting the procurement, mining, drilling, processing, refining, manufacturing, refueling, construction, logistics, transportation (including marine transport, terminals, rail and vehicle transport), permitting operation and maintenance, security, waste disposal, storage, and monitoring of support for resources;
5. Workers supporting environmental remediation and monitoring.
6. Workers supporting manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sectors, and regardless of the energy source.
7. Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
8. Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and balancing authorities; and workers involved in energy commodity trading and scheduling.
9. Mutual assistance personnel, which may include workers from outside of the state or local jurisdiction
10. Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

5. 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, if remote working is not practical:

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

1. Operational staff at water authorities
2. Operational staff at community water systems
3. Operational staff at wastewater treatment facilities
4. Workers repairing water and wastewater conveyances and performing required sampling or monitoring
5. Operational staff for water distribution and testing
6. Operational staff at wastewater collection facilities
7. Operational staff and technical support for SCADA Control systems
8. Chemical disinfectant suppliers for water and wastewater and personnel protection
9. Workers that maintain digital systems infrastructure supporting water and wastewater operations

6. 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 [bicycles](#), commercial motor coaches 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, if remote working is not practical:

1. Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that maintain and inspect infrastructure
2. Working supporting or providing services that enable logistics operations for essential sectors, wholesale and retail sale, including warehousing, cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
3. Workers supporting maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels.

4. Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
5. Mass transit workers providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
6. Employees supporting personal and commercial transportation services, including taxis, bicycle services, Transportation Network Companies, and delivery services including Delivery Network Companies
7. Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
8. Maritime transportation and inland waterway workers – to include maintenance and repair – including port authority and commercial facility personnel, dredgers, port workers, mariners, ship crewmembers, ship pilots and tugboat operators, ship supply, Chandler, and equipment operators.
9. Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
10. Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.
11. Workers supporting transportation of chemicals, hazardous, medical, waste and recyclable materials to support critical sectors and infrastructure.
12. Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities.
13. Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors
14. Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
15. Postal, parcel, courier, last-mile delivery, and shipping workers, to include private companies who accept, process, transport, and deliver information and goods.
16. Workers who supply equipment and materials for maintenance of transportation equipment.
17. Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
18. Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
19. Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations, subject to adhering public health guidance issued by CDPH.
20. 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

21. Workers who support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications.

7. 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 involves 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, if remote working is not practical:

1. 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, Internet Exchange Points, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
2. Workers performing functions related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities
3. Government and private sector employees supporting Department of Defense internet and communications facilities.
4. Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
5. Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities
6. Workers responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of

new facilities and deployment of new technology required to address congestion or customer usage on remote services.

7. Installation, maintenance and repair technicians that establish, support or repair service as needed.
8. Central office personnel to maintain and operate central office, data centers, and other network office facilities, and critical support personnel assisting front line employees
9. 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, logistics and troubleshooting
10. Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
11. Dispatchers involved with service repair and restoration
12. Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and other supply chain personnel, to support individuals' remote emergency communications needs;
13. External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
14. Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

Essential Workforce - Information Technology, if remote working is not practical:

15. Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Center and Security Operations Command Centers
16. Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators
17. Workers who support client service centers, field engineers, and other workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure and test labs and certification agencies that qualify such equipment for critical infrastructure.
18. Workers needed to pre-empt and respond to cyber incidents involving critical infrastructure,, and entities supporting the functioning of critical infrastructure sectors
19. Suppliers, designers, transporters and other workers supporting the manufacture, distribution, and construction of essential global, national and local infrastructure for computing services (including cloud computing services and teleworking capabilities), business infrastructure, financial transactions, web-based services, and critical manufacturing

20. Workers supporting communications systems, information technology, and work from home solutions
21. Employees required to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

8. GOVERNMENT OPERATIONS AND OTHER COMMUNITY-BASED ESSENTIAL FUNCTIONS

Essential Workforce, if remote working is not practical.

1. Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
2. County workers responsible for determining eligibility for safety net benefits
3. The Courts, consistent with guidance released by the California Chief Justice
4. Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance
5. Workers to ensure continuity of building functions, including but not limited to security and environmental controls, the manufacturing and distribution of the products required for these functions, and the permits and inspection for construction.
6. Elections personnel
7. Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
8. Trade Officials (FTA negotiators; international data flow administrators)
9. Weather forecasters
10. Workers that maintain digital systems infrastructure supporting other critical government operations
11. Workers who support necessary credentialing, vetting and licensing operations for critical sector workers and operations.
12. Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
13. 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
14. Staff at government offices who perform title search, notary, and recoding services in support of mortgage and real estate services and transactions;
15. 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
16. Clergy for essential support and faith-based services that are provided through streaming or other technologies that support physical distancing and state public health guidelines.
17. Human services providers, especially for at risk populations, including home delivered meal providers for older adults, people with disabilities, and others with chronic health conditions; home-maker services for frail, homebound, older adults; personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services; home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
18. Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care,

supporting emergency management, or other services necessary for supporting the COVID-19 response.

Relevant Sector Guidance:

- Schools and institutions of higher education
 - [Guidance for schools \(PDF\)](#)
 - [Directrices para las escuelas sobre el nuevo coronavirus o COVID-19 \(PDF\)](#)
 - [Guidance for colleges and universities](#)
 - [Directrices para las instituciones de educación superior sobre el nuevo coronavirus o COVID-19](#)
- [Guidance for K-12 Schools: Distance Learning, School Meals, Child Care and Student Supervision](#)
- [Guidance for Using Disinfectants at Schools and Child Cares](#)
 - [Recordatorios para el uso de desinfectantes en las escuelas y guarderías](#)
- [Community care facilities, including assisted living facilities and child care](#)

9. 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, if remote working is not practical

1. Workers necessary for the manufacturing of metals, industrial minerals, semiconductors, materials and products needed for supply chains of the critical infrastructure sectors.
2. Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment
3. Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
4. Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
5. Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

10. 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, if remote working is not practical:

1. Workers who are needed to process and maintain systems for processing financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities
2. Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
3. Workers who are needed to provide business, commercial, and consumer access to banking and non-bank financial and lending services, including ATMs, lending money transmission, and to move currency, checks, securities, and payments
4. Workers who support financial operations, such as those staffing call, data and security operations centers, managing physical security, or providing accounting services.
5. Workers supporting production and distribution of debit and credit cards.
6. Workers providing electronic point of sale support personnel for essential businesses and workers.

11. CHEMICAL & HAZARDOUS MATERIALS

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 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, if remote working is not practical:

1. 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, building materials, plumbing, electrical and paper products.
2. Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
3. Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, and packaging that prevents the contamination of food, water, medicine, among others essential products
4. 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
5. 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
6. Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
7. Workers who support hazardous materials response and cleanup
8. Workers who maintain digital systems infrastructure supporting hazardous materials management operations
9. Workers who support the removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill and recycling operations.

12. 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, if remote working is not practical:

1. Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
2. Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

13. INDUSTRIAL, COMMERCIAL, RESIDENTIAL, and SHELTERING FACILITIES AND SERVICES

Essential Workforce, if remote working is not practical:

1. Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
2. 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, recycling and disposal of solid waste and hazardous waste)
3. 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, businesses, and buildings such as hospitals and senior living facilities, including any facility supporting COVID-19 response.
4. Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
5. Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant retailers, wholesalers and distributors that support essential workforce functions where sales and operations cannot be conducted online
6. Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.
7. Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
8. Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery
9. Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
10. Workers managing or servicing hotels or other commercial and residential buildings that are used for COVID-19 mitigation and containment measures, treatment measures, provide accommodation for essential workers, or providing housing solutions, including measures to protect homeless populations.

