



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 21, 2020, 5:30 PM**

Pursuant to Executive Order N-29-20, signed by Governor Newsom on March 17, 2020, and in an effort to protect public health and slow the rate of transmission of COVID-19, the City of Porterville is allowing for and encouraging electronic public participation at City Council Meetings. Until further notice, Porterville City Council Meetings will be livestreamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>. Public comments may be submitted to CouncilMeetingComments@ci.porterville.ca.us and will be read aloud for Council consideration during Oral Communications or during any public hearings as applicable. Members of the public are encouraged to submit comments prior to 6:30 p.m., Tuesday, July 21, 2020, to participate in said meeting. Staff will periodically check for any emails that may have been submitted after 6:30 p.m., however it is not guaranteed that those emails will be read prior to Council action. Please direct any questions to the Office of City Clerk, 559-782-7464.

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: APN: 302-110-077. Agency Negotiator: John Lollis.
Negotiating Parties: City of Porterville and Tulare County Junior Livestock Show and Community Fair. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: APN: 260-213-022. Agency Negotiator: John Lollis.
Negotiating Parties: City of Porterville and 50 West Olive LLC. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: 109 North E Street, Space 19, Porterville, CA. Agency
Negotiator: John Lollis. Negotiating Parties: City of Porterville and NALO-PBE
Investment, LLC. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel –
Anticipated Litigation – Significant Exposure to Litigation: Two cases 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. Tulare County Water Commission - July 13, 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 to Purchase Specialized Equipment-Grinder Cartridge**
Re: Consideration to authorize the purchase of a new grinder cartridge and spare parts for the headworks grinder/washer/compactor located at the City Waste Water Treatment Plant in the amount not to exceed \$24,851.20 to Franklin Miller Incorporated.

2. **Authorization to Purchase Specialized Equipment - Returned Activated Sludge (RAS) Pump Impeller**
Re: Authorization to purchase specialized equipment, the Return Activated Sludge (RAS) pump impeller on plant #4, located at the Waste Water Treatment Facility in the amount of \$13,071.43.
3. **Authorization to Purchase Valve Gate Equipment for Recharge Projects**
Re: Consideration to authorize the purchase of Valve Gate equipment in an amount not to exceed \$15,420.
4. **Authorization to Purchase Dell Precision 5820 CAD Workstations**
Re: Consideration to authorize the purchase of six Dell Precision 5820 CAD Workstations from Dell, in the amount of \$13,077.60.
5. **Authorization to Repair Refuse Truck Fuel Injection System**
Re: Consideration to authorize a refuse truck repair by E.M. Tharp, Inc.- Golden State Peterbilt at a cost not to exceed \$11,329.18
6. **Authorization for Transit Bus Engine Repair**
Re: Considering approval of transit bus engine repair by E.M. Tharp - American Truck Parts at a cost not to exceed \$16,964.88
7. **Authorization to Advertise for Bids - Friant-Kern Canal Turnouts**
Re: Consideration to approve staff's recommended Plans and Project Manual; authorize staff to advertise for bids on the project; authorize the City Engineer to negotiate construction surveying services with one of the firms; and authorize the Finance Director to appropriate \$10,000 from the Water Replacement Fund.
8. **Asphalt Grinding Program for 2020/2021**
Re: Consideration to authorize staff to secure annual grinding contractor services for the Fiscal Year 2020/2021 Street Maintenance and Overlay Program.
9. **Sewer Utility Districts Annual Assessments**
Re: Consideration to adopt Resolutions ordering the continued sewer district assessments for the 2020/2021 tax year.
10. **Authorization for Annual Wastewater Treatment Facility Extended Maintenance and System Service (EMASS) Contract**
Re: Consideration to award the EMASS Service Contract to Tesco Controls Incorporated in an amount not to exceed \$6,500.00.
11. **Preliminary Annual Engineer's Report of Assessments for Landscape and Lighting**

Maintenance Districts and Setting a Public Hearing

Re: Consideration to adopt draft Resolutions ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts (LLMD) for Fiscal Year 2020/21; giving preliminary approval to the Engineer's Report for the LLMD for Fiscal Year 2020/21; declaring the intent to levy and collect assessments for Fiscal Year 2020/21; and offering a time and place for hearing objections thereto.

12. 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

13. Approval of the Analysis of Impediments to Fair Housing Choice

Re: Consideration to conduct the Public Hearing on the proposed 2020 Analysis of Impediments to Fair Housing Choice; and adopt the draft Resolution approving the 2020 Analysis of Impediments to Fair Housing Choice.

14. Establishing Lighting and Landscape Maintenance Districts and Tax Assessments for Parcels Within Nader Homes, Ranch Victoria, Riverview Estates, Summit Estates II Phase I, Summit Heritage Villas, Trooper Terrace and Windsor Court.

Re: Conduct the Public Hearing to receive public comment on establishing Landscape and Lighting Maintenance District Numbers 48, 49,50 ,51, 52, 53 and 54; and adopt the draft Resolution approving the Engineers Report and assessment method.

15. Permanent Local Housing Allocation (PLHA) Entitlement Grant Application

Re: Consideration to conduct a Public Hearing to receive public comment; approve and adopt the proposed draft Permanent Local Housing Allocation (PLHA) Five-Year Plan; authorize the Mayor or designee to execute all documents; and authorize the Community Development Director to execute project drawdown requests, and all other administrative documents.

16. Consideration of an Urgency Ordinance Requiring the Use of Face Coverings

Re: Considering the adoption of an Urgency Ordinance to require the use of face coverings in conformity with requirements set forth by the California Department of Public Health.

SCHEDULED MATTERS

17. Consideration of Membership in the Tulare County Economic Development Corporation

Re: Consideration of continued membership in the Tulare County Economic Development Corporation and invoice for \$25,000 for the 2020-2021 fiscal year.

- 18. Consideration of a Nuisance Abatement Cost Recovery Amount and Special Assessment for 472 North Villa Street**
Re: Consideration of levying a special assessment in the amount of \$30,000 on 472 N. Villa Street.
- 19. Consideration of Placement of Measure on the November 3, 2020, Ballot to Consider Cannabis-Related Excise Tax**
Re: Consideration of the City Council to review and consider for approval the draft Ordinance and Resolution for submission of the measure to the voters of the City of Porterville.
- 20. Consideration of Placement of Measure on the November 3, 2020, Ballot to Consider an Increase to the City's Transient Occupancy Tax**
Re: Considering the placement of a measure on the November 3, 2020, ballot to increase the City's transient occupancy tax ("TOT"), also known as the hotel tax, from 8% to 12%.
- 21. Consideration of the Continued Sale of Sane and Sane Fireworks in the City**
Re: Consideration of the continued sale of Safe and Sane fireworks in the city.
- 22. Three-Year Review of Galaxy 9 Theater Conditional Use Permit for Alcohol Sales**
Re: Consider staff's report in the Three-Year Review of Galaxy 9 Theater Conditional Use Permit.
- 23. Porterville Rescue Mission Bi-Annual Review**
Re: Consideration of the City Council to receive staff's report and provide direction as necessary.
- 24. Adoption of Annual Appropriation Limit**
Re: Consideration to approve draft Resolution adopting the appropriation limit of \$77,790,030 for 2020-2021 Fiscal Year.
- 25. 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 August 4, 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 – JULY 21, 2020

SUBJECT: Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community. The City transitioned from Phase IV to Phase III of the City's Water Conservation Plan as of June 1, 2020. The Water Conservation Plan applies to all municipal water users within or outside city limits. As part of the Phase III plan, the City increased outdoor watering to a two days per week watering schedule based on address. If an address ends with an "odd" number, the watering days are Tuesday and Saturday; if an address ends with an "even" number, the watering days are Wednesday and 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, Thursday and Friday. Watering of outdoor landscaping is prohibited during, and within 48 hours after, measurable rainfall which is 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 June 2020 show that a total of 42 Notice of Violations were issued for water wasting, and 13 Administrative Citations were issued.

Water production for June 2020 shows a 8% increase from the 5-year average. The production for the month of June 2020 was 401 million gallons, which when compared to the production for the month of June 2013 of 478 million gallons, equates to a 16.06% decrease. Residential consumption for June 2020 was 154.62 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 June 2020. Porterville's cumulative total production

conservation through June 2020 is 22.14%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through June 2020. Porterville's cumulative total GPCD conservation through June 2020 is 26.7%.

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 June 2020
 2. Monthly Production Status GPCD June 2020
 3. Drought Response Phase III Flyer -

Appropriated/Funded:

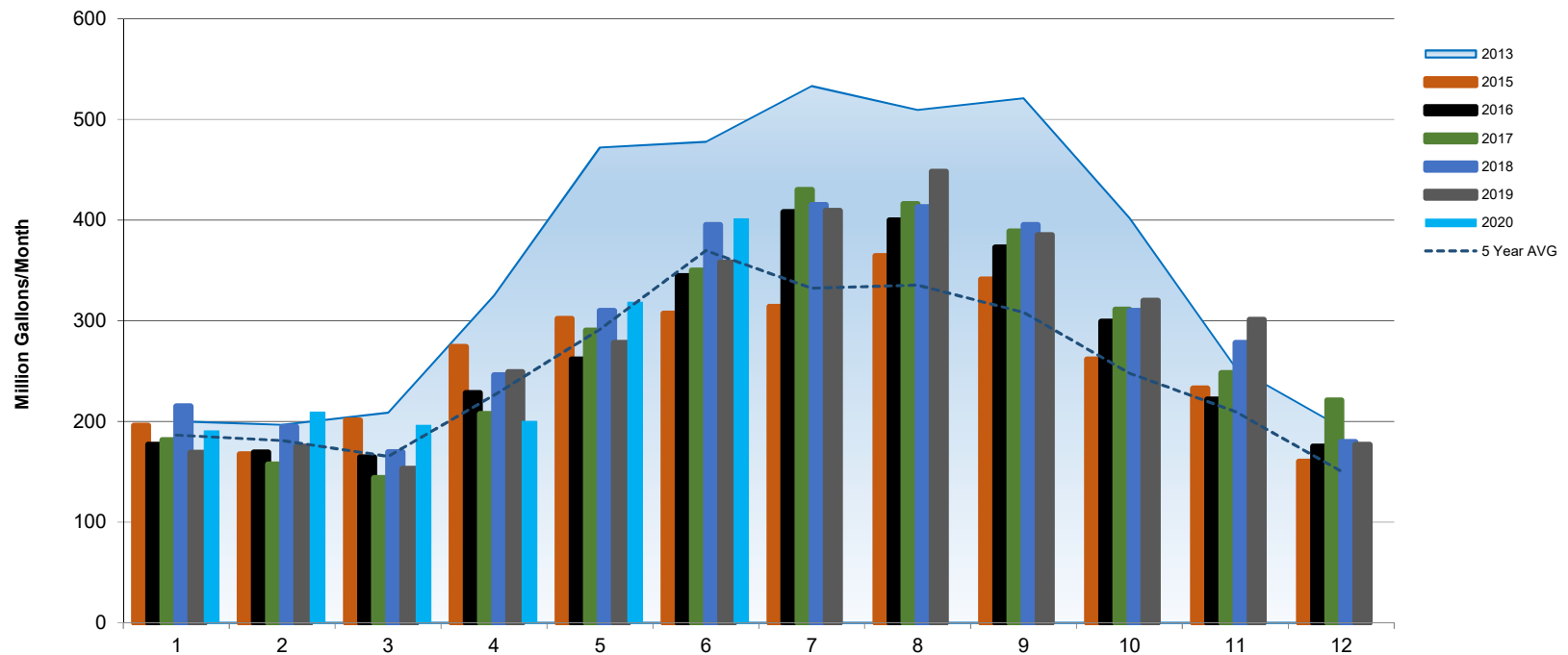
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