11. Workers responsible for the leasing of residential and commercial properties to provide individuals and families with ready access to available housing.
12. Residential and commercial real estate workers, limited to scheduled property viewings to a potential buying party. This does not extend to open-house viewings, nor viewings with more than one buying party at a time.
13. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services
14. Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
15. Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around physical distancing.
16. 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)
17. Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
18. Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers.
19. Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
20. 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.
21. Workers in laundromats, laundry services, and dry cleaners.
22. Workers providing disinfection services, for all essential facilities in essential sectors
23. Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
24. Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

Relevant Sector Guidance:

- [Cleaning & Waste Management for Residences 2/2020](#)
- [Essential/Emergency Personnel Providing Critical In-Home Services](#)
- [Home cleaning with COVID-19 positive individuals](#)
- [Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness](#)
- [Flow Chart: COVID-19 Recommended Protocol for People Experiencing Homelessness](#)
- [Homeless Assistance Providers](#)
- [Immigrant Communities](#)
 - [Las Comunidades de Inmigrantes](#)
- [Pets & People](#)

**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

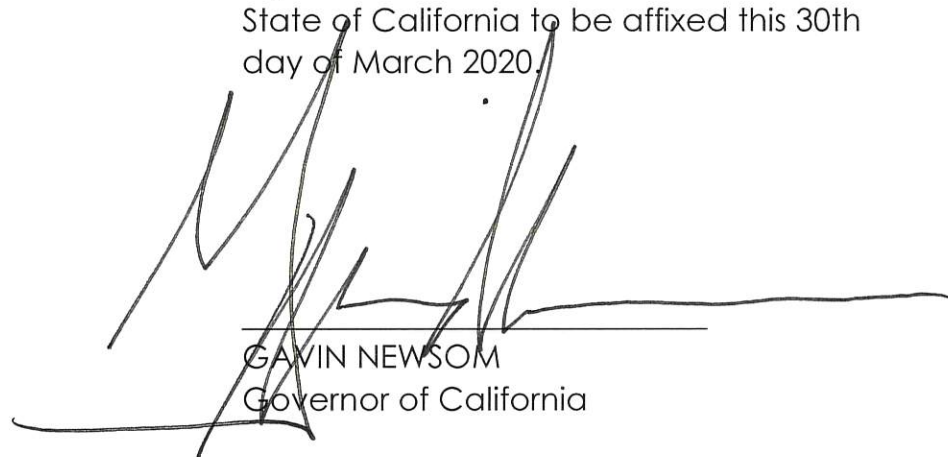
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 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.

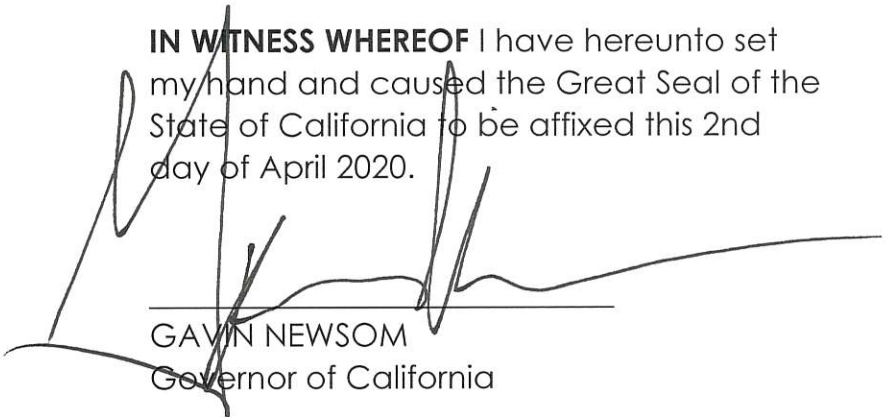
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

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

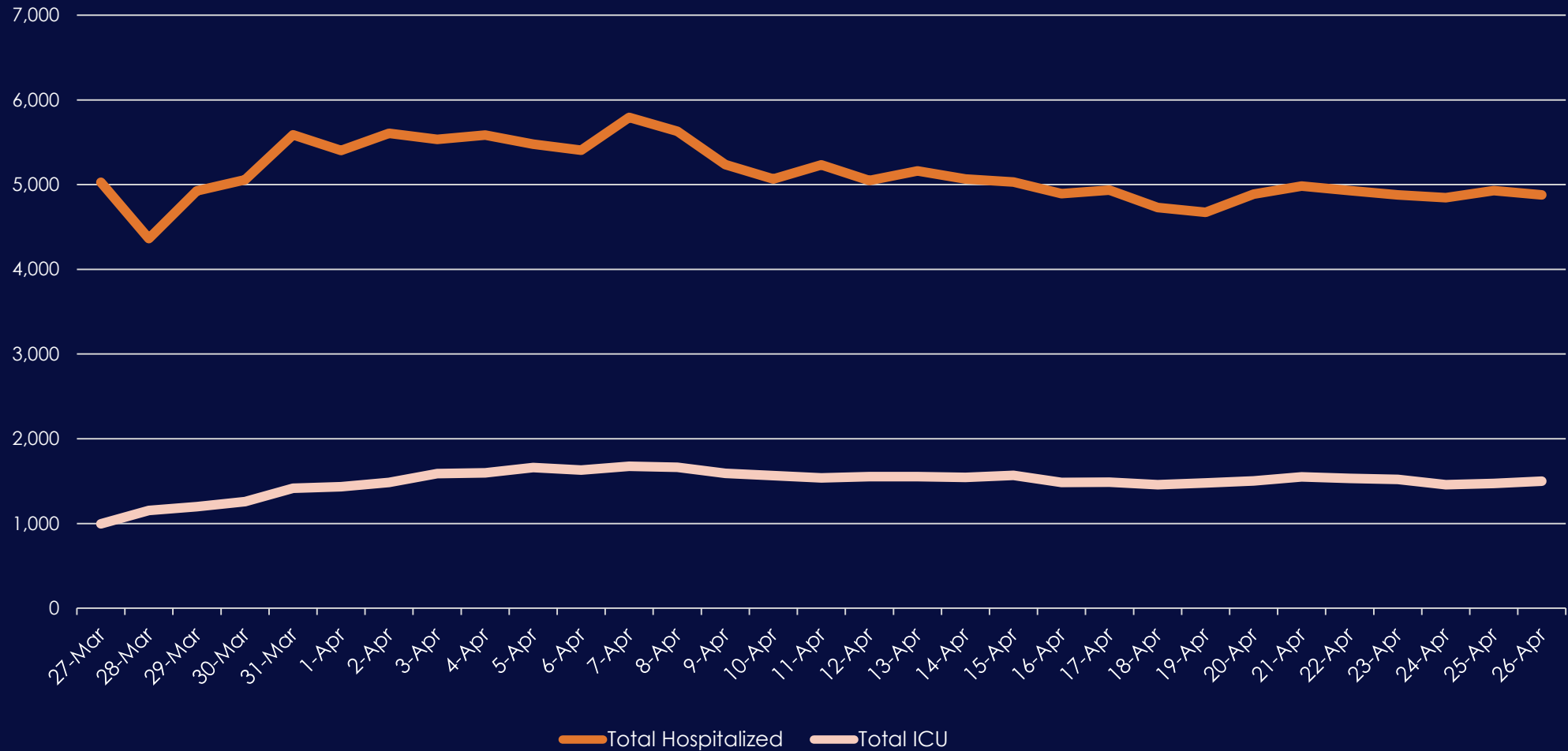


Update on California's Pandemic Roadmap

6 Indicators for Modifying Stay-at-Home Order

- Ability to test, contact trace, isolate, and support the exposed
- Ability to protect those at high risk for COVID-19
- Surge capacity for hospital and health systems
- Therapeutic development to meet the demand
- Ability of businesses, schools, and childcare facilities to support physical distancing
- Determination of when to reinstitute measures like Stay-At-Home

California Hospitalization Trend Lines



Total includes both COVID-19 confirmed positive hospitalizations as well as COVID-19 suspect hospitalizations.

The Basics



COVID-19 is not going away soon.



Modifications to Stay-At-Home Order must be guided by health risk and a commitment to equity.



Taking responsibility is key at all levels – individual, business, and government.

Resilience Roadmap Stages

STAGE 1: Safety and Preparedness

Making essential workforce environment as safe as possible.

STAGE 2: Lower Risk Workplaces

Creating opportunities for lower risk sectors to adapt and re-open.

Modified school programs and childcare re-open.

STAGE 3: Higher Risk Workplaces

Creating opportunities for higher risk sectors to adapt and re-open.

STAGE 4: End of Stay-At-Home Order

Return to expanded workforce in highest risk workplaces.

Requires
Therapeutics.

Stage 1: Safety and Preparedness

This is where we are now.

- **Continue to build out testing, contact tracing, PPE, and hospital surge capacity.**
- **Continue to make essential workplaces as safe as possible.**
 - Physical and work flow adaption
 - Essential workforce safety net
 - Make PPE more widely available
 - Individual behavior changes
- **Prepare sector-by-sector safety guidelines for expanded workforce.**

Stage 2: Lower Risk Workplaces

Gradually opening some lower risk workplaces with ADAPTATIONS:

- Retail (e.g. curbside pickup)
- Manufacturing
- Offices (when telework not possible)
- Opening more public spaces

Expanded Workforce Safety Net:

- Wage replacement so workers can stay home when sick

Stage 2: Lower Risk Workplaces

Schools and Childcare Facilities with Adaptations:

- Summer programs and next school year potentially starting sooner (July/August)
- Childcare facilities to provide more care
- Address learning gaps
- Ensure students and staff are protected
- Allow broader workforce to return to work

Actions needed to get from Stage 1 to Stage 2



Government Actions

- Policies that allow people to stay home when they're sick
- Guidance provided on how to reduce risk



Business Actions

- Wage replacement so workers can stay home when sick
- Implement adaptations to lower-risk workplaces NOW
- Employees continue to work from home when possible



Individual Actions

- Safety precautions – physical distancing, face coverings, etc.
- Avoid all non-essential travel
- Support and care for people who are at high risk

When are we ready for Stage 2?