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

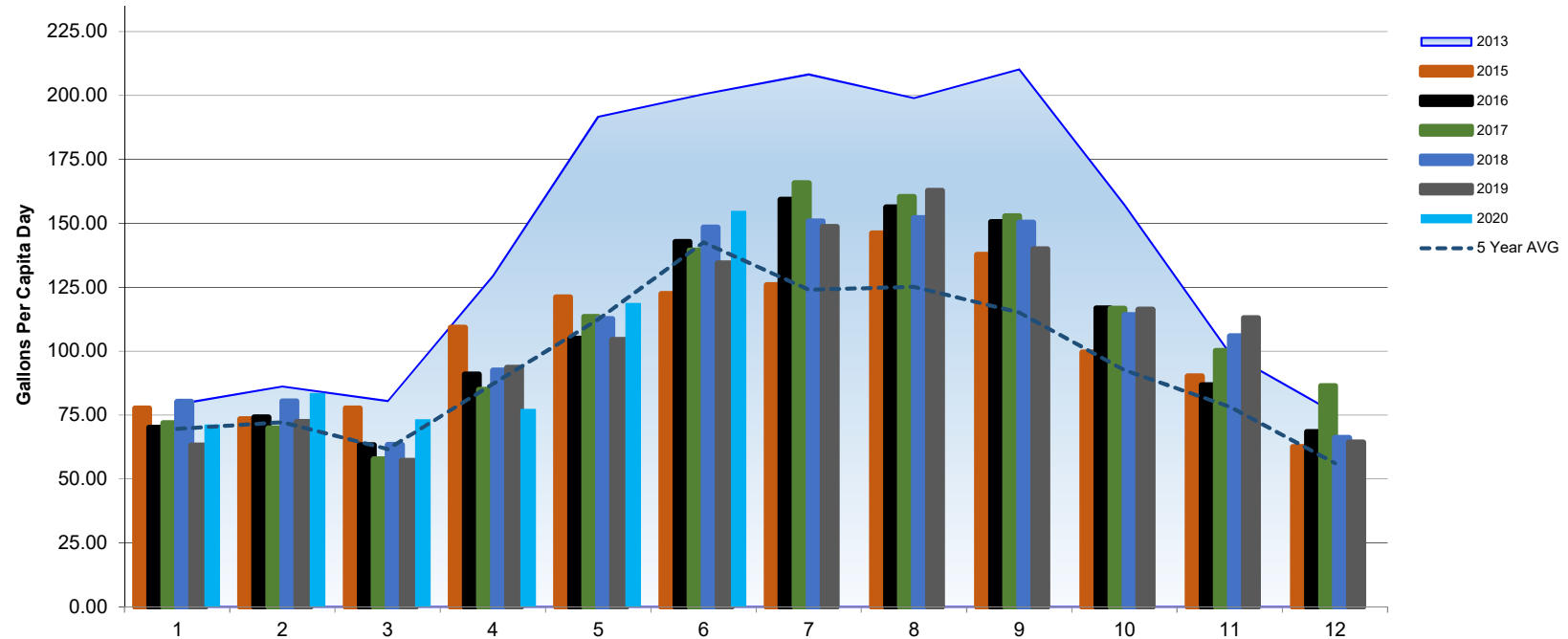


Production Cumulative Total 22.1%

	2015	2016	2017	2018	2019	2020
1	-2%	-12%	-9%	1%	-16%	-5%
2	-15%	-14%	-20%	-7%	-11%	6%
3	-4%	-21%	-31%	-13%	-27%	-6%
4	-16%	-30%	-36%	-29%	-23%	-38%
5	-36%	-45%	-38%	-39%	-41%	-33%
6	-36%	-28%	-27%	-26%	-25%	-16%
7	-41%	-24%	-19%	-25%	-23%	
8	-28%	-21%	-18%	-24%	-12%	
9	-35%	-28%	-25%	-29%	-26%	
10	-35%	-26%	-23%	-27%	-20%	
11	-8%	-13%	-2%	7%	19%	
12	-18%	-10%	14%	-13%	-9%	

Percent Comparison to 2013 Production

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



GPCD

Cumulative Total 26.7%

	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%	-10%	-26%						

Percent Comparison to 2013 Production



DROUGHT RESPONSE Phase III

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

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

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

Excessive water runoff is prohibited.

The washing of sidewalks and driveways is prohibited.

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

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

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

DROUGHT RESPONSE PHASE III

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

Mandatory Odd/Even Watering Schedule

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

Odd Address
 Even Address

ODD NUMBER ADDRESSES

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

OR

EVEN NUMBER ADDRESSES

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

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

**Mandatory
Odd/Even Watering
Schedule**

**Excessive water
runoff prohibited**

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

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

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

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

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



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Purchase Specialized Equipment-Grinder Cartridge

SOURCE: Public Works

COMMENT: The City of Porterville Wastewater Treatment Facility (WWTF) has received a quote from JBI Water & Wastewater Equipment, Incorporated, the local representative of Franklin Miller Inc, for the purchase of a new grinder cartridge and spare parts for its headworks grinder/washer/compactor. The Franklin Miller unit uses heat-treated alloy steel cutters to grind and reduce the volume of material captured by the barscreens and facilitates the washing and compaction of material prior to disposal.

The quote from JBI is \$22,592.00, which includes freight for a new cartridge and spare parts. The new unit and spare parts will allow a new grinder cartridge to be put on line in a few hours avoiding excess down time, housekeeping and odor issues and will provide redundancy in the event of equipment failure.

RECOMMENDATION: That City Council:

1. Approve the purchase of a new screenings cutter cartridge and spare parts for the do not exceed amount of \$24,851.20 (which includes freight and 10% contingency) from Franklin Miller, Incorporated;
2. Direct the Finance Director to initiate a Purchase Order to Franklin Miller, Incorporated for a do not exceed amount of \$24,851.20 (which includes freight and 10% contingency); and
3. Direct the Finance Director to make payment to Franklin Miller, Incorporated upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. Franklin Miller Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



Franklin Miller Inc.
60 Okner Parkway
Livingston, NJ 07039 USA

Tel 973-535-9269
Fax 973-535-6269
info@franklinmiller.com

Quote No: 48274

June 30, 2020

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POR019

Porterville, City Of
1333 W. Grand Ave.
Porterville, CA 93257 USA
Phone: 559-782-7501

Your Local Representative:
JBI Water & Wastewater Eqt., Inc.
Attn: Simon Morris
Tel: 916-933-5500
email: simonmorris@jbewater.com

Salesperson:
Nicholas Ilaria, Regional Sales Manager
nilaria@franklinmiller.com

We are pleased to quote on the following Taskmaster TM8520 to be used with existing motor, drive, and controls:

Project: Replacement Grinder for SN: 9436

Quantity		Description	Price	Totals
1	EA	TASKMASTER® GRINDER, Model TM8520 as follows: - Nom. 8" x 20" Cutting Chamber - Ductile Iron Housing - Cutter Cartridges: 7-Tooth Cam Cutters, 4140 H.T. - 2" Hexagonal Shafting, 4140 H.T. - Mech. Seals - T.C. Seal Faces - Painted 2 Coats Heavy Epoxy Coating - Osha Blue	12,900.00	\$12,900.00
2	EA	Cartridge Bearing Seal Cartridge, Fixed	797.00	\$1,594.00
2	EA	Cartridge Bearing Seal Cartridge, Expansion	804.00	\$1,608.00
10	EA	Cutter Cartridge, 5T- Tm85	576.00	\$5,760.00
Tax: 2,022.24			Subtotal:	\$21,862.00
			Freight:	\$730.00
			Grand Total:	\$22,592.00

Prices are Valid Until Thursday, July 30, 2020
Freight Included

Sales Tax Shown Is Not Included in Subtotal

Thank you for this opportunity to be of service.

This quote is subject to Franklin Miller Standard Warranty, Terms and Conditions attached. Prices do not include applicable taxes.

..... See the difference



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Purchase Specialized Equipment - Returned Activated Sludge (RAS) Pump Impeller

SOURCE: Public Works

COMMENT: The Wastewater Treatment Facility (WWTF) is requesting authorization to purchase specialized equipment. The Return Activated Sludge (RAS) pump impeller on plant #4 has failed after twenty-six years (26) years of operation. The RAS pump is critical to the plants operation as it returns settled sludge from the secondary clarifier back to the aeration basin to treat the incoming waste.

WWTF staff contacted three vendors for quotes to replace the impeller. The quotes are as follows:

<u>Contractor</u>	<u>Total Cost</u>
JM Squared Associates, Inc.	\$10,877
Shar-Craft Inc.	\$14,516
KSB Inc.	\$16,734

JM Squared Associates, Incorporated has been identified as the lowest bidder. Staff requests authorization to purchase the RAS pump impeller from JM Squared Associates, Incorporated at the base price \$10,877 plus applicable taxes, freight and 10% contingency to be funded from the 2020/2021 Wastewater Operating Fund.

RECOMMENDATION: That City Council:

1. Award the purchase of specialized equipment to JM Squared Associates, Incorporated for a do not exceed amount of \$13,071.43 which includes taxes, freight and ten percent (10%) contingency;
2. Direct the Finance Department to initiate a Purchase Order to JM Squared Associates, Incorporated for a do not exceed amount of \$13,071.43 which includes taxes, freight and ten percent (10%) contingency; and
3. Direct Finance Department to make payment to JM Squared

Item No. 2.

Associates, Incorporated upon receipt of invoice approved by the
Public Works Director.

ATTACHMENTS:

1. JM Squared Associates Quote
2. Shar-Craft Inc Quote
3. KSB Inc Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

Re: Impeller quote

James MacNichols <jmsquaredassociates@gmail.com>

Wed 6/3/2020 10:04 AM

To: Ron McAllister <rmcallister@ci.porterville.ca.us>

Good day Ron:

We are pleased to propose to furnish the following Fairbanks Morse OEM Replacement parts for your consideration:

Pump Serial #: K4B1-061863

Pump Size and Model: 8" Figure B5424A

Item Description

Unit Price

Impeller CW Rotation Dynamically Balanced P/N: T8D1DB 0220F	\$ 6367.00
Impeller Wearing Ring P/N: T6C17C 9630F	1519.00
Forehead Wearing Ring P/N: T8D16X	2991.00

Notes/Clarifications:

No Sales Taxes or Installation Included

Impeller Material Quoted: Cast Iron

Estimated Shipment ARO: 7 Weeks

One-Way Ground Freight Included

FOB Point: Kansas City, KS

Payment Terms: Net 25 Days

Quotation Validity: Until 06/30/2020



JM SQUARED ASSOCIATES, Inc.

Manufacturer Representatives Since 1963

James "Jimmy" MacNichols

P.O. Box 317

Concord, CA 94522

Office: (925)798-2500

FAX: (925)798-7737

Direct: (415)666-6151

jm@jmsquared.com

www.jmsquared.com

Shar - Craft Incorporated



Customer: City of Porterville

Attention: Ron McAllister

From: Ron Paul

Quote

Date: 06/25/20

Line	Tax	Qty.	Description	Unit Price	Total
1	Y	1	Impeller CW Rotation Dynamically Balanced P/N: T8D1DB 0220F	\$8,490.00	\$8,490.00
2	Y	1	Impeller Wearing Ring P/N: T6C17C 9630F	\$2,026.00	\$2,026.00
3	Y	1	Forehead Wearing Ring P/N: T8D16X	\$4,000.00	\$4,000.00

Quoted prices do not include taxes or freight.