Key indicator considerations to move to Stage 2:

- Hospitalization and ICU trends stable.
- Hospital surge capacity to meet demand.
- Sufficient PPE supply to meet demand.
- Sufficient testing capacity to meet demand.
- Contact tracing capacity statewide.

Transition to Stage 2 will occur through a statewide modification to the Stay-At-Home Order.

Opportunity for Regional Variations

During Stage 2, counties may choose to relax stricter local orders at their own pace.

Following Stage 2, once a statewide COVID-19 surveillance system is made possible through testing, further regional variations could be supported.

State will consult and collaborate closely with local governments.

Stage 3: Higher Risk Workplaces

Open higher risk environments with adaptations and limits on size of gatherings:

- Personal care (hair and nail salons, gyms)
- Entertainment venues (movie theaters, sports without live audiences)
- In-person religious services (churches, weddings)

Stage 4: End of Stay-At-Home Order

Re-open highest risk workplaces with all indicators satisfied once therapeutics have been developed:

- Concerts
- Convention Centers
- Live audience sports

Be Part of the Solution

Stay Home. Practice Physical Distancing.

We are enlisting all Californians to help inform the development of guidance for sectors across our economy.

This guidance will provide a framework for how to safely re-open.

CALIFORNIA
ALL

**Your Actions
Save Lives**

covid19.ca.gov

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-60-20

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 on March 19, 2020, I issued Executive Order N-33-20, which directed all California residents to immediately heed current State public health directives; and

WHEREAS State public health directives, available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/>, have ordered all California residents stay home except for essential needs, as defined in State public health directives; and

WHEREAS COVID-19 continues to menace public health throughout California; and

WHEREAS the extent to which COVID-19 menaces public health throughout California is expected to continue to evolve, and may vary from place to place within the State; and

WHEREAS California law promotes the preservation of public health by providing for local health officers—appointed by county boards of supervisors and other local authorities—in addition to providing for statewide authority by a State Public Health Officer; and

WHEREAS these local health officers, working in consultation with county boards of supervisors and other local authorities, are well positioned to understand the local needs of their communities; and

WHEREAS local governments are encouraged to coordinate with federally recognized California tribes located within or immediately adjacent to the external geographical boundaries of such local government jurisdiction; and

WHEREAS the global COVID-19 pandemic threatens the entire State, and coordination between state and local public health officials is therefore, and will continue to be, necessary to curb the spread of COVID-19 throughout the State; and

WHEREAS State public health officials have worked, and will continue to work, in consultation with their federal, state, and tribal government partners; and

WHEREAS the State Public Health Officer has articulated a four-stage framework—which includes provisions for the reopening of lower-risk businesses and spaces (“Stage Two”), to be followed by the reopening of higher-risk businesses and spaces (“Stage Three”)—to allow Californians to gradually resume various activities while continuing to preserve public health in the face of COVID-19; and

WHEREAS the threat posed by COVID-19 is dynamic and ever-changing, and the State's response to COVID-19 (including implementation of the four-stage framework) should likewise retain the ability to be dynamic and flexible; and

WHEREAS to preserve this flexibility, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., 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, 8627, and 8665; and also in accordance with the authority vested in the State Public Health Officer by the laws of the State of California, including but not limited to Health and Safety Code sections 120125, 120130, 120135, 120140, 120145, 120150, 120175, and 131080; do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) All residents are directed to continue to obey State public health directives, as made available at <https://covid19.ca.gov/stay-home-except-for-essential-needs/> and elsewhere as the State Public Health Officer may provide.
- 2) As the State moves to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), the State Public Health Officer is directed to establish criteria and procedures—as set forth in this Paragraph 2—to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

In particular, the State Public Health Officer is directed to establish criteria to determine whether and how, in light of the extent to which the public health is menaced by COVID-19 from place to place within the State, local health officers may (during the relevant stages of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

The State Public Health Officer is further directed to establish procedures through which local health officers may (during the relevant stages of reopening) certify that, if their respective jurisdictions are subject to proposed public health measures (which they shall specify to the extent such specification may be required by the State Public Health Officer) that are less restrictive than public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer, the public health will not be menaced. The State Public Health Officer shall additionally establish procedures to permit, in a manner consistent with public health and

safety, local health officers who submit such certifications to establish and implement such less restrictive public health measures within their respective jurisdictions.

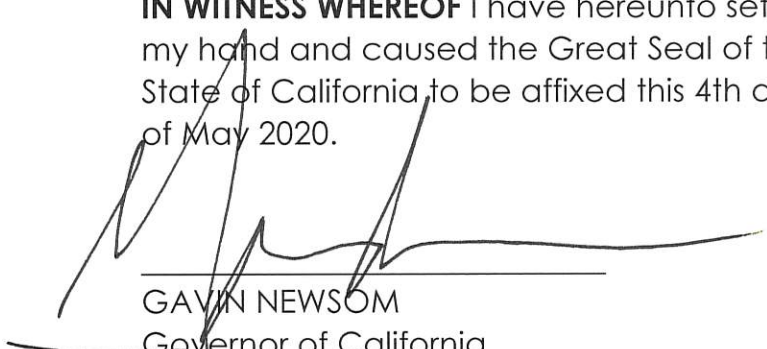
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect of this Order, shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq. Nothing in this Paragraph 2 shall limit the authority of the State Public Health Officer to take any action she deems necessary to protect public health in the face of the threat posed by COVID-19, including (but not limited to) any necessary revision to the four-stage framework previously articulated by the State Public Health Officer.

- 3) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

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 4th day of May 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

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

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



**EXTENSION OF EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19)
TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER
RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES,
GYMS, HEALTH CLUBS, THEATERS, CHURCHES, AND OTHER SOCIAL GATHERINGS**

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, the severity of the local health emergency appears to be increasing each day, with additional reported cases of COVID-19 infections and related deaths in all areas of California, the U.S., and throughout the world; and

WHEREAS, on March 16, 2020, the California Department of Public Health ("CDPH") and State Emergency officials issued guidance to local communities regarding public safety measures that should be taken with respect to (1) retail food, beverage, and related service venues, (2) entertainment venues; and (3) gyms, health clubs, theaters, and other social gatherings, in order to prevent the transmission of COVID-19;

WHEREAS, on March 19, 2020, the County Public Health Officer issued an Emergency Order For The Prevention Of Novel Coronavirus (COVID-19) Transmission In Or About Restaurants, Bars, Food Trucks, Grocery Stores, And Other Retail Food And Beverage Service Venues, Entertainment And Recreational Venues, Gyms, Health Clubs, Theaters, Churches, And Other Social Gatherings ("ORDER"), which is set to expire on April 19, 2020;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all California residents immediately to heed current State public health directives to stay home (shelter-in-place), 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 the health and well-being of all Californians; and

WHEREAS, due to the continued transmission of COVID-19 throughout Tulare County, it is the opinion of the County Public Health Officer that it is necessary to continue to enforce the aforementioned orders to combat further transmission of the disease to Tulare County residents.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the County Public Health Officer extends the ORDER previously issued on March 19, 2020, until such a time that it is terminated or modified by the County Public Health Officer in writing.

IT IS SO ORDERED.

Time: 5:10 p.m.
Date: April 8, 2020

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 Jennifer M. Flores Digitally signed by Jennifer M. Flores
Date: 2020.04.09 09:46:16 -0700
Chief Deputy
Matter No. 2020217

Attachments: March 19, 2020 Order of the County Public Health Officer

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

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



**AMENDED EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19)
TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER
RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES,
GYMS, HEALTH CLUBS, THEATERS, CHURCHES, OTHER SOCIAL GATHERINGS, AND OUTDOOR
RECREATIONAL ACTIVITIES**

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, the severity of the local health emergency appears to be increasing each day, with additional reported cases of COVID-19 infections and related deaths in all areas of California, the U.S., and throughout the world; and

WHEREAS, the California Department of Public Health ("CDPH") and State Emergency officials have issued ongoing guidance to local communities regarding public safety measures that should be taken with respect to (1) retail food, beverage, and related service venues, (2) entertainment venues, and (3) gyms, health clubs, theaters, other social gatherings, and outdoor recreational activities, in order to prevent the transmission of COVID-19; and

WHEREAS, said guidance is designed to protect individuals attending and working at these venues and prevent the spread of COVID-19 in our communities; and

WHEREAS, under said guidance, available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx> and <https://covid19.ca.gov/stay-home-except-for-essential-needs/> the following actions have been recommended:

- **Bars, wineries, breweries and pubs** should be closed, except for venues that are currently authorized to provide off sale beer and wine to be consumed off premises be allowed; bars, breweries, pubs, and wineries that include meals provided by a full kitchen should follow the restaurant guidance below if they provide delivery or pick-up options;
- **Restaurants** should be closed for in-restaurant seated dining and should be open only to drive-through or other pick-up/delivery options;
- **Food trucks** should increase the frequency of cleaning of menus, cash registers, receipt trays, condiment holders, writing instruments and other non-food contact surfaces frequently touched by patrons and employees, ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together, etc., but limiting the number of

people in lines;

- **Grocery stores and charitable food distribution sites** should remain fully open and operational, but ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc., and limiting the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance, and increase cleaning and sanitizing frequency of restroom and other high contact areas; and stores that have online ordering with outside pick-up or delivery options should encourage use of these when possible in lieu of indoor shopping;
- **Certified Farmers' Markets** should space booths accordingly to increase social distancing among patrons in line and walking about the market; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with soap and water for at least 20 seconds; offer additional hand washing or sanitizing stations throughout the venue; encourage activities such as pre-bagging to expedite purchasing; suspend sampling activities; increase frequency of cleaning of tables, payment devices, and other surfaces; eliminate non-essential/non-related services, such as bands or other entertainment; and at the end of the market, continue to utilize local food recovery systems to feed/donate extra products to populations in need;
- **All retail food and beverage service venues** should remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds;
- **Gambling venues** should eliminate, delay, or reduce conventions/tournaments that increase customer flow above 250 persons in a single room/space; increase frequency of cleaning of chips, shuffling machines, and other objects utilized in games; increase frequency of cleaning and/or disposal of playing cards; eliminate non-essential/non-related services, such as massages or other ancillary services co-housed in gambling venues that could increase customer flow above 250 persons in a single room/space; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together etc.; limit the number of people in lines; separate spaces on the gaming floor into smaller components; increase frequency of cleaning and sanitizing per CDC Environmental Cleaning and Disinfection guidance of all hard surfaces, including terminals and felt and vinyl surfaces of card tables and chairs; increase cleaning and sanitizing frequency of restroom and other high contact areas; eliminate events/marketing that target individuals that the CDPH has identified higher risk of serious illness for COVID-19 ; provide additional opportunities throughout the venue for persons to reduce the spread of the virus through hand washing or sanitizing stations;
- **Theme Parks and Attractions** should ensure that social distancing of six feet per between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together etc.; limit attendance as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with soap and water for at least 20 seconds; increase spacing of show times to allow for more thorough cleaning of single room or space and social distancing during show times; provide additional opportunities throughout the venue for persons to reduce the spread of the virus through hand washing or sanitizing stations; eliminate events/marketing that target individuals that the CDPH has

identified as higher risk of serious illness for COVID-19; extend hours to allow for staggering of attendance; and add distance to locations individuals sit or stand around tables;

- **Gyms, health clubs, and theaters** should be closed;
- **All gatherings** (defined as any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space) should be postponed or cancelled, except for those defined as “essential,” meaning that they cannot be postponed or achieved without gathering, and that some other means of communication could not be used to conduct the essential function.
- **Face coverings**, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, should be worn by all persons over the age of two years at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household. All persons, including Essential Workers are discouraged from using Personal Protective Equipment (PPE), such as N95 masks, for non-medical reasons, because supply must be available to healthcare workers.

WHEREAS, the increasing threat posed by COVID-19 in Tulare County makes it advisable that the actions recommended in said guidance become mandatory in the incorporated and unincorporated areas of County of Tulare at least for the time being.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the Health Officer of the County of Tulare hereby orders as follows, which shall be effective immediately and remain in effect until such a time that it is terminated or modified by the County Public Health Officer in writing:

1. Definitions:

- a) Restaurant: Any establishment that sells food for consumption on-premises.
- b) Food Court: Any establishment that sells food for consumption on-premises in a shared setting with other establishments.
- c) Bar and tavern: Any establishment with the following types of California Alcoholic Beverage Control licenses:
 - 1) 40 - On Sale Beer (Bar, Tavern)
 - 2) 42 - On Sale Beer & Wine - Public Premises (Bar, Tavern)
 - 3) 48 - On Sale General - Public Premises (Bar, Night Club)
 - 4) 51 - Club
 - 5) 57 - Special On Sale General
 - 6) 60 - On Sale Beer - Seasonal
 - 7) 61 - On Sale Beer - Public Premises
- d) Food truck: Any “mobile food facility” within the meaning of the California Retail Food Code.
- e) Certified Farmers’ Market: A location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.
- f) Grocery Store: Any store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and

seafood counter. "Grocery store" includes convenience stores.

- g) Charitable Food Distribution Site: A "food bank" or "limited service charitable feeding operation" within the meaning of the California Retail Food Code.
 - h) Gambling venue: Any cardroom, casino, or similar site where the primary goal of those assembled is the wagering of money or other things of value on events with uncertain outcomes, with the primary intent of winning money or material goods, and over which the Tulare County Public Health Officer has jurisdiction.
 - i) Entertainment and recreational venue: Any site where the primary goal of those assembled is to promote amusement, enjoyment, pleasure, recreation, diversion, relaxation, and other similar uses, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like.
 - j) Theme park: Any entertainment venue or amusement park in which rides, games, and buildings are based on a central theme.
 - k) Amusement Park: Any entertainment venue that features various attractions such as rides and games, as well as other events for entertainment purposes.
 - l) Attraction: Any place of interest where persons visit, typically for its inherent or exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement.
 - m) Gym and Health Club: Any room or building used for various indoor sports or exercise activities, and usually equipped with exercise or gymnastic apparatus, locker and shower rooms, indoor or outdoor swimming pools, sports courts, and similar spaces.
 - n) Theater: Any entertainment venue used for housing dramatic presentations, stage entertainments, or motion-picture shows.
 - o) Church: Any site, with or without structures, the primary use of which is the assemblage of people for any religious worship, education, or expression.
 - p) Social gathering: Any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.
 - q) Outdoor recreational activities: Any activity that can be done in an outside setting, including but not limited to, individual and group sports.
2. **Restaurants, Food Courts, and other establishments** that offer on-premises dining shall not allow consumption of food or beverages on-premises. Delivery, drive-thru, and pick-up options are allowed.
 3. **Bars and taverns** shall be closed.
 4. **Food Trucks** shall not allow consumption of food or beverages on or about the premises and shall increase the frequency of cleaning of menus, cash registers, receipt trays, condiment holders, writing instruments and other non-food contact surfaces frequently touched by patrons and employees; ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate together, stand in line together, etc., but limit the number of people in their lines. All employees of the Food Truck should wear an appropriate face covering at all times.
 5. **Certified Farmers' Markets** shall space booths accordingly to increase social distancing among patrons in line and walking about the market; ensure that social distancing of six feet per between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; train employees on best hygiene practices including washing their hands often with

soap and water for at least 20 seconds; offer additional hand washing or sanitizing stations throughout the venue; encourage activities such as pre-bagging to expedite purchasing; suspend sampling activities; increase frequency of cleaning of tables, payment devices, and other surfaces; eliminate non-essential/non-related services, such as bands or other entertainment; and at the end of the market, continue to utilize local food recovery systems to feed/donate extra products to populations in need. All persons providing essential services at a Farmers' Market should wear an appropriate face covering at all times.