Quoted prices are based on the quantities listed.

Quoted prices are subject to raw material price in effect at time of order.

Thank you for the opportunity to quote these services.

sharcraftinc.com

1103 33rd Street Bakersfield, CA 93301

(661) 324-4985

KSB Inc.
Pump Scope of Supply and Pricing

City of Porterville
Wastewater Treatment Facility
Ron McAllister, 559.782.7501, rmcallister@ci.porterville.ca.us
KSB Reference: [I-CM200602A](#)
June 11, 2020

KSB Inc.

19234 Flightpath Way
Bakersfield, CA 93308
Phone: (661) 633-5520
Fax: (661) 392-0330

Salesman:

Cody Martin
Cody.Martin@ksb.com

Inside Sales

Kevin Harbin
Kevin.Harbin@ksb.com

QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	T8D1DB Impeller Clockwise, 2-Vane, Dynamically Balanced Cast Iron	\$9,795	\$9,795
1	T6C17C Impeller Wearing Ring Stainless Steel	\$2,337	\$2,337
1	T8D16X Fronthead Wearing	\$4,602	\$4,602
SUBTOTAL			\$16,734

COMMENTS:

- 1 Delivery Time: **7-8 weeks After Receipt of Factory Confirmed Order**
- 2 We ask for your understanding that, due to the supply chains being possibly affected by the current global pandemic COVID-19 – especially with regard to our sub-suppliers or possible impacts on our operational flow – the lead times and dates of delivery stated in the quotation, agreement, order confirmation or elsewhere cannot be binding.
- 3 Pricing is in US Dollars and based on KSB Terms and Conditions of Sale.
- 4 This Proposal is valid for **30** days.
- 5 FOB: **Kansas City, KS**
- 6 Cancellation charges per attached "Cancellation Curve".
- 7 Freight and Sales Tax to be added
- 8 Payment Terms: **100% Net 30 Days - Pending Credit Approval**
Schedule TBD
- 9 Any Order in connection with this proposal shall be considered an acceptance of this offer.



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Purchase Valve Gate Equipment for Recharge Projects

SOURCE: Public Works

COMMENT : The City of Porterville (City) and Porterville Irrigation District (PID) have been working collaboratively in the development of the City's efforts to construct groundwater recharge basins to support the objectives of sustainable groundwater management. The City has identified parcels adjacent to the Friant-Kern Canal (FKC) to efficiently use water for recharge. In order for the City to take delivery from the FKC, as outlined in the City's Capital Improvement Program, a new turnout and a short pipe line will be required.

Staff has worked with the City's consultant, Provost & Pritchard, to develop the project and timeline. In preparation of the project and seasonal impacts on the operation of the FKC, a very brief window of opportunity will be available for the construction of the Center Basin Turnout. The Center Basin Turnout is located adjacent to the FKC, between Henderson Avenue and Westwood Street.

To ensure the success of the proposed Turnout, staff is requesting City Council's authorization to purchase valve gates in advance of the projects construction because of long lead times on delivery. Staff has solicited three quotes for the project specific valve gates, and three were received.

<u>Vendor</u>	<u>Total Cost</u>
Watch Technologies	\$14,018
Fresno Valve and Casting	\$15,528
Waterman Valve, LLC	\$21,000

After reviewing the three quotes, staff's recommendation is to award Watch Technologies as they were the lowest bidder for the proposed purchase. Additionally, they have provided a lead time that is favorable to the project, at a cost not to exceed \$15,420 (inclusive of all parts, taxes, labor, and a 10% contingency). Funding for the purchase of the valves is available in the Water Replacement Fund 2020/2021.

RECOMMENDATION: That the City Council:

1. Authorize the purchase of specified Valve Gate equipment in an amount not to exceed \$15,420 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Direct the Finance Director to initiate a Purchase Order to Watch Technologies for the purchase of Valve Gate equipment in an amount not to exceed \$15,420 (inclusive of all parts, taxes, labor, and a 10% contingency).

Item No. 3.

ATTACHMENTS:

1. Watch Technologies Quote
2. Fresno Valve and Casting, Inc. Quote
3. Waterman Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

Watch Technologies
2185 NE Spalding Ave #10
Grants Pass, OR 97526

Quote

(541) 472-8095 Jack@watchtechnologies.com

Date	Quote #
7/7/2020	PRBRF100657

Name / Address
PROVOST & PRITCHARD CONSULTING GROUP Evan Nydam

Ship To

Terms	FOB	Project
50% Deposit		S1 and S2 Turnout

Item	Description	Qty	Cost	Total
Slide Gate	Custom Slide Gate: 4' x 4' x 17' Open frame SS w/pedestal and gearlift/crank UHMW guides, 304 SS 1.125" ACME threaded stem with 2 stem guides, Neoprene bottom seal, 316 SS Hardware.	1	6,777.34	6,777.34
Sluice Gate	Custom Sluice Gate: 3' x 3' x 18' Open frame SS w/pedestal and gearlift/crank UHMW guides, 304 SS 1.125" ACME threaded stem with 2 stem guides, Neoprene bottom seal, 316 SS Hardware.	1	6,689.94	6,689.94
Shipping and Handling	Shipping & Handling	1	550.00	550.00
	Sales Tax Visalia		8.50%	0.00
PURCHASE ORDER REQUIRED AND MUST BE SUBMITTED TO: ACCOUNTING @ WATCHTECHNOLOGIES.COM AND TO JACK@ WATCHTECHNOLOGIES.COM AMOUNT QUOTED FOR SHIPPING AND HANDLING IS AN ESTIMATED AMOUNT FINAL INVOICE WILL REFLECT ACTUAL SHIPPING AND HANDLING AS WELL AS TAXES IF REQUIRED.				

\$14,017.28

QUOTATION


Fresno Valves and Castings, Inc

PO Box 40
7736 E Springfield Ave, Selma, CA 93662
Ph: (559) 834-2511 Fx: (559) 834-4821

QUOTATION #: FVC200629_144455_1
DATE CREATED: Jun 29, 2020 - 02:44 PM
DATE PRINTED: Jun 29 2020 - 03:54 PM

TO: Provost & Pritchard Consulting Group - ATTN: Evan Nydam

PROJECT		LEAD TIME	SHIPPING TERMS		BILLING TERMS	
Center Groundwater Recharge Basin, Porterville, CA		6 Weeks	FOB Selma, CA/Pre-Pay & Add		Net 30 Days	
ITM#	DESCRIPTION	QTY(EA)	WT(LBS)	PRICE(\$)	EXTND'D PRICE(\$)	
1	Fabricated Slide Gate, #304 SS, 36" Wide x 36" High w/48" Frm, Non-Self Contained, Rising Stem w/Stem Cover, 3-Sided J-Seal, With Gear Lift, Left Wall Mount, Right Wall Mount, Bottom Wall Mount Flush, Top Wall Mount, Seating Head 20 Ft, Unseating Head 0 Ft, , CL To ToW Distance is 172 <i>Wall Bracket, Pedestal and Stem Guides included.</i>	1	790	6,843.00	6,843.00	
2	Fabricated Slide Gate, #304 SS, 48" Wide x 48" High w/48" Frm, Non-Self Contained, Rising Stem w/Stem Cover, 3-Sided J-Seal, With Gear Lift, Left Wall Mount, Right Wall Mount, Bottom Wall Mount Flush, Top Wall Mount, Seating Head 20 Ft, Unseating Head 0 Ft, , CL To ToW Distance is 151 <i>Wall Bracket, Pedestal and Stem Guide included.</i>	1	1030	8,685.00	8,685.00	
				TOTAL (\$)	15,528.00	

* This quote was prepared Without The Benefit of Project Plans and Specifications. Should any modifications be required to the quoted materials or design of the items contained in this quote based upon the subsequent receipt of plans, specifications or other such Project information, Fresno Valves & Castings reserves the right to modify this quotation to reflect any such additional material or design costs. In the event that such plans, specifications or other such product information is not obtained until after the customer has placed an order for the items as originally quoted, Fresno Valves & Castings reserves the right to amend and/or cancel the customer's purchase order to reflect the product and pricing changes required to meet Project plans and specifications.

* This quote was not necessarily prepared to meet the material and fabrication requirements of ARRA or any other such similar Act. If the items included in this quote must meet the standards of ARRA or any other such similar act, please notify us and a separate quotation will be prepared for your review and consideration.

Quotation prepared by:

Hector Molina (Hector.JM@fresnovalves.com)

To accept this quotation, sign here and return:

1. Quote is valid only to addressee stated above.
2. Quote is valid for period of 60 days or for a shorter period if, at any time, FVC provides written notice of withdrawal of this quotation.
3. Ordering of nonstandard materials and manufacturing of gates will occur only after receipts of approved submittal drawing by FVC from customer or authorized representative.
4. Orders cancelled after receipt of order are subject to a cancellation fee equal to 150 percent of the materials, labor and overhead incurred to date in the manufacture of order items.
5. This quotation is limited to the specific items quoted above and in the configuration of the items quoted above. FVC does not assume responsibility to supply additional items included in the related project that are not quoted above or for variances between quoted configurations and project plans and specifications.
6. FVC provides a one year warranty on materials and workmanship for all gate products manufactured by FVC. A copy of FVCs warranty will be provided to customer upon FVCs receipt and approval of customer order. Warranty of other product supplied by FVC is limited to the warranty provided by such other manufacturer.
7. Quotation is based on the assumption that purchase order terms and conditions are substantially equal to FVCs established terms and condition of sale. If, in the opinion of FVC, purchase order terms and conditions are sufficiently different than FVCs terms and conditions of sale, FVC reserves the right to amend the purchase order terms and conditions or reject the purchase order.



Date: 7/9/20

To: Provost & Pritchard Engineering / Mr. Evan Nydam

From: Waterman Valve, LLC / Nolan Allen

Re: Slide Gate Quote for Friant Kern Canal – Near Porterville, CA

Dear Evan,

Per our recent conversations and correspondence, please see below for descriptions, pricing, and lead times for both submittals and fabrication of the Waterman slide gates after we are in receipt of a purchase order.

Description:

Waterman SS-251-1 Type 304 stainless steel slide gate. Non-self-contained frame for headwall mounting on a concrete headwall using the standard double-nuts/grout method of installation. Side and top seals are UHMW seat/seals. Frame mounted neoprene invert seal. Type 304 stainless steel stem. Type 304 stainless steel stem guides having UHMW bushings. Fabricated steel wall bracket for mounting manual lift pedestal. Fabricated steel pedestal. Manual geared lift with crank operator. Clear Butyrate stem cover. Anchors for two-part epoxy anchoring system: Waterman provides all-thread studs with nuts and washers. The installing contractor provides the two-part epoxy. Polyamide epoxy paint on the wall bracket, pedestal and lift housing. Mill finish on all stainless steel surfaces.

Reinforced concrete pipe (RCP) is being used for water transmission. However, as discussed, a thin-wall pipe section x 8" deep will be installed on the gate side of the wall. This will allow the required edge distance for the anchoring system that will be used for wall mounting the gate over the thin wall pipe.

36" x 36" each @ \$9,750.00

48" x 48" each @ \$11,250.00

Lead times: Please allow 3 weeks for Waterman to provide submittal drawings after receipt of purchase order and agreed contract. Allow 4 to 6 weeks for Waterman to ship after we are in receipt of approved submittals and release for production.

I/we hope this information is helpful. Please feel free to call to discuss any questions you may have regarding the above or attached.

We look forward to working with you on the project.

Thank you, Evan

Respectfully,

Nolan Allen

Engineered Products Sales Manager

Waterman Valve, LLC

P: 559-748-6038 (cell)

E: nolan.allen@watermanusa.com



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Purchase Dell Precision 5820 CAD Workstations

SOURCE: Engineering and Project Management

COMMENT: The Engineering and Project Management Department requests approval to replace and upgrade six existing aging workstations to Dell Precision 5820 CAD workstations. The current Dell workstations are seven years old and the units have reached the end of their useful life. The replacement workstations will be located in the Engineering Division.

The Engineering Division has standardized on the Dell Precision line for CAD needs. Acquiring the Dell line will also allow the City's Finance Department-Information Technology Division to maintain a homogeneous network environment for smooth integration.

A quote from Dell is attached. Staff recommends the purchase of six Dell Precision 5820 CAD workstations at a total cost of \$13,077.60.

Funding for the purchase of these equipment will be from the Equipment Replacement Fund and the Engineering Division operating fund.

RECOMMENDATION: That City Council authorize the purchase of six Dell Precision 5820 CAD Workstations from Dell at a cost of \$13,077.60.

ATTACHMENTS: 1. Dell Precision 5820 CAD Workstation Quote

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



A quote for your consideration.

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000064978265.1	Sales Rep	Joseph Sanchez
Total	\$13,077.60	Phone	(800) 456-3355, 7250625
Customer #	4023319	Email	Joseph_Sanchez@Dell.com
Quoted On	Jul. 14, 2020	Billing To	ACCOUNTS PAYABLE
Expires by	Aug. 13, 2020		CITY OF PORTERVILLE
Deal ID	20409551		291 N MAIN ST
			PORTERVILLE, CA 93257-3737

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Joseph Sanchez

Shipping Group

Shipping To	Shipping Method
TED WILLIAMS CITY OF PORTERVILLE 291 N MAIN ST PORTERVILLE, CA 93257-3737 (559) 782-7439	Standard Delivery

Product	Unit Price	Qty	Subtotal
Precision 5820 Tower	\$2,179.60	6	\$13,077.60

Subtotal:	\$13,077.60
Shipping:	\$0.00
Non-Taxable Amount:	\$13,077.60
Taxable Amount:	\$0.00
Estimated Tax:	\$0.00

Total:	\$13,077.60
---------------	--------------------

Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

Shipping Group Details

Shipping To

TED WILLIAMS
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257-3737
(559) 782-7439

Shipping Method

Standard Delivery

		Qty	Subtotal
Precision 5820 Tower	\$2,179.60	6	\$13,077.60

Estimated delivery if purchased today:

Jul. 28, 2020

Contract # C000000181156

Customer Agreement # MNWNC-108/7157034003

Description	SKU	Unit Price	Qty	Subtotal
Precision 5820 Tower XCTO Base	210-ANJK	-	6	-
Intel (R) Core (TM) i9-10900X 3.7GHz,(4.7GHz Turbo, 10C, 19.25MB Cache, HT, (165W), DDR4-2666 Non-ECC)	338-BUNV	-	6	-
Intel(R) Core(TM) i9 Label	389-CGEV	-	6	-
CPU Heatsink 5820 Tower	412-AALF	-	6	-
Windows 10 Pro, 64bit English	619-ANUF	-	6	-
Precision 5820 Tower Core X 950W PCIe FlexBay Chassis CL	321-BFGM	-	6	-
Microsoft(R) Office 30 Days Trial	658-BCSB	-	6	-
Nvidia Quadro RTX4000, 8GB, 3DP, VirtualLink (XX20T)	490-BFHQ	-	6	-
32GB 1X32GB 2666MHz DDR4 Memory	370-AEUS	-	6	-
Intel Integrated controller (RST-e) with 1-2 Front FlexBay NVMe PCIe Drives	321-BDWI	-	6	-
Intel NVMe PCIe SSD (Front PCIe FlexBay)	414-BBBV	-	6	-
Dell M.2 carrier	400-AVDR	-	6	-
M.2 256GB PCIe NVMe Class 40 Solid State Drive	401-ABJS	-	6	-
No Hard Drive	400-AKZR	-	6	-
No Additional Keyboard	580-ABIS	-	6	-
No Hard Drive	400-AKZR	-	6	-
No Hard Drive	400-AKZR	-	6	-
No Optical	429-ABER	-	6	-
No Hard Drive	400-AKZR	-	6	-
No Hard Drive	400-AKZR	-	6	-
Slim filler panel (no opt.)	429-ABEP	-	6	-
No RAID	780-BBCJ	-	6	-
OS-Windows Media Not Included	620-AALW	-	6	-
No Network Card (Integrated NI	555-BBJO	-	6	-
Resource DVD not Included	430-XXYU	-	6	-
Placemat 5820 Tower MUI DAO	340-BYNM	-	6	-
Not ENERGY STAR Qualified	387-BBBE	-	6	-
Not selected in this configuration	817-BBBC	-	6	-

Thank You for Choosing Dell	340-ADBJ	-	6	-
Trusted Platform Module (Discrete TPM Enabled)	329-BBJL	-	6	-
Dell Precision Optimizer	640-BBRC	-	6	-
No Out-of-Band Systems Management	631-ABML	-	6	-
No Driver	555-BBNI	-	6	-
Boot drive or storage volume is greater than 2TB (select when 3TB/4TB HDD is ordered)	411-XXYB	-	6	-
T5820 950W Regulatory Label (DAO)	389-CGKH	-	6	-
US Power Cord	470-AAKG	-	6	-
No Mouse	570-AADK	-	6	-
SERI Guide (ENG/FR/Multi)	340-AGIK	-	6	-
No Stand included	575-BBCH	-	6	-
US Order	332-1286	-	6	-
No Accessories	461-AABV	-	6	-
Ship Material Tower 5820,7820	328-BCRU	-	6	-
SHIP,PWS,LNK,NO,NO,AMF	340-AEYP	-	6	-
Performance Optimized	370-AAIP	-	6	-
BIOS match checked back to factory	444-BBBG	-	6	-
BIOS binary check enabled and verified	444-BBBS	-	6	-
SupportAssist	525-BBCL	-	6	-
Dell(TM) Digital Delivery Cirrus Client	640-BBLW	-	6	-
Enable Low Power Mode	658-BBMQ	-	6	-
Dell Developed Recovery Environment	658-BCUV	-	6	-
External Speaker Not Included	520-AABF	-	6	-
Not selected in this configuration	817-BBBC	-	6	-
No Anti-Virus Software	650-AAAM	-	6	-
No AutoPilot	340-CKSZ	-	6	-
No Driver	555-BBNI	-	6	-
No UPC Label	389-BCGW	-	6	-
Dell Limited Hardware Warranty Plus Service	997-7163	-	6	-
Onsite/In-Home Service After Remote Diagnosis, 5 Years	997-7168	-	6	-

Subtotal:	\$13,077.60
Shipping:	\$0.00
Estimated Tax:	\$0.00
Total:	\$13,077.60

Important Notes

Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to Tax_Department@dell.com or ARSalesTax@emc.com, as applicable.

Governing Terms: This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at www.dell.com/terms or www.dell.com/oemterms), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

Supplier Software Licenses and Services Descriptions : Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on www.Dell.com/eula. Descriptions and terms for Supplier-branded standard services are stated at www.dell.com/servicecontracts/global or for certain infrastructure products at www.dell.com/en-us/customer-services/product-warranty-and-service-descriptions.htm

Offer-Specific, Third Party and Program Specific Terms: Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on www.dell.com/offeringsspecificterms ("Offer Specific Terms").

In case of Resale only: Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

In case of Financing only: If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

^Dell Business Credit (DBC):

OFFER VARIES BY CREDITWORTHINESS AS DETERMINED BY LENDER. Offered by WebBank to Small and Medium Business customers with approved credit. Taxes, shipping and other charges are extra and vary. Minimum monthly payments are the greater of \$15 or 3% of account balance. Dell Business Credit is not offered to government or public entities, or business entities located and organized outside of the United States.



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Repair Refuse Truck Fuel Injection System

SOURCE: Public Works

COMMENT: Vehicle #6659 is an active residential refuse truck which has extensive wear to the fuel injection system. This will require replacement of the fuel injectors, fuel lines and fuel rail. This vehicle is powered by a Cummins engine and must be serviced by an authorized Cummins engine repair facility.

Staff is requesting authorization to utilize E.M. Tharp, Inc. - Golden State Peterbilt, which is the nearest authorized Cummins repair service facility, at an estimated cost of \$11,329.18 (inclusive of all parts, taxes, labor, and a 10% contingency).

RECOMMENDATION: That the City Council:

1. Authorize the refuse truck repair by E.M. Tharp, Inc. - Golden State Peterbilt at a cost not to exceed of \$11,329.18 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment upon satisfactory completion.

ATTACHMENTS: 1. 6659 Fuel System Estimate

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

FLEET COPY: 2
POSTED: 07/09/20 12:57 pm PDT



Golden State Peterbilt - Porterville

15243 Road 192 Porterville, California 93257
Phone: (559) 782-5800



Case Number: 6805078 - Repair Order Number: PR114750
Purchase Order Number: n/a
Service Writer: CRUZ, MICHAEL - Case Date: 06/25/20 04:13 pm PDT

City Of Porterville	Unit #: 6659	
Address: 291 NORTH MAIN STREET PORTERVILLE, CA 93257	Asset: 2006 AUTOCAR XPEDITOR WXR [XPEDITOR WXR]	Miles 146,382
Phone: (559) 782-7456	Serial #: 6H202873	
Fax:	VIN: 5VCEC6MFX6H202873	
Cust #: 2992	Engine: Not Supported	
	Engine Hours: 17156	6H202873

Complaint:
CEL ON, PULLS RIGHT

Operation	Operation	Labor	Parts	Core Charge	Total
1	VERIFY MILEAGE IF POSSIBLE	\$0.00	\$0.00	\$0.00	\$0.00
2	CEL ON @ IDLE, HARD START, CK AND ADVISE Parts: (1.0) COMPUTER USAGE CHARGE, (1.0) FUEL LINE, (1.0) FUEL LINE, (1.0) GASKET-CONNECTION, (1.0) HEATER, INTAKE AIR, (1.0) MANIFOLD, FUEL, (1.0) TUBE, INJECTOR FUEL SUPPLY, (1.0) VALVE COVER GASKET, (2.0) BRAKLEEN, (3.0) TUBE, INJECTOR FUEL SUPPLY, (6.0) CONNECTOR, INJ FUEL SUPPLY, (6.0) INJECTOR	\$2,325.00	\$5,014.07	\$765.00	\$8,104.07
3	PULLS RIGHT WHEN BRAKING, CK AND ADVISE	\$310.00	\$0.00	\$0.00	\$310.00
4	CAB LATCH BROKE WHEN OPENING Parts: (1.0) CAB TILT SAFETY	\$620.00	\$376.73	\$0.00	\$996.73

Notes: [7/1/2020 at 12:06 pm PDT] - Russell, This unit has a fuel pressure issue, we will start trouble shooting the unit as soon as one of our qualified techs is available for this specialized trouble shooting. Thank you, Michael

[7/9/2020 at 12:57 pm PDT] - Approval Requested for the estimate version 2, total \$10,299.25. View the estimate. NOTE: RUSSELL, THIS UNITS HARD START IS DUE TO EXCESSIVE FUEL RETURN. WE CAN'T VERIFY THE PULLING RIGHT ISSUE BECAUSE AT THE MOMENT THE UNIT WILL NOT START AT ALL. THE CAB TILT SAFETY LATCH BROKE WHEN WE TRIED TO OPEN IT, THE LATCH IS 3-5 WORK DAYS OUT. WE DO NEED THAT REPAIRED TO ACCESS THE INJECTORS. PLEASE REVIEW ESTIMATE AND LET US KNOW HOW YOU WOULD LIKE TO MOVE FORWARD W/REPAIRS. THANKS, RUBY
Repair status set to Hold (auth).