6. **Grocery Stores and Charitable Food Distribution Sites** are allowed to remain fully open and operational, but must ensure that social distancing of six feet per person between those who are not members of the same household is maintained and make clear that members of the same household can participate in activities together, stand in line together, etc.; limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance; increase cleaning and sanitizing frequency of restroom and other high contact areas; and stores that have online ordering with outside pick-up or delivery options should encourage use of these when possible in lieu of indoor shopping. All employees of the grocery store or charitable food distribution site should wear an appropriate face covering at all times.
7. **All retail food, beverage, and other related service venues** shall remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds. All venues should require employees to wear an appropriate face covering at all times.
8. **Gambling venues** shall be closed.
9. **Entertainment and recreational venues**, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like, shall be closed.
10. **Gyms and health clubs** shall be closed;
11. **All social gatherings**, including, but not limited to church services, meetings of service and social clubs, conferences, conventions, and the like, shall be postponed or cancelled.
12. **Outdoor recreational activities** are permissible as long as it is feasible to maintain a safe physical distance of six feet and gather only with members of the same household at all times during said activity(ies). Individual outdoor recreational activities are permissible as long as it is feasible to maintain a safe physical distance of six feet at all times during said activity. Any outdoor group sports or activities shall be postponed or cancelled unless the sport or activity can be done individually or with members of the same household only. There should be no shared equipment between persons who are not members of the same household. Visit <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>, Outdoor Recreation section for a list of requirements, specifically allowed activities, and further guidance from the state of California.
13. For those businesses closed under this Order, business owners, managers, and supervisory staff are allowed to be on site to conduct minimum basic operations, provided that they each observe the social distancing and best personal hygiene practices (including washing their hands often with soap and water for at least 20 seconds) outlined above.
14. No County permits for special events shall be granted. All County permits for special events previously issued are revoked or postponed.
15. No temporary ABC licenses shall be authorized by the County.
16. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared

transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.

17. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
18. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
19. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
20. Pursuant to California Government Code section 41601, the chiefs of the police departments of the Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.
21. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
22. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
23. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the County of Tulare's website.
24. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

IT IS SO ORDERED.

Time: 9:10am
Date: May 5, 2020

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
Deputy County Counsel
Matter No. 2020217JMS/5-05-2020/2020217/1463907.docx



TULARE COUNTY HEALTH & HUMAN SERVICES AGENCY

Karen M. Elliott, MBA • Public Health Branch Director
Karen Haught, MD, M.P.H. • County Health Officer

Timothy W. Lutz, MBA
Agency Director

May 7, 2020

Health Advisory Recommending Face Coverings for the Public and Essential Workers

This health advisory seeks to inform the public about the need for Face Coverings when outside the home for the prevention and source control of COVID-19.

Summary

- Tulare County Public Health urges the public to use Face Coverings while attending to essential activities in order to reduce the spread of COVID-19
- Individuals are asked to ensure effective use of Face Coverings by washing their hands after putting on and taking of the Face Covering
- Essential businesses and their employees are asked to utilize Face Coverings when providing services to the public
- Essential businesses are asked to post signage informing the public of the requirement to utilize Face Coverings

The United States Centers for Disease Control and Prevention ("CDC"), California Department of Public Health ("CDPH"), and the Tulare County Public Health Branch ("TCPH") have recommended that members of the public, should cover the mouth and nose to prevent inadvertently spreading the virus that causes Coronavirus Disease 2019 ("COVID-19"). One key transmission method for the COVID-19 virus is respiratory droplets that people expel when they breathe or sneeze. Individuals have been found to be infected with COVID-19 and not have any symptoms, meaning they are asymptomatic, but they can still be contagious. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the COVID-19 virus have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others. Therefore, the CDC, CDPH, and TCPH believe that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public and engaged in essential activities by reducing the spread of respiratory droplets. *For clarity, although wearing a face covering is one tool for reducing the spread of the virus, doing so is not a substitute for sheltering in place, physical distancing of at least 6 feet, and frequent hand washing.*

This Advisory requires that people wear Face Coverings in three main settings. First, members of the public must wear Face Coverings while inside of or waiting in line to enter Essential Businesses and other businesses or facilities engaged in Minimum Basic Operations, providing Essential Infrastructure, and providing Essential Government Functions (except Healthcare Operations, which are subject to different requirements), when seeking healthcare from Healthcare Operations, and when waiting for or riding on



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public transportation and other types of shared transportation. These settings are defined further below.

Second, this Advisory also requires employees, contractors, owners, and volunteers of all Essential Businesses or those operating public transportation and other types of shared transportation to wear a Face Covering when at work.

And third, this Advisory also requires workers engaged in Minimum Basic Operations, Essential Infrastructure work, and Essential Government Functions to wear a Face Covering in areas where the public is present or likely to be and at any time when others are nearby.

This Advisory does not require that any child aged twelve years or younger wear a Face Covering and recommends that any child aged two years or younger should not wear one because of the risk of suffocation. This Advisory also does not apply to people who are in their own cars alone or with members of their own household. It also does not require people wear Face Coverings while engaged in outdoor recreation such as hiking, bicycling, or running, though it does recommend that they have a Face Covering with them and still requires them to practice social distancing and other measures to protect against transmission of the virus.

Definition of Face Coverings

As used in this Advisory, a "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face. For as long as medical grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks as Face Coverings under this Advisory. In general, even when not required by this Advisory, people are strongly encouraged to wear Face Coverings when in public.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

Effective Use

Face Coverings must be worn in such a manner as to contain respiratory droplets and minimize transmission of the virus via the hands. To achieve this, Face Coverings should fit snugly and be washed daily. Cloth Face Coverings can be safely cleaned in a washing machine or by hand as the materials



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permit. Individuals should be careful not to touch their eyes, nose, or mouth when removing their Face Coverings and wash their hands immediately after removing.

Members of the Public

All members of the public, except as specifically exempted below, must wear a Face Covering outside their home or other place they reside in the following situations:

1. When they are inside of, or in line to enter, any Essential Business, including, but not limited to, grocery stores, convenience stores, supermarkets, laundromats, and restaurants;
2. When they are inside or at any location or facility engaging in Minimum Basic Operations or seeking or receiving Essential Government Functions inside of any location or facility;
3. When they are engaged in Essential Infrastructure work
4. When they are obtaining services at Healthcare Operations— including hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, other healthcare facilities, mental health providers, or facilities providing veterinary care and similar healthcare services for animals — unless directed otherwise by an employee or worker at the Healthcare Operation; or
5. When they are waiting for or riding on public transportation or paratransit or are in a taxi, private car service, or ride-sharing vehicle.

Essential Businesses and Infrastructure

All Essential Businesses, as well as entities and organizations with workers engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions (except for Healthcare Operations, which are subject to their own regulation regarding specified face coverings), must:

1. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:
 - a. interacting in person with any member of the public;
 - b. working in any space visited by members of the public, such as by way of example and without limitation reception areas, grocery store or pharmacy aisles, service counters, public restrooms, cashier and checkout waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
 - c. working in any space where food is prepared or packaged for sale or distribution to others;
 - d. working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
 - e. in any room or enclosed area when other people (except for members of the person's own household or residence) are present.



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2. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses and entities or organizations that engaged in Essential Infrastructure work or Minimum Basic Operations must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering and must not serve that person if those efforts are unsuccessful and seek to remove that person.

For clarity, a Face Covering is not required when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room.

Exceptions

1. Any child aged two years or less must not wear a Face Covering because of the risk of suffocation. This Order does not require that any child aged twelve years or less wear a Face Covering. Parents and caregivers must supervise use of Face Coverings by children to avoid misuse.
2. Wearing a Face Covering is recommended, but not required, while engaged in outdoor recreation such as hiking, bicycling, or running. But each person engaged in such activity must comply with social distancing requirements including maintaining at least six feet of separation from all other people. Because running or bicycling causes people to more forcefully expel airborne particles, making the usual minimum 6 feet distance less adequate, runners and cyclists must take steps to avoid exposing others to those particles, which include the following measures: wearing a Face Covering when possible; crossing the street when running to avoid sidewalks with pedestrians; slowing down and moving to the side when unable to leave the sidewalk and nearing other people; never spitting; and avoiding running or cycling directly in front of or behind another runner or cyclist who is not in the same household.
3. This Advisory does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.
4. A Face Covering is also not required by this Advisory to be worn by a particular individual if the person can show either: (1) a medical professional has advised that wearing a Face Covering may pose a risk to the person wearing the mask for health-related reasons; or (2) wearing a Face Covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.

Conclusion

The intent of this Order is to ensure that all people who are visiting or working at Essential Businesses



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and all people who are seeking care at healthcare facilities or engaged in certain types of public transit or transportation with others wear a Face Covering to reduce the likelihood that they may transmit or receive the COVID-19 virus. The intent of this Advisory is also to ensure that people who work for or seek services from entities engaged in Essential Infrastructure work, Minimum Basic Operations, or Essential Government Functions also wear a Face Covering when they are in close proximity to others. In so doing, this Advisory will help reduce the spread of the COVID-19 virus and mitigate the impact of the virus on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Advisory must be interpreted to effectuate this intent.

A handwritten signature in black ink that reads "Karen Haught".