Parts: \$5,390.80
Labor: \$3,255.00
Core: \$765.00
Haz. Waste: \$25.00
Shop: \$325.50
Freight: \$0.00
Tax: \$537.95
TOTAL: \$10,299.25

This estimate is subject to teardown and inspection and is valid for 30 days from date above. I, the undersigned, authorize you to perform the repairs and furnish the necessary materials. I understand any costs verbally quoted are an estimate only and not binding. Your employees may operate vehicle for inspecting, testing and delivery at my risk. You will not be responsible for loss or damage to vehicle or articles left in it. AUTHORIZED BY: _____
DATE: ____/____/____



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization for Transit Bus Engine Repair

SOURCE: Public Works

COMMENT: Vehicle No. 8178 is an active transit bus that has experienced significant internal engine wear and requires an engine rebuild. This vehicle is powered by a Cummins compressed natural gas (CNG) engine and should be repaired or replaced by a certified Cummins service center. The bus has approximately four years of remaining active service life, and its service is necessary for the transition to electrification of the City's Transit fleet over the next year.

Staff is requesting authorization to utilize E.M. Tharp - American Truck Parts, which is the nearest Cummins engine service center, to perform the required engine repair at an estimated not to exceed cost of \$16,964.88, (inclusive of all parts, taxes, labor, including a 10% contingency). Funds are available in the Transit Maintenance Budget.

RECOMMENDATION: That the City Council:

1. Authorize transit bus engine overhaul by E.M. Tharp - American Truck Parts at a cost not to exceed \$16,964.88 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. 8178 Engine Repair Estimate

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

8178

AMERICAN TRUCK PARTS

19229 AVE 152
 Porterville, CA 93257
 Tel: (559) 781-2706
 Fax: (559) 781-6198

Cust #: 2992

Customer: CITY OF PORTERVILLE
 291 NORTH MAIN STREET
 PORTERVILLE, CA 93257

Ship To: CITY OF PORTERVILLE
 291 NORTH MAIN STREET
 PORTERVILLE, CA 93257

ESTIMATE
Work Order
EST103

559 782-7456

Tax ID: X

Tax ID Date: 08-17-99

Invoice Date: 07-06-20

Page 1 of 1

Page 1 of 1

Year	Make / Model	VIN	License	Mileage	Unit / Stock	Authorization
2010	EL DORADO / BUS	1N9MNALG7AC084304	135133-CA	529382	8178	#AUTH#
Open Date / Time	Delivery Date	Delivery Mileage	Engine Hours	Reefer Hours	Standby Hours	P.O. Number
07-02-20 / 03:38PM	09-14-10					
Complete	Engine Model / Serial #	Transmission Model/Serial #			Key Tag	Service Writer
	ISL-G 8.9 / 73058963	/				SH*SH
Memo						

1 DO COMPLETE ENGIN INFRAM WITH NEW HEAD.

6080.00

C:3945917	1	SET,MAIN	204.27
R:5348546RX	1	HEAD,CYLI	2753.13
C:5579235	1	KIT,PMM P	2333.46
F:LF9009FLG	1	FILTER-OI	42.73
F:NG5900FLG	1	FILTER-GA	55.87
O:ROTELLA	10	15W/40	121.80
C:4376312	1	KIT,EXH R	1358.68
R:5357731RX	1	KIT,TURBO	1747.99

LABOR SUBTOTAL 6080.00
 PARTS SUBTOTAL 8617.93
 OPERATION TOTAL 14697.93

 64.0 HRS. @ 95.00 = 6080.00

LABOR 6080.00
 PARTS 8496.13
 OIL & GREASE 121.80
 TOTAL 14697.93

WARRANTY: E.M. THARP, INC. WARRANTS THAT IT WILL REPLACE OR REPAIR ANY PARTS FOUND TO BE DEFECTIVE WITHIN A PERIOD OF 90 DAYS FROM DATE OF INSTALLATION. THE OBLIGATION UNDER THIS WARRANTY STATUTORY OR OTHERWISE, IS LIMITED TO THE REPLACEMENT OR REPAIR OF PARTS FOUND TO BE DEFECTIVE UPON INSPECTION AT E.M. THARP, INC. SHOP. E.M. THARP, INC. SHALL IN NO EVENT BE LIABLE FOR CONSEQUENTIAL DAMAGES OR CONTINGENT LIABILITIES ARISING OUT OF THE FAILURE OF PARTS TO OPERATE PROPERLY NOR FOR THE COST OF LABOR OR TRANSPORTATION CHARGES IN CONNECTION WITH THE REPLACEMENT OF DEFECTIVE PARTS. NO EXPRESS, IMPLIED OR STATUTORY WARRANTY OTHER THAN HEREIN SET FORTH IS MADE OR AUTHORIZED BY THE MANUFACTURER. SHOULD COLLECTION BECOME NECESSARY BY SUIT OR OTHERWISE, THE CUSTOMER SHALL BE LIABLE FOR REASONABLE ATTORNEY'S FEES AND COSTS OF COLLECTION OR SUIT. JURISDICTION SHALL BE IN FRESNO, KERN OR TULARE COUNTY, CA.

RECEIVED BY: _____



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization to Advertise for Bids - Friant-Kern Canal Turnouts

SOURCE: Engineering and Project Management

COMMENT: The Plans and Project Manual have been prepared for the Friant-Kern Canal (FKC) Turnouts Projects. The Center FKC Turnout project will be located west of the Burton Middle School campus. The North FKC Turnout will be located north of the Burton Middle School campus. The projects will consist of installing new turnout structures and piping to take water from the FKC for groundwater recharge into Drainage Basin #23 (Center project) and the Porter Slough Ditch (North project) adjacent to the FKC.

The Engineer's Estimate of Probable Cost for the base bid is \$1,313,000. An additional \$131,300 is necessary for construction contingency (10%) and \$65,700 is required for construction management, surveying, quality control and inspection services (5%), for a total construction cost of \$1,510,000.

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

Initial planned funding appropriations as defined in the 2019/2020 FY annual budget are from the Water Replacement Fund in the amount of \$1,500,000. The estimated cost for the turnout projects results in a shortfall of \$10,000 of water replacement funds to fully fund the project.

RECOMMENDATION: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$10,000 from the Water Replacement Fund to fully fund this project.

ATTACHMENTS: 1. Locator Map - Center FKC Turnout

2. Site Map - Center FKC Turnout
3. Cost Estimate - Center FKC Turnout
4. Locator Map - North FKC Turnout
5. Site Map - North FKC Turnout
6. Cost Estimate - North FKC Turnout

Appropriated/Funded:

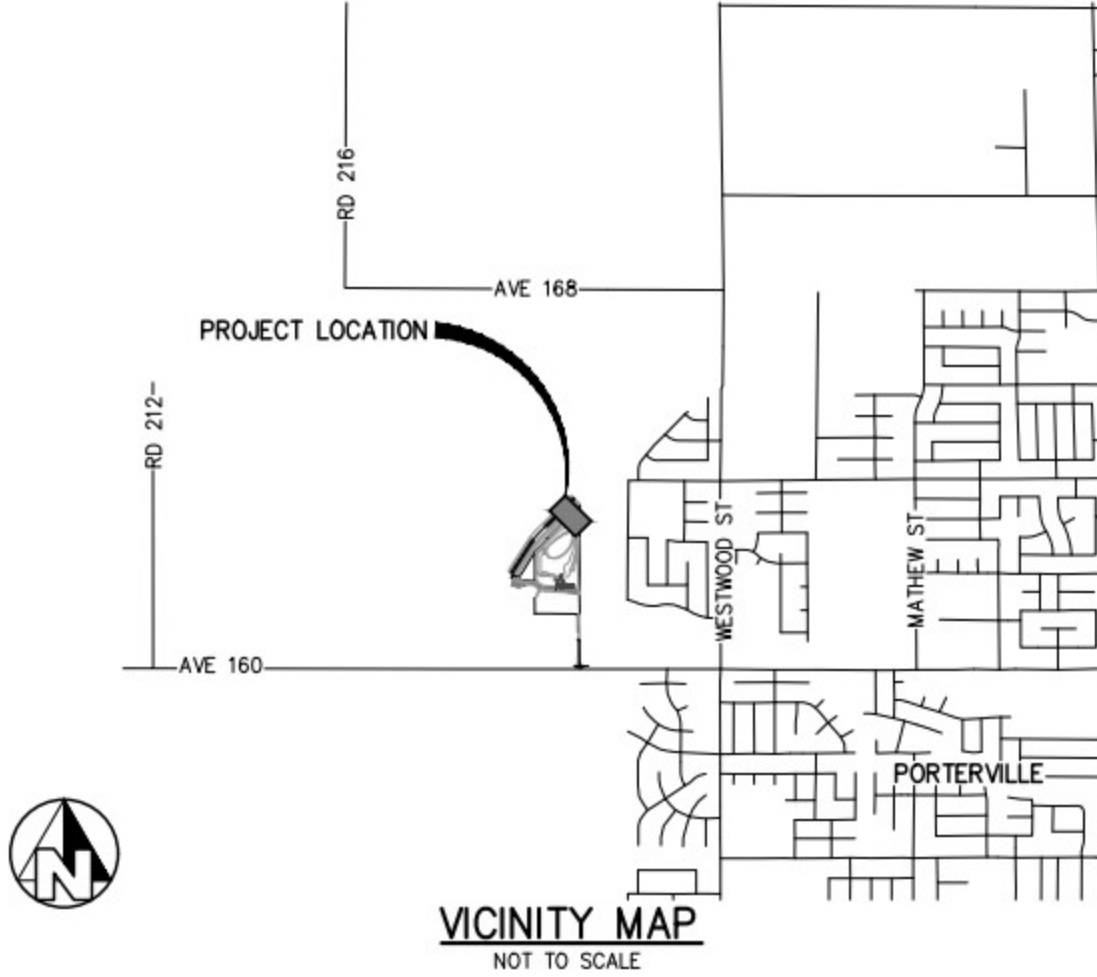
Review By:

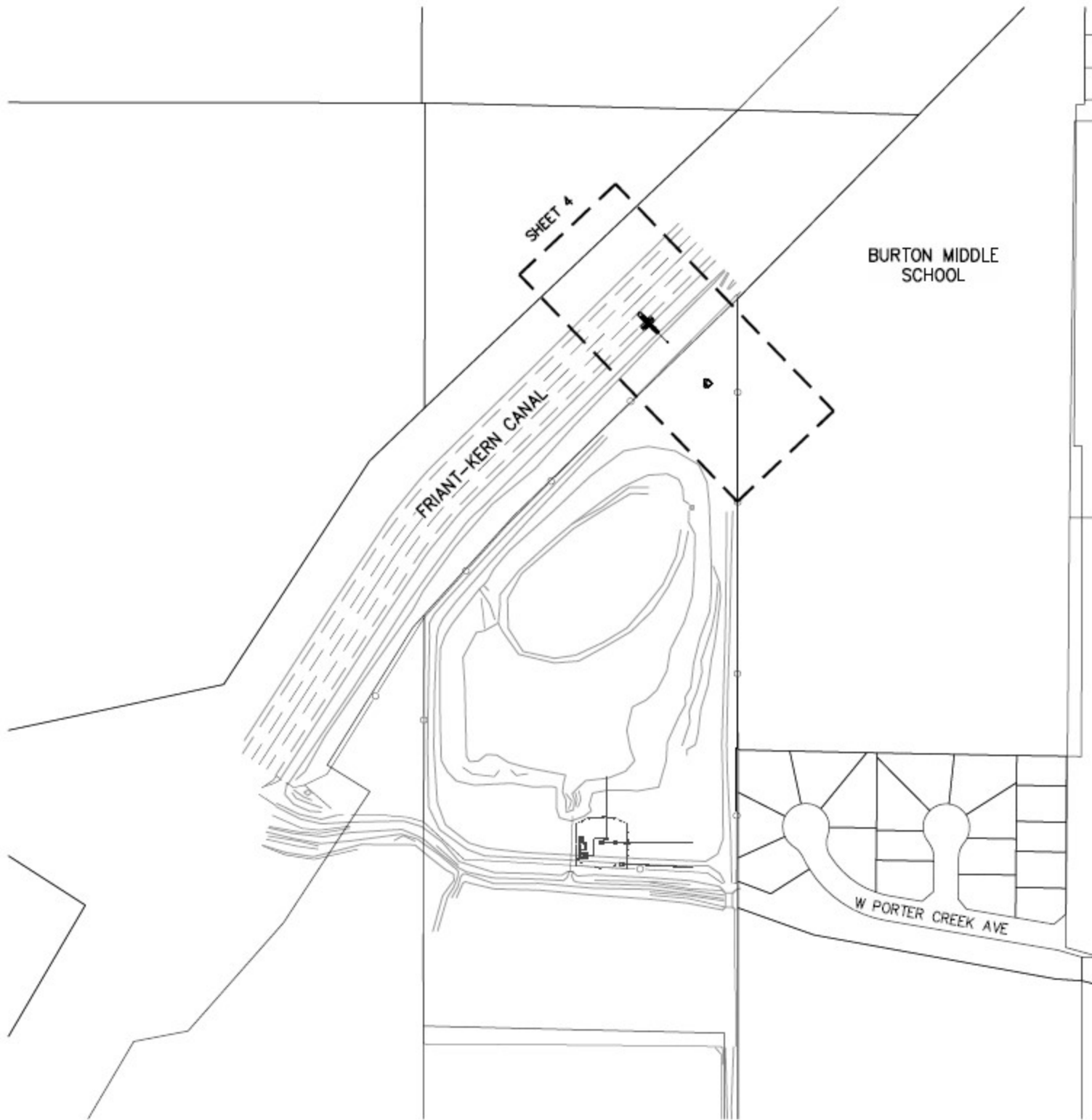
Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CENTER FRIANT-KERN CANAL TURNOUT





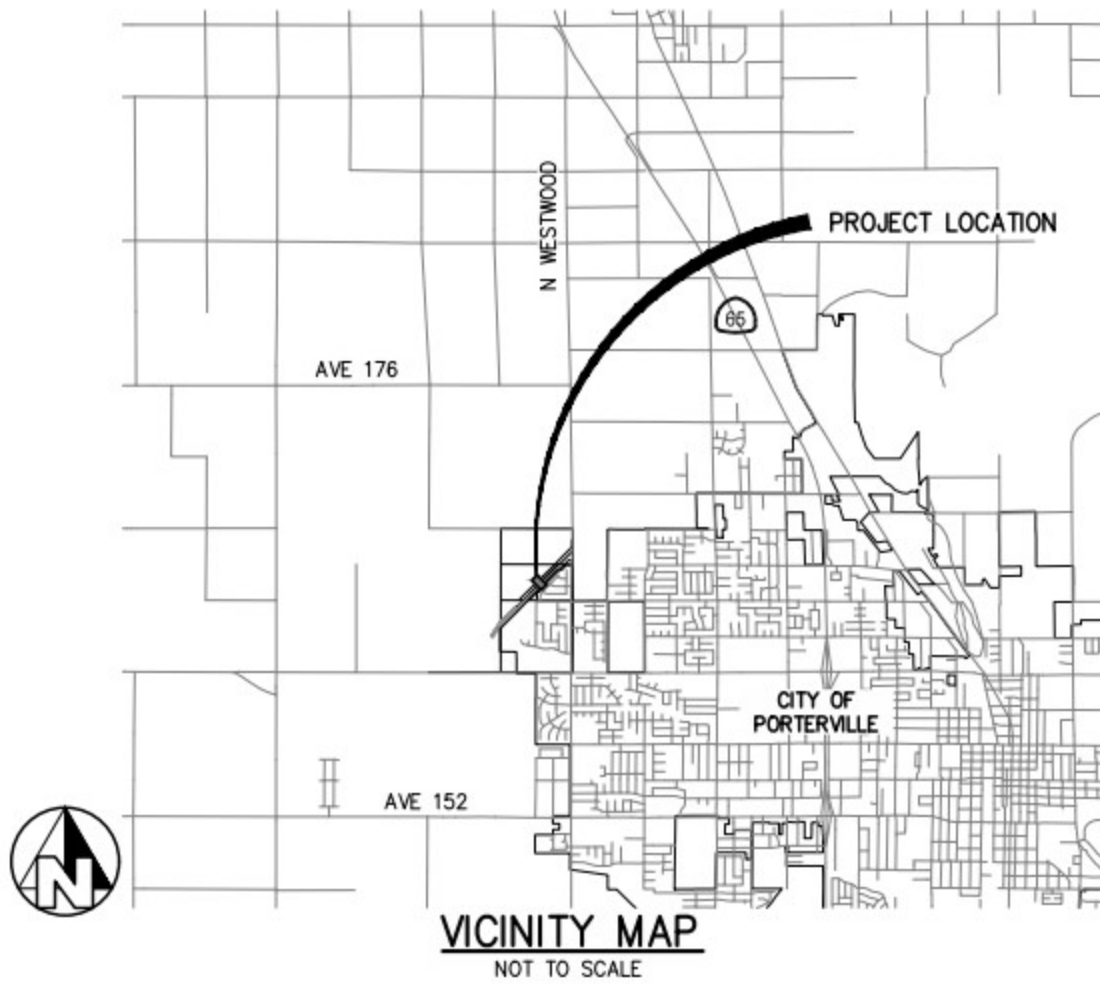
SITE MAP
NOT TO SCALE

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

PID-City of Porterville FKC Center Turnout

ITEM NO.	ESTIMATED QUANTITY QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE	SUBTOTAL
GENERAL					
1	1	LS	Mobilization, Demobilization, Bonds, Insurance	\$ 30,400.00 / LS	\$ 30,400
2	1	LS	Worker and Public Protection	\$ 12,200.00 / LS	\$ 12,200
3	1	LS	Miscellaneous Facilities and Operations	\$ 30,400.00 / LS	\$ 30,400
4	1	LS	SWPPP Preparation, Implementation, & Dust Control	\$ 6,100.00 / LS	\$ 6,100
5	1	LS	Construction Staking	\$ 10,000.00 / LS	\$ 10,000
				SUBTOTAL	\$ 89,100
FKC TURNOUT STRUCTURE					
6	1	LS	Site Demo Remove Concrete Canal Lining	\$ 10,000.00 / LS	\$ 10,000
7	80	CY	Structural Concrete for turnout, retaining walls	\$ 2,500.00 / CY	\$ 200,000
8	1,320	SF	Install New FKC Canal lining	\$ 10.00 / SF	\$ 13,200
9	60	SF	F&I Metal Grating	\$ 30.00 / SF	\$ 1,800
10	1	LS	Traveling Screen & Debris Conveyor	\$ 70,750.00 / LS	\$ 70,800
11	72	LF	F&I Handrailing	\$ 50.00 / LF	\$ 3,600
12	1	LS	F&I Safety Ladder	\$ 5,000.00 / LS	\$ 5,000
13	1	LS	F&I 36" Canal Gate	\$ 15,000.00 / LS	\$ 15,000
14	1	LS	F&I Air Vent at Turnout	\$ 1,500.00 / LS	\$ 1,500
15	1	LS	F&I Stop Log	\$ 10,000.00 / LS	\$ 10,000
16	1	LS	Site Electrical	\$ 100,000.00 / LS	\$ 100,000
17	54	LF	Turnout Fencing	\$ 60.00 / LF	\$ 3,200
18	300	CY	FKC Turnout & Control Box Excavation	\$ 10.00 / CY	\$ 3,000
				SUBTOTAL	\$ 437,100
CONTROL BOX STRUCTURE					
18	1	LS	F&I 36" Canal Gate	\$ 15,000.00 / LS	\$ 15,000
19	41	CY	Structural Concrete for Box	\$ 2,500.00 / CY	\$ 102,500
20	48	LF	F&I Handrailing	\$ 50.00 / LF	\$ 2,400
21	144	SF	F&I Metal Grating	\$ 30.00 / SF	\$ 4,300
				SUBTOTAL	\$ 124,200
CONSTRUCT 36" RGRCP PIPELINE					
22	163	LF	F&I 36" RGRCP A-25 Pipe	\$ 200.00 / LF	\$ 32,600
23	1	EA	F&I 36" McCrometer Saddle Meter	\$ 10,000.00 / EA	\$ 10,000
24	1	LS	F&I 5' Meter Access Manhole (USBR Testing Station)	\$ 5,000.00 / LS	\$ 5,000
				SUBTOTAL	\$ 47,600
CONSTRUCTION SUBTOTAL					\$ 698,000
CONTINGENCY (15%)					\$ 104,700
TOTAL					\$ 802,700

NORTH FRIANT-KERN CANAL TURNOUT





SITE MAP
NOT TO SCALE

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

PID-City of Porterville FKC North Turnout

ITEM NO.	ESTIMATED QUANTITY QTY	UNIT	ITEM DESCRIPTION	UNIT PRICE	SUBTOTAL
GENERAL					
1	1	LS	Mobilization, Demobilization, Bonds, Insurance	\$ 26,800.00 / LS	\$ 26,800
2	1	LS	Worker and Public Protection	\$ 10,700.00 / LS	\$ 10,700
3	1	LS	Miscellaneous Facilities and Operations	\$ 26,800.00 / LS	\$ 26,800
4	1	LS	SWPPP Preparation, Implementation, & Dust Control	\$ 5,400.00 / LS	\$ 5,400
5	1	LS	Construction Staking	\$ 10,000.00 / LS	\$ 10,000
				SUBTOTAL	\$ 79,700
FKC TURNOUT STRUCTURE					
6	1	LS	Site Demo Remove Concrete Canal Lining	\$ 10,000.00 / LS	\$ 10,000
7	80	CY	Structural Concrete for turnout, retaining walls	\$ 2,500.00 / CY	\$ 200,000
8	1,320	SF	Install New FKC Canal lining	\$ 10.00 / SF	\$ 13,200
9	65	SF	F&I Metal Grating	\$ 30.00 / SF	\$ 2,000
10	1	LS	Travleing Screen & Debris Conveyor	\$ 75,000.00 / LS	\$ 75,000
11	70	LF	F&I Handrailing	\$ 50.00 / LF	\$ 3,500
12	1	LS	F&I Safety Ladder	\$ 5,000.00 / LS	\$ 5,000
13	1	LS	F&I 48"Canal Gate	\$ 20,000.00 / LS	\$ 20,000
14	1	LS	F&I Air Vent at Turnout	\$ 1,500.00 / LS	\$ 1,500
15	1	LS	F&I Stop Log	\$ 10,000.00 / LS	\$ 10,000
16	1	LS	Site Electrical	\$ 5,000.00 / LS	\$ 5,000
17	54	LF	Tunout Fencing	\$ 60.00 / LF	\$ 3,200
16	400	CY	FKC Turnout & Control Box Excavation	\$ 10.00 / CY	\$ 4,000
				SUBTOTAL	\$ 352,400
CONTROL BOX STRUCTURE					
18	1	LS	F&I 24" Canal Gate	\$ 5,100.00 / LS	\$ 5,100
19	1	LS	F&I 48" Canal Gate	\$ 15,000.00 / LS	\$ 15,000
20	41	CY	Structural Concrete for Box	\$ 2,500.00 / CY	\$ 102,500
21	48	LF	F&I Handrailing	\$ 50.00 / LF	\$ 2,400
22	144	SF	F&I Metal Grating	\$ 30.00 / SF	\$ 4,300
				SUBTOTAL	\$ 129,300
CONSTRUCT 48" RGRCP PIPELINE					
23	112	LF	F&I 48" RGRCP B-25 Pipe	\$ 300.00 / LF	\$ 33,600
24	1	EA	F&I 48" McCrometer Saddle Meter	\$ 15,000.00 / EA	\$ 15,000
25	1	LS	F&I 5' Meter Access Manhole (USBR Testing Station)	\$ 5,000.00 / LS	\$ 5,000
				SUBTOTAL	\$ 53,600
SUBTOTAL					\$ 615,000
CONTINGENCY (15%)					\$ 92,300
TOTAL					\$ 707,300



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Asphalt Grinding Program for 2020/2021

SOURCE: Public Works

COMMENT: Staff is seeking City Council authority for the expenditure of funds to contract with a grinding contractor for annual services. Such a contract would secure pricing for services and would greatly improve the efficiency and quality of efforts for the 2020/2021 Overlay Season. It is proposed that the grinding services consist of the milling of City streets, gutters edge, and the blending of existing asphalt during dig outs and transitions through the project areas. The proposed services would maintain or replace the asphalt with the proper thickness, which is critical for the longevity of durability in overlay projects.

With the utilization of a grinding contractor, City staff is capable of overlaying streets that have a higher than normal Pavement Condition Index (PCI) rating in lieu of a complete reconstruction, resulting in a quality finished product. Staff believes that this process would add years to the life of a street, and the cost savings could be used to further the City's Street Maintenance Program. It would further assist the Public Works Department in maintaining minimum staffing levels, reduce equipment operations/maintenance costs, and improve the quality of the finished overlay product.

Staff has received three quotes for services from three local contractors for the Fiscal year 2020/2021.

<u>Grinding Contractor</u>	<u>Quoted Cost of Service</u>
J. Mack Enterprises Inc.	\$3,400 @ 8hr Rental
Precision Cold Planing Inc.	\$4,200 @ 8hr Rental
MAC General Engineering Inc.	\$5,275 @ 8hr Rental

After reviewing the three quotes received, staff's recommendation is to award J. Mack Enterprises Inc., as they were the lowest bidder for the proposed scope of services. In the event of operational challenges, staff also seeks authority from the Council to authorize staff the ability to use all three grinding contractors should scheduling conflicts occur. Staff proposes to prioritize awarding the services in the quoted amount and in the order identified above. Funding for an Annual Grinding Contractor will be available through the Street Maintenance and Capital Improvement Overlay Program 2020/2021.

RECOMMENDATION: That the City Council:

Item No. 8.

1. Authorize staff to utilize annual grinding contractor J. MACK Enterprise Inc. for fiscal year 2020/2021; and
2. Allow staff to substitute annual grinding contractor pending schedule conflicts as ranked by the quote for services; and
3. Allow for fund expenditures as defined by the operation for services from Street Maintenance Operations and Capital Improvement Projects Overlay Program; and
4. Authorize payment of services upon satisfactory completion.

ATTACHMENTS:

1. J. Mack Enterprises, Inc.
2. Precision Cold Planing, Inc.
3. MAC General Engineering, Inc.

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

J. MACK

ENTERPRISES, INC.
ASPHALT MILLING

P.O. Box 7600
Visalia, CA 93290

Date 5/26/2020

Price Quotation

2020 ASPHALT GRINDING RENTAL
RATE

Certified Small Business
#1731864
License #877657

DIR #1000004036

Job Location

Phone
Fax

Phone 5596229911
Fax (559) 622-9939

Attention:

Bid # 4998

Bid Date 5/26/2020

Item	Description
	2020 RENTAL RATE SHEET FOR BIDDING PURPOSES ONLY- PRICES SUBJECT TO CHANGE
	ASPHALT GRINDING (ONLY) AS DIRECTED: DAILY RENTAL RATES
	4' OPERATED MILLING MACHINE FOR (0-8 HOURS) REGULAR HOURS \$3,400.00
	MOBILIZATION CHARGES ARE \$120.00 PER HOUR OR TO BE DETERMINED ON A JOB-SPECIFIC BASIS
INCLUDES	Cut & load into your trucks, Grind A/C as directed
EXCLUDES -	Milling any concrete, Hauling, Sweeping, Traffic Control, Supplying water by truck, Layout, Handwork (Mini Grinder and/or Jack Hammer), Trimming trees/shrubs that may interfere w/milling process, Areas not accessible to our machine, Any specific guarantee of gradation, Sawcutting Sales Tax

It is our goal to offer quality work, with quality people, at competitive pricing. We THANK YOU for the opportunity to prove it.

1. This bid is not divisible. All items in this quotation must be accepted for the prices set forth above to be effective. This quotation will be incorporated into the subcontract between the parties.
2. All areas to be ground shall be clearly marked by the General Contractor or Agency Representative prior to commencement of grinding.
3. The above stated price does not include permits, bonds, state or local taxes.
4. USA notification is to be done by the General Contractor prior to commencement of work.
5. Costs of repairs to damaged machinery due to hitting unmarked obstacles (i.e. water valves, manholes, buried steel or iron) will NOT be the responsibility of the General Contractor.
6. All teeth over one complete set will be charged to the contractor. This applies to daily rental only.
7. Back charges to J. Mack on unit price projects must be communicated by the contractor in written form within 48 hours from the time of the occurrence. Back charges are limited to the daily rental rate of our machine. No back charges will be accepted on daily rate rental projects.
8. Unless agreed otherwise, payment is due and payable within 30 days of billing. California Prompt Payment laws shall also apply. Code Section 7108.5 - Prime contractor or subcontractor shall pay to any subcontractor, not later than 10 days after receipt of payment for that portion of work.
9. Items not specifically included within the quotation are considered excluded (Permits, Testing, Bonds).
10. If an Insurance Certificate requires a Waiver of Subrogation, an additional charge of \$250.00 will be applied.
11. NO RETENTION to be withheld on rental rate work.
12. Retention on unit price work performed by J. Mack longer than 60 days after completion or acceptance of J. Mack's work.
13. Customer acknowledges the scope of J. Mack's work includes changing the elevation of the existing roadway. J. Mack will have no obligation of defense or indemnity arising of claims which are the result of J. Mack's normal construction activity.
14. J. Mack shall not be held liable for damage of property caused by unraveling of the milled surface after the contractor has reopened the milled roadway to public traffic.
15. Unless listed at bid time, price quotation is good for 30 days from date of bid.
16. If a job is cancelled by a customer after J. Mack's equipment and crew has been dispatched, regardless of conditions, customer will assume responsibility for all mobilization charges.
If a job is cancelled by a customer after J. Mack has been on jobsite, regardless of conditions, customer will assume responsibility for time incurred. (minimum 2 hour show-up)
17. The unit prices are quoted are for the estimated quantities set forth herein. The prices are subject to adjustment if the quantity of an item increases or decreases twenty percent (20%) or more from the estimate. Proposal is for Monday through Friday (Non Holiday) normal daytime hours.



COLD PLANING, INC.
Cold Planing, Pulverization and Soil Stabilization

13552 Calimesa Blvd, Yucaipa, CA 92399-2304
Lic. # 832640 C-12 D.I.R. #1000006264
Office - 909-446-0010 Fax - 909-446- 8435

Date: 7/8/2020

Quote # JP6073CP

Attn: Joe Baeza
Company: City of Porterville

Cell: (909) 855-3178
Tel: (909) 446-0010
Fax: (909) 446-8435
Email: JPURVIS@PRECISIONCOLDPLANINGINC.COM

Project Name: Fiscal Contract 2020-2021
Project Location: Various Locations

Good Through: 7/1/2021
Estimator: JASON PURVIS

	Description	Quantity	U/ Measure	U/Price	Total Price
R-D	4' Cold Planer	1.00	Daily	\$4,200.00	
R-OT	4' Cold Planer Overtime Rate	1.00	Hr.	\$475.00	

Inclusions:

R-D-Provide operated and maintained 48 Inch wide cold planer. Price includes the move in & out.

R-OT-Rate per each additional hour (after the first 8 hrs. & up to 12 hrs.) billed in half hour increments.

*Quote based on rental being performed during regular weekday, day time working hours.

*Cold Planer rental will be billed by the daily ratecharge plus additional machine hours worked for overtime in half hour increments.

*A rate of \$100.00 per hour will be billed to meet union operator hourly minimums, ONLY if billable machine hours fall short there of.

*Extended Distances or Mountain areas- Additional Mob charges will apply.

Exclusions: USA, SWPPP, Sweeping/Clean up (unless otherwise noted), lighting/light towers for night work, permits, posting, potholing, marking or layout, survey, tree trimming, traffic control/closures, mini grinder (unless otherwise noted), detail/hand work (unless otherwise noted), profile milling, saw cutting, striping, temporary striping/traffic markers, tabs, water to be supplied (by contractor) readily accessible to our equipment, supplying materials/placing/maintaining temporary ramping and/or tapers, areas not accessible to our equipment both horizontally and vertically, disposal of material not removed after initial sweeping, disposal of contaminated asphalt, slurry and/or asphalt overlay removal from concrete gutters, dirt, hazardous waste, aggregate base, fabric of any kind, grinding of pcc (concrete), clay, construction debris, jobsite maintenance, lowering/plating/protection of manholes/water valves/utilities. Special hours or night work (unless otherwise noted). Specialty safety training/badging and cost thereof. Upon completion of our work, Precision Cold Planing, Inc. is relieved of all liability for work completed; protection/maintenance shall become the responsibility of others.

*This Quotation shall become part of any future contract/purchase order unless otherwise agreed and must be signed and returned within 30 days from date of submission for Good Through date to apply.

*Three (3) weeks lead time required to schedule mobilizations.

* Delays or problems encountered on the job will be billed accordingly.

*Damage to equipment by unmarked items in grade to be invoiced at a time and material basis plus markup.

*Precision Cold Planing, Inc. excludes notification to any underground alert service, marking and/or location of any underground utilities. Upon execution/acceptance of this quote the customer accepts sole responsibility for any/all subsequent liabilities coincident with the following requirements of the California regional notification center law pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the government code.

Accepted By: _____ Date: _____



MAC General Engineering, Inc.