Karen Haught MD, MPH
Health Officer of Tulare County

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

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



EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19) TRANSMISSION

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a state of Emergency now exists in the State of California due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, on March 11, 2020, the County Health Officer of the County of Tulare proclaimed and declared that a local health emergency now exists in the County of Tulare due to the presence of and threat posed by COVID-19; and

WHEREAS, the Tulare County Board of Supervisors ratified said proclamation at its regular meeting of March 17, 2020; and

WHEREAS, said proclamation shall remain in effect until further notice; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering that all Californians shelter in place to preserve public health and safety ("Shelter in Place Order"); and

WHEREAS, the Shelter in Place Order has been successful in slowing the transmission and infection rate of COVID-19 in the State of California; and

WHEREAS, on March 19, 2020 the County Health Officer of the County of Tulare issued an EMERGENCY ORDER FOR THE PREVENTION OF NOVEL CORONAVIRUS (COVID-19) TRANSMISSION IN OR ABOUT RESTAURANTS, BARS, FOOD TRUCKS, GROCERY STORES, AND OTHER RETAIL FOOD AND BEVERAGE SERVICE VENUES, ENTERTAINMENT AND RECREATIONAL VENUES, GYMS, HEALTH CLUBS, THEATERS, CHURCHES, OTHER SOCIAL GATHERINGS, AND OUTDOOR RECREATIONAL ACTIVITIES, which order was extended on April 8, 2020, and amended on May 5, 2020 (the "Amended Emergency Order"); and

WHEREAS, on April 14, 2020, the State of California presented the Pandemic Roadmap, a four-stage plan for modifying the Shelter in Place Order, and defining the statewide current status under the plan as being at Stage 1; and

WHEREAS, on May 4, 2020, the State announced that entry into Stage 2 of the plan would begin on May 8, 2020 for all Counties, subject to certain conditions and certain guidance; and

WHEREAS, advancement within the Pandemic Roadmap by an individual County can be accomplished by meeting certain State-defined criteria and procedures; and

WHEREAS, the Pandemic Roadmap is designed to prevent the spread of COVID-19 in California while allowing parts of our state to safely reopen; and

WHEREAS, it is advisable that the State criteria, procedures, and guidance for the stages of the Pandemic

Roadmap become mandatory in the incorporated and unincorporated areas of County of Tulare.

NOW, THEREFORE, pursuant to Tulare County Ordinance Code sections 1-15-1033 (b) and 1-15-1040 (b), and California Health and Safety Code sections 101040, 101085, and 120175, the Health Officer of the County of Tulare hereby orders as follows, which shall be effective immediately and remain in effect until such a time that it is terminated or modified by the County Public Health Officer in writing:

1. **The Amended Emergency Order** is hereby terminated. Any previous Public Health Orders, other than the Emergency Declaration dated March 11, 2020, not previously terminated by the Amended Emergency Order are hereby terminated.
2. **The Shelter in Place Order**, the emergency orders of the State Public Health Director related to the COVID-19 pandemic, and the State's Pandemic Roadmap and guidance issued with respect to the roadmap, as may be amended, modified, or supplemented from time-to-time by their makers, are hereby adopted as emergency orders of the County Health Officer of the County of Tulare and enforceable as such.
3. **Only** the activities and businesses authorized by the County's current stage of the Pandemic Roadmap shall be allowed. The County's current stage of the Pandemic Roadmap can be found at <https://covid19.tularecounty.ca.gov/>.
4. **Bars, wineries, breweries and pubs** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
5. **Restaurants** shall follow the State's guidelines and shall be open only to drive-through or other pickup/delivery options and shall not open their in-restaurant seated dining nor allow consumption of food or beverages on-premises until allowed under the County's current stage of the Pandemic Roadmap.
6. **Food Trucks** shall follow the State's guidelines and shall not allow consumption of food or beverages on or about the premises until allowed under the County's current stage of the Pandemic Roadmap.
7. **Certified Farmers' Markets** shall follow the State's guidelines and shall space booths accordingly to increase social distancing and shall eliminate non-essential/non-related services, such as bands or other entertainment until allowed under the County's current stage of the Pandemic Roadmap.
8. **Gambling venues** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
9. **Entertainment and recreational venues**, including, but not limited to, theme parks, amusement parks, attractions, theaters, museums, roller rinks, skate parks, sports stadiums, bowling alleys, and the like, shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
10. **Gyms and health clubs** shall follow the State's guidelines and shall be closed until allowed under the County's current stage of the Pandemic Roadmap.
11. **All social gatherings**, including, but not limited to church services, meetings of service and social

clubs, conferences, conventions, and the like, shall be postponed or cancelled until allowed under the County's current stage of the Pandemic Roadmap.

12. **Outdoor recreational activities** shall be permissible as long as it is feasible to maintain a safe physical distance of six feet and gather only with members of the same household at all times during said activity(ies). Individual outdoor recreational activities are permissible as long as it is feasible to maintain a safe physical distance of six feet at all times during said activity. Any outdoor group sports or activities shall be postponed or cancelled unless the sport or activity can be done individually or with members of the same household only. There should be no shared equipment between persons who are not members of the same household. Visit <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>, Outdoor Recreation section for a list of requirements, specifically allowed activities, and further guidance from the state of California. These social distancing requirements shall remain in place as they relate to Outdoor Recreation Activities until abolished under the County's current stage of the Pandemic Roadmap.
13. For those businesses closed under this Order, business owners, managers, and supervisory staff are allowed to be on site to conduct minimum basic operations, provided that they each observe the social distancing and best personal hygiene practices (including washing their hands often with soap and water for at least 20 seconds) outlined above.
14. No County permits for special events shall be granted, all County permits for special events previously issued are revoked or postponed, and no temporary ABC licenses shall be authorized by the County until social gatherings are permitted under the County's current stage of the Pandemic Roadmap.
15. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.
16. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
17. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
18. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
19. Pursuant to California Government Code section 41601, the chiefs of the police departments of the

Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.

20. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
21. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
22. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available at <https://covid19.tularecounty.ca.gov/>.
23. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.
24. Pursuant to Tulare County Ordinance Code sections 4-01-1070 and 4-01-1315, violations of this Order may be considered a public nuisance.
25. Pursuant to Tulare County Ordinance Code sections 1-23-1000 and 1-23-1015 violations of this Order shall be subject to an administrative fine or penalty.
26. All open businesses, facilities, retail food, venues shall ensure social distancing of six feet per person between those who are not members of the same household, limit the number of customers at any given time as necessary to reduce outdoor/indoor crowding and lines to meet social distancing guidance, increase cleaning and sanitizing frequency of all contact areas, encourage use of online ordering with curbside pickup or delivery options in lieu of indoor shopping, remind employees of best hygiene practices including washing their hands often with soap and water for at least 20 seconds and wearing appropriate face covering when necessary.
27. Current guidance related to the Pandemic Roadmap is located at <https://covid19.ca.gov/roadmap/>.
28. Tulare County's Current Stage and information related to allowable businesses and activities is located at <https://covid19.tularecounty.ca.gov/>.
29. For personal and public health and safety purposes, all residents of and visitors to Tulare County are strongly urged to practice social distancing of six feet per person when able to do so, wash their hands often with soap and water for at least 20 seconds, wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings, at all times while inside of or waiting to enter any business or facility, while riding or waiting to ride any public or shared transportation, and at any other time when it is impossible to maintain a distance of six-feet between

persons who are not members of a shared household and follow all other guidance from public health officials with regard to the threat posed by COVID-19.

30. Each incorporated city within Tulare County is urged and requested to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction.
31. The Public Health Branch of the Tulare County Health and Human Services Agency, the Tulare County District Attorney's office, the Tulare County Counsel's office, and all other applicable County of Tulare Agencies, Departments, and Divisions are requested and directed to enforce this Order within their respective jurisdictions.
32. Pursuant to California Government Code section 26602, the Sheriff of Tulare County is requested to enforce this Order within the Sheriff's jurisdiction to prevent the spread of COVID-19.
33. Pursuant to California Government Code section 41601, the chiefs of the police departments of the Cities of Visalia, Tulare, Porterville, Dinuba, Exeter, Lindsay, Woodlake, and Farmersville are requested to enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.
34. The Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any County or other public agency liability.
35. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
36. This Order shall be immediately translated into Spanish, and accommodations made for disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the County of Tulare's website.
37. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

IT IS SO ORDERED.

Time: 7:35am

Date: May 8, 2020

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 
Deputy County Counsel

Matter No. 2020217

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TULARE COUNTY'S MULTI-STAGE APPROACH TOWARDS A HEALTHIER COMMUNITY

Epidemiologists and infectious disease experts agree that in the absence of strict social distancing, Tulare County numbers would once again surge. COVID-19 will continue to be a serious threat until there is an effective vaccine or more effective therapeutic treatments. Centers for Disease Control and Prevention (CDC) and National Institute of Allergy and Infectious Diseases (NIAID) experts estimate that we will not have a vaccine for COVID-19 until 2021, at the earliest. For the foreseeable future, living with COVID-19 is our new “normal”.

Living with this disease means finding ways for our community to return to work with COVID-19 still circulating. There is an emerging consensus that America's economy should open in stages with different parts of the economy and different aspects of public life reopening at different times will present a framework for a three-stage approach that reflects the state of the COVID-19 pandemic in Tulare County.

Over the last couple of weeks, California counties in coordination with the California Department of Public Health have worked extensively to create meaningful criteria that provides a solid framework to use when deciding to reopen local economies. Specifically, Tulare County has adopted four criteria to use as the means of determining the readiness of reopening our local economy. It is important to note that these criteria are aligned with other California Counties and the recommendations from the State, however, our readiness may be earlier or later than other counties due to our local situation.

The following four (4) criteria will need to be met simultaneously before moving to Stage 2, and then again before moving to Stage 3, and then once again before moving to Stage 4. Each of the following criteria has assessments and respective metrics that will be used to determine forward movement to the next Stage. However, if it is determined that there is a potential rebound or local outbreak, returning to an earlier Stage is probable.

- **(CASES) SUSTAINED REDUCTION OR STABILITY IN NEW CASES FOR 14 DAYS.** Tulare County agrees that movement towards reopening for Stage 2 should begin after 14 days of a sustained downward trend in COVID-19 positive cases.

Certain increases, such as an increase in active cases over the course of five days, would clearly be a cause for concern. However, exact judgements should reflect a precise understanding of local trends. If, for instance, public health departments identify a specific outbreak and are able to isolate COVID-positive cases and quarantine people who were in close contact quickly, movement towards greater reopening could continue, even with an increase in positive cases.

- **ADEQUATE DIAGNOSTIC TESTING CAPACITY AND RAPID TEST RESULTS. THE ABILITY TO TEST ALL INDIVIDUALS WITH COVID-19 SYMPTOMS (WITHIN A CERTAIN TIMEFRAME). SAME-DAY TESTING WIDELY AVAILABLE FOR HOSPITALIZED PATIENTS, HEALTH CARE WORKERS AND WORKERS IN ESSENTIAL ROLES, CLOSE CONTACTS OF CONFIRMED CASES, AND OUTPATIENTS WITH SYMPTOMS).** Expanding testing capacity and making testing broadly available is necessary to treat and control infection, and for detecting increases COVID-19 cases early.
- **PUBLIC HEALTH DEPARTMENT’S CAPACITY TO RAPIDLY INTERVIEW NEW CASES, IDENTIFY CLOSE CONTACTS, AND ENSURE THAT ISOLATION AND QUARANTINE ARE EFFECTIVE.** Public health surveillance must be strengthened to understand the spread of COVID-19 and rapidly detect outbreaks. Experts call for evidence of declining transmission for at least 14 days before there could be a move to a staged approach of reopening the economies. Tulare County must closely monitor the signs of COVID-19 spread. It must notice problems to avoid overcrowding of emergency departments or outbreaks among the higher risk.
- **HEALTH CARE SYSTEM CAPACITY TO RESPOND TO POTENTIAL SURGES.** Tulare County must ensure that the local healthcare system is out of crisis mode and able to handle potential new surges in patients, along with non-COVID-19 related services, prior to reopening the economy. Tulare County will continue to track and share information about the availability of hospital beds, ICU beds, ventilators, and personal protective equipment (PPE) in order to ensure that they are adequately available if cases surge, as modeled under a variety of assumptions. Data on available capacity should be assessed at a designated frequency. State stockpiles should be used to fill any deficiencies and there should be continuous monitoring of cases statewide to assure that capacity will not be exceeded.

GOALS AND LINKED METRICS TO CONSIDER WHEN MOVING BETWEEN STAGES

Goals	Metric
1. Containment Capacity	GOAL: Stable or decreasing COVID-19 infection rate METRIC: Low prevalence of disease - no more than 1 case per 10,000 people in last 14 days METRIC: No more than 1 death in last 14 days GOAL: Ability to test everyone who needs to be tested METRIC: Minimum daily testing volume of 1.5 per 1,000 residents METRIC: Testing availability for at least 75% of residents as measured by specimen collection sites within a 60-minute drive in rural areas
2. Case investigation and contact tracing	GOAL: The public health system has adequate infrastructure, processes, and workforce to reliably detect and safely isolate new cases, as well as follow up with individuals who have been in contact with positive cases METRIC: Sufficient staff allocated to contact tracing, at least 15 staff per 100,000 population

	METRIC: Availability of temporary housing units to shelter at least 15% of county residents experiencing homelessness
3. Health Care System Capacity	GOAL: Hospitals can quickly and independently supply sufficient PPE and critical medical equipment and can surge intensive care unit (ICU) capacity. METRIC: Ability to accommodate a minimum surge of 35% (combined for county) due to COVID-19 patients as well as providing usual care for non-COVID-19 patients.
4. Vulnerable Populations	GOAL: Ability to protect our vulnerable populations METRIC: Skilled nursing & other congregate living facilities have > 14-day supply of PPE and access to non-state sources for replenishing the supplies.

Potential Increased Community Transmission when Re-opening Public Spaces.

Opening public spaces will entail an increased risk of community transmission. Certain populations will be more at risk for serious consequences and mortality from contracting the disease. Those most at risk include:

- Healthcare workers, first responders and other essential workers in contact with the public;
- Older adults living in nursing homes, assisted living, and senior housing;
- Racial and ethnic minorities;
- Justice-involved populations;
- People experiencing homelessness; and,
- People with disabilities and living in state institutions, group homes, and other congregate settings.
- Pregnant individuals

Given the setting and circumstances of where these populations reside, targeted monitoring and interventions will be critical to protecting these communities. Tulare County must develop effective systems and policies that protect these populations so that it is less likely to experience outbreaks that can interrupt the gradual reopening of society.

Strong and Clear Communication and Public Engagement Plan.

Communication is an integral part during a crisis, and is even more important as Tulare County moves toward reopening. It is critical that public engagement is incorporated into the response plan to minimize the risk of misunderstanding, confusion, or protest by individuals who believe reopening should be either faster or slower. It is important that Tulare County evaluates the different needs, risk factors, and resources.

Rationale for a Multi-Stage Approach to Reopening

Developing a framework that thoughtfully guides decision making on key factors to reopen the economy is important. The framework must include an array of public health factors, including consistent communication related to COVID-19, data collection, defining measures to reassess readiness for opening, and anticipating the need to revert to tighter control measures. Additionally, criteria for moving between stages and defining the stages for reopening must be established. Equally important is building partnerships between public and private sectors to implement the plan.

This is the time to identify and share critical metrics and explain “the rules for reopening.” The most important message to convey in this period is that **the rate of transmission must decline or remain low to make it safe to proceed with plans to reopen local economies**. During this process, local governments should engage health care systems, schools and businesses to fine tune plans for a staged reopening and to clearly convey the steps that will be necessary.

Testing capacity should continue to expand; vulnerable populations should be identified and monitored. Businesses, schools, and healthcare facilities should develop written plans for how they will help prevent COVID-19 spread in their facilities. Policymakers should also examine disincentives to testing and isolation or quarantining, such as the fear that people who test positive or are quarantined could lose their jobs. Travel to and from areas that are experiencing significant disease should be discouraged or prohibited.

This stage should continue for the next two weeks. During this time, monitoring should indicate case numbers are declining. Based on COVID-19 case rate statistics by city and region, healthcare providers and health systems should demonstrate they can manage (with ICU beds, ventilators, PPE, nurse and physician staffing, and other metrics of capacity) no less than 1 week of new cases at the prior week case rate prior to progression between stages or to moving on to the first stage of reopening.

During this planning period, all non-essential businesses should remain closed and the Stay At Home Order remains in place. Except when performing essential services, citizens over age 65 and those with high risk factors need to remain vigilant and to shelter at home.

- Work from home should continue whenever possible, and cloth face coverings should be worn in public locations.
- Tulare County will work to accomplish all specific requirements listed above, including testing, tracking and quarantine strategies to identify cases and prevent transmission.
- All essential and non-essential businesses should begin preparations for later stages, and should be prepared to certify to the Health Department that they have written protocols, completed the social distancing and safety plan checklist and can reliably perform the following functions before advancing to later stages:

- Screen daily all employees for respiratory symptoms. Workers in close contact with each other should be screened daily with temperature checks as well. Business safety plans should clearly specify protocols for different categories.
- Advise employees with symptoms to remove themselves from the workplace and call healthcare provider for guidance. Establish policies and procedures to help employees who are required to by the healthcare provider to isolate or quarantine.
- Set expectations for frequent hand hygiene and wearing of cloth face coverings by employees where appropriate or able.
- Hand sanitizer should be placed throughout the business.

GUIDELINES FOR ALL STAGES

Individuals:

- **Continue to adhere to state and local guidance, in particularly with respect to face coverings.**
- **Continue to practice good hygiene**
 - Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
 - Avoid touching your face
 - Sneeze or cough into a tissue, or the inside of your elbow.
 - Disinfect frequently used items and surfaces as much as possible
 - Using face coverings while in public, and particularly when using mass transit or carpools.
 - People who feel sick should stay home. Do not go to work or school.
 - Contact and follow the advice of your medical provider.
 - Practice social distancing

Employers: See guidance document for employers

- **Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding employee and customer protection**
- **Keeping the Workplace Safe**
- **Communicating with your team**
- **Preparing Your Space**
- **Cleaning and Disinfecting after opening**
- **Personal Protection Equipment (PPE)**
- **How Long COVID19 Lives on Surfaces**
- **5 Essential Actions for Individuals**

If positive improvement/stability of metrics for 14 days, move to STAGE 2

CURRENT STAGE/STAGE 1

Retail Stores	• Non-essential closed • Essential businesses must implement social distancing measures for all staff and customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Commercial Businesses/Offices	• Non-essential closed • Essential businesses must implement social distancing measures for all staff and customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible •
Restaurants & Bars Serving Food	• Online order and curbside pickup only • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Nail Salons, Hair Salons, Barber Shops, etc.	• Closed
Health Care, Dental, Optometry, etc.	• Essential and/or emergency services only • Implement social distancing measures for all customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Massage, Tattoo & Body Art, etc.	• Closed
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features, Close Contact Sports, etc.	• Closed
Bars, Entertainment Venues, Community Events, etc.	• Closed
Faith Based Institutions	• Closed
Educational Institutions	• Closed
Public Spaces	•
All Residents	• Age 65+ and individuals with underlying conditions, stay home. All, work from home, if possible. Wear face covering and maintain 6 ft. social distancing when in public.

If positive improvement/stability of metrics for 14 days, move to STAGE 3/ If significant decrease in metrics return to Stage 1

STAGE 2: Lower Risk Workplaces

Retail Stores	• Online order and curbside pickup for non-essential businesses. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Commercial Businesses/Offices	• Implement social distancing measures for all customers. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible.
Restaurants & Bars Serving Food	• Continue online order and curbside pickup only. No dine-in • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Nail Salons, Hair Salons, Barber Shops, etc.	• Closed
Health Care, Dental, Optometry, etc.	• Urgent or Emergent procedures only • Implement social distancing measures for all customers and between coworkers • Employees screened daily and must wear face covering
Massage, Tattoo & Body Art, etc.	• Closed
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features (e.g. splash pads), Close Contact Sports, etc.	• Closed
Close Contact Sports	• Closed
Bars, Entertainment Venues, etc.	• Closed
Community Events (health fairs, cook-offs, etc.)	• Closed
Faith Based Institutions	• Closed
Educational Institutions, schools and organized youth	• Follow established guidelines for schools and child care facilities •

activities (day camp, summer camp)	
Senior Facilities (Skilled Nursing, Assisted Living, Long-term Living, etc.)	• Follow all established guidelines for all types of senior facilities • Implement social distancing measures. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Public Spaces	• All activities adhere to distancing and infection control protocols •
All Employers	• Continue to encourage work from home, if possible. Return to work in stages. Close common areas where personnel are likely to congregate or enforce strict social distancing protocols. Minimize non-essential travel. Consider special accommodations for personnel who are members of a vulnerable population.
All Residents	• Age 65+ and individuals with underlying conditions, stay home. All, if essential employee, work from home, if possible. Wear face covering when unable to continuously maintain 6 ft. social distancing when in public. Social gatherings should be in accordance with State guidance and be limited to immediate family. Minimize non-essential travel.

If positive improvement/stability of metrics for 14 days, move to STAGE 4 /if significant decrease in metrics, return to STAGE 2

STAGE 3: Higher Risk Workplaces

Retail Stores	• Open at 50% capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Commercial Businesses/Offices	• Open at 50% capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible.
Restaurants & Bars Serving Food	• With State Executive Order lifted, open at 50% seating capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Nail Salons, Hair Salons, Barber Shops, etc.	• Restricted to appointment only services. No walk-in customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.

Health Care, Dental, Optometry, etc.	• Routine and elective procedures for patients for all age groups. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Massage, Tattoo & Body Art, etc.	• Restricted to appointment only services. No walk-in customers. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features (e.g., splash pad), etc.	• Open at limited capacity while adhering to 6ft social distancing criteria. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Close Contact Sports	• Closed
Bars, Entertainment Venues, etc.	• Closed
Community Events (health fairs, cook-offs, etc.	• Closed
Faith Based Institutions (Churches & Weddings)	• Open at 50% capacity. • Implement social distancing measures. • Wear face covering if unable to continuously maintain 6 ft. social distancing when in public.
Educational Institutions, school and organized youth activities (day camp, summer camp)	• Follow established CDPH and CDC guidelines for schools and child care
Senior Facilities (Skilled Nursing, Assisted Living, Long-term Living, etc.)	• Follow all established CDPH guidelines for all types of senior facilities • Implement social distancing measures. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Public Spaces	• All activities adhere to distancing and infection control protocols
All Employers	Close common areas where personnel are likely to congregate or enforce moderate social distancing protocols. Consider special accommodations for personnel who are members of the vulnerable populations.
All Residents	• Age 65+ and individuals with underlying conditions, stay home. Work from home, if possible. Wear face covering if unable to continuously maintain 6 ft. social distancing when in public. Social gatherings should be in accordance with State guidance. Some non-essential travel may resume.

If significant decrease in metrics, return to STAGE 3

Stage 4: End of Stay at Home Order

Retail Stores	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Commercial Businesses	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Restaurants & Bars Serving Food	• Limited to State restrictive capacity. If no limitations, open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Nail Salons, Hair Salons, Barber Shops, etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Health Care, Dental, Optometry, etc.	• Routine and elective procedures for patients for all age groups. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Massage, Tattoo & Body Art, etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features (e.g., splash pad), etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Close Contact Sports	• Open at full capacity
Bars, Entertainment Venues, etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Community Events (health fairs, cook-offs, etc.	• Open at full capacity • Implement social distancing measures. •

Faith Based Institutions	• Open at full capacity. • Implement social distancing measures. • Wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Senior Facilities (Skilled Nursing, Assisted Living, Long-term Living, etc.)	• Follow all established CDPH guidelines for all types of senior facilities • Implement social distancing measures. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Educational Institutions, schools and organized youth activities (day camp, summer camp)	• Open • Implement social distancing measures. • Wear face covering if unable to continuously maintain 6 ft social distancing when in public.
All Employers	• Resume unrestricted staffing of worksites
All Residents	• Age 65+ and individuals with underlying conditions can resume public interactions, but should practice social distancing, minimize social settings where distancing may not be practiced. Wear face covering if unable to continuously maintain 6 ft social distancing when in public. Social gatherings should be in accordance with State guidance.

Conclusion

The threat of COVID-19 will be with us for the foreseeable future. There is a high probability that Tulare County will experience continued outbreaks that will force us to revert to earlier stages at some point during the reopening process. Now is the time to build capacity and create partnerships, across our county with employers, nonprofits, and community groups, to respond effectively to this challenge. This is also the time to provide clear guidance and an evidence-based framework for reopening our local economy.

Discussions with the state and federal government will continue with the purpose of redefining essential v. nonessential sectors. Instead of classifying businesses and industries as essential vs. non-essential, moving towards the terminology of “lower risk” vs “higher risk” operations may be more viable. This will allow all businesses to begin working on plans that focus on safety and are designed to lower the risk of COVID-19 transmission to their workers and customers. Examples of “low-risk” activities that are currently deemed non-essential: 1) Bookstores: could be lower risk if they limited the number of people that enter the store and took precautions to protect the clerks; Examples of “higher-risk” activities could include hair salons and tattoo shops where there is longer close personal contact.