License 988712

PO Box 1748, Porterville, CA 93258

To:	City Of Porterville	Contact:	Joe Baeza
Address:	291 N. Main Street Porterville, CA 93257 UNITED STATES	Phone:	559-791-7867
		Fax:	559-781-6437
Project Name:	C.O.P. Grinder Rental	Bid Number:	2-202868
Project Location:	Various, Porterville, CA	Bid Date:	7/9/2020

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Provide 4' Asphalt Grinder Operated For (1) - 8 Hour Shift During Normal Working Daytime Hours For Fiscal Year 2020/2021 Subject To Prevailing Wage Increases Beyond Our Control	8.00	HR	\$659.30	\$5,274.40

Total Bid Price: \$5,274.40

Notes:

- This proposal is good for (30) days.
- MAC General Engineering Inc. D.I.R. #1000012225
- Owner to provide and maintain restroom facilities.
- Dewatering of site is specifically excluded.
- Permits, Testing, Survey and Staking not included.
- All project schedules must be mutually agreed upon.
- This proposal excludes all work not specifically included.
- This proposal will become a controlling part of any contract.
- All invoices are due and payable 30 days from invoice date.
- No Import/Export of Native Material unless specifically included.
- All work will be performed as weather and local regulations allow.
- All wages are based on current prevailing wage rates unless specifically noted.
- Pricing based on completion in one move in/out unless otherwise stated.
- Water and Water Source in close proximity to Job Site to be provided by owner.
- Any unsuitable sub grade or unforeseen objects will be handled on a time and material basis.
- Proposal excludes any topical sealant, or striping of asphalt and concrete unless specifically included.
- Final billing amount based on quantities stated on this proposal or field measurements, whichever is greater.
- MAC General Engineering Inc. will not be held responsible for any pooling of water on asphalt or concrete pavement if design slope is less than 1.5%.
- (1) Mobilization for each phase of construction listed above. Additional mobilizations will be billed at the rate of \$125.00 per hour for all lowbed hours to mobilize/demobilize.
- Any additional work not covered in this bid will be handled on a time and material, or change order basis. All costs will be agreed to in writing prior to any additional work being performed.
- Prior to any work being scheduled MAC must have a signed copy of this proposal, or a fully executed contract with this proposal attached, and all necessary preliminary information on file in our office.
- Due to volatile oil prices, any asphalt placed 30 days after the date on this proposal will be subject to the Caltrans oil index. (Payment Adjustments For Price Index Fluctuations)
- Any contract or agreement resulting from this proposal will contain the following clause: Claims in dispute arising between the contractor and subcontractor shall be resolved in the following manner. In the event an agreement cannot be reached within 45 days calendar days, either party has the right to have the issue submitted for arbitration/mediation. Any arbitration/mediation shall be conducted by any agreed-upon provider of arbitration/mediation service who is on the list of alternate dispute providers for the County of Tulare.
- Items within this proposal cannot be separated or removed unless agreed to in advance by MAC. Work contained herein is all inclusive.

Items within this proposal cannot be separated or removed unless agreed to in advance by MAC. Work contained herein is all inclusive.

- MAC General Engineering Inc. will not be responsible for damage to any buried, or unmarked underground structures or man made improvements of any kind. Repairs to any such item will be at the owners expense.

Payment Terms:

A finance charge of 18% per month will be added to all past due accounts. The debtor agrees to pay all legal fees, court costs for collection or

delinquent accounts and legal rate of interest for past due accounts.

Preliminary information below must be filled out prior to the start of work.

Job Number: _____

Job Name: _____

Job Address: _____

Prevailing Wage: Federal or State (Circle)

Project Lender: _____

Original Contractor: _____

Bond Company: _____

Bond Number: _____

Owner: _____

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

MAC General Engineering Inc.

Authorized Signature: _____

Estimator: Marty Adams
(559) 310-6833



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Sewer Utility Districts Annual Assessments

SOURCE: Engineering and Project Management

COMMENT: At its April 16, 2013, October 15, 2013, February 3, 2016, and September 4, 2018 meetings, the City Council conducted Public Hearings for the formal formations of the Sewer Utility Districts for Areas 458, 455 A, 459 A & C, and 456 A, B & C and E. Henderson Avenue respectively. These four districts were completed by the City and Resolutions were approved to send the annual assessments to the Tulare County Auditor-Controller/Treasurer-Tax Collector office for repayment to the City.

The assessments, once approved by the Council, are placed upon the tax bill of property owners as a special assessment, and collected by Tulare County. The assessment process must be fully filed with Tulare County by August 10, 2020, for the 2020/2021 tax year. Tulare County requires annual Resolutions from the Council in order to accept the annual assessments. Assessments are based on the final construction costs, sewer laterals and construction management.

Area 455 A Sewer Utility Districts Assessment includes 217 parcels at a total assessed cost of \$42,668.00. This upcoming fiscal year is also the seventh year of the 30-year Assessment period.

Areas 456 A, B, & C and E. Henderson Avenue Assessment includes 206 parcels at a total assessed amount of \$64,931.46. This is the first year of the 30-year Assessment period.

Area 458 Sewer Utility District Assessment includes 383 parcels at a total assessed amount of \$83,026.40. The upcoming fiscal year will be the seventh of the 30-year Assessment period.

Areas 459 A & C Sewer Utility Districts Assessment includes 320 parcels at a total assessed amount of \$56,737.10. This is the fifth year of the 30-year Assessment period.

The Districts were formed to allow property owners to reimburse the City over thirty (30) years at 3% interest. The total amounts received from prior year assessments as well as voluntary pre-payments are as follows:

Fiscal Year Assessments	Assessment Revenue	Voluntary Pre-Payments	Current Delinquencies
2014/2015	\$126,276.45	\$127,482.42	\$754.14
2015/2016	\$126,254.90	\$69,128.43	\$349.08
2016/2017	\$183,984.24	\$15,259.88	\$1,536.90
2017/2018	\$182,039.09	\$22,073.81	\$2,229.95
2018/2019	\$180,419.20	\$4,003.33	\$2,804.54
2019/2020	<u>\$173,548.53</u>	<u>\$78,988.97</u>	<u>\$9,214.85</u>
Totals:	\$972,522.41	\$316,936.84	\$16,889.46

Staff is recommending that the City Council adopt the attached Resolutions approving the annual assessments for the 2020/2021 Fiscal Year.

RECOMMENDATION: That the City Council adopt the Resolutions ordering the continued sewer district assessments for the 2020/2021 tax year.

ATTACHMENTS:

1. Direct Charge Control
2. Authority to Approve Direct Charge Changes
3. Compliance Certification and Hold Harmless Statement
4. Area 455 Special Assessments Resolution 2020
5. Area 456 Special Assessments Resolution 2020
6. Area 458 Special Assessments Resolution 2020
7. Area 459 Special Assessments Resolution 2020
8. Locator Map - Area 455
9. Locator Maps - Area 456
10. Locator Map - Area 458
11. Locator Map - Area 459
12. 2020 Sewer Assessments

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

DIRECT CHARGE (SPECIAL ASSESSMENT) CONTROL

DATE: July 21, 2020

TO: **Tulare County Auditor-Controller**
Property Tax Section
Courthouse, Room 101-E
Visalia, CA 93291

FROM: **Agency** City of Porterville

Address 291 N Main Street

City, State, Zip Porterville, CA 93257

Contact Person, Phone Daniel Cervantez, (559) 782-7462

Hours Contact Person is available M-F 8:00 am - 5:00 pm

E-mail (if available) dcervantez@ci.porterville.ca.us

Check items included:

- X 1. Resolution (s) stating compliance with code and that the charge is without regard to property valuation.
- X 2. Change authorization sheet.
3. Parcel listing. (not required if submitting electronically)

Fund/Charge Control

<u>Tax Code</u>	<u>Fund Name</u>	<u>Parcel Count</u>	<u>Amount</u>
<u>531</u>	<u>PTV455SEWER</u>	<u>217</u>	<u>\$42,688.00</u>
<u>531</u>	<u>PTV456SEWER</u>	<u>206</u>	<u>\$64,931.46</u>
<u>531</u>	<u>PTV458SEWER</u>	<u>383</u>	<u>\$83,026.40</u>
<u>531</u>	<u>PTV459SEWER</u>	<u>320</u>	<u>\$56,737.10</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Attach additional control sheets if necessary.

TULARE COUNTY AUDITOR-CONTROLLER

**AUTHORITY TO APPROVE DIRECT CHARGE (SPECIAL ASSESSMENT)
CHANGES**

DISTRICT/AGENCY City of Porterville

The following persons are authorized to approve changes to our Agency’s Special Assessment:

<u>TYPED NAME</u>	<u>SAMPLE SIGNATURE</u>
<u>John D Lollis</u>	<u></u>
<u>Daniel Cervantez</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

<u>Agency Official</u>	<u>7/21/2020</u>
<u>City Manager</u>	<u>Date</u>
<u>Title</u>	

Attachment C

Compliance Certification and Hold Harmless Statement

The City of Porterville certifies the following:

I have read and am familiar with the requirements of Article XIII C and XIII D of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying this submission to the County Auditor-Controller for inclusion on the secured property tax roll are in compliance with the law.

Article XIII.C. Sec. 2 c. “Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision b.”

Article XIII.C. Sec. 2 d. “No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.”

Article XIIIID, Sec. 5. "...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article."

Article XIIID. Sec. 6 d. "Beginning July 1, 1997, all fees or charges shall comply with this section."

In addition, the City/District agrees that it shall be solely liable and responsible, and will defend and hold the County harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City/District by the County; and

The City/District shall be solely liable and responsible, and will defend and hold the County and the County Auditor harmless from any and all legal fees or other costs incurred related to such a claim.

Approved by the governing Board on 07/21/2020
Date

City Manager

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 455 Sewer Utility District was completed on November 19, 2013; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the list submitted with parcel numbers and amount are certified as being correct, the City Manager, John D. Lollis, or City Engineer, Daniel Cervantez, are hereby authorized to sign any documents required and directed to give the list to the Tulare County Auditor on behalf of the City for placement on the secured tax roll for collection:

1. Parcel and Assessment listing
2. Direct Charge (Special Assessment) Control Sheet
3. Direct Charge (Special Assessment) Change Authorization Sheet
4. Compliance Certification and Hold Harmless Statement

PASSED, APPROVED AND ADOPTED, this 21st day of July, 2020.

ATTEST:

John D. Lollis, City Clerk

Martha A. Flores, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 456 A, B & C, and E Henderson Ave Sewer Utility District was completed on September 4, 2018; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

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ATTEST:

John D. Lollis, City Clerk

Martha A. Flores, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 458 Sewer Utility District was completed on May 7, 2013; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

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2. Direct Charge (Special Assessment) Control Sheet
3. Direct Charge (Special Assessment) Change Authorization Sheet
4. Compliance Certification and Hold Harmless Statement

PASSED, APPROVED AND ADOPTED, this 21st day of July, 2020.

ATTEST:

John D. Lollis, City Clerk

Martha A. Flores, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CERTIFYING TO THE COUNTY OF TULARE THE VALIDITY OF THE LEGAL PROCESS
USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED
TAX ROLL

WHEREAS, the notices and election for special assessment fees for the purpose of sewer construction to be included on the regular County property tax bill for property owners of the Area 459A & C Sewer Utility District was completed on February 17, 2015; and

WHEREAS, the City is placing the special assessments on the Tulare County secured property tax roll for collection; and

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments to be collected; and

WHEREAS, the monies collected are not in any way to be based on the assessed valuation of the properties involved; and

WHEREAS, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Tulare harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the list submitted with parcel numbers and amount are certified as being correct, the City Manager, John D. Lollis, or City Engineer, Daniel Cervantez, are hereby authorized to sign any documents required and directed to give the list to the Tulare County Auditor on behalf of the City for placement on the secured tax roll for collection:

1. Parcel and Assessment listing
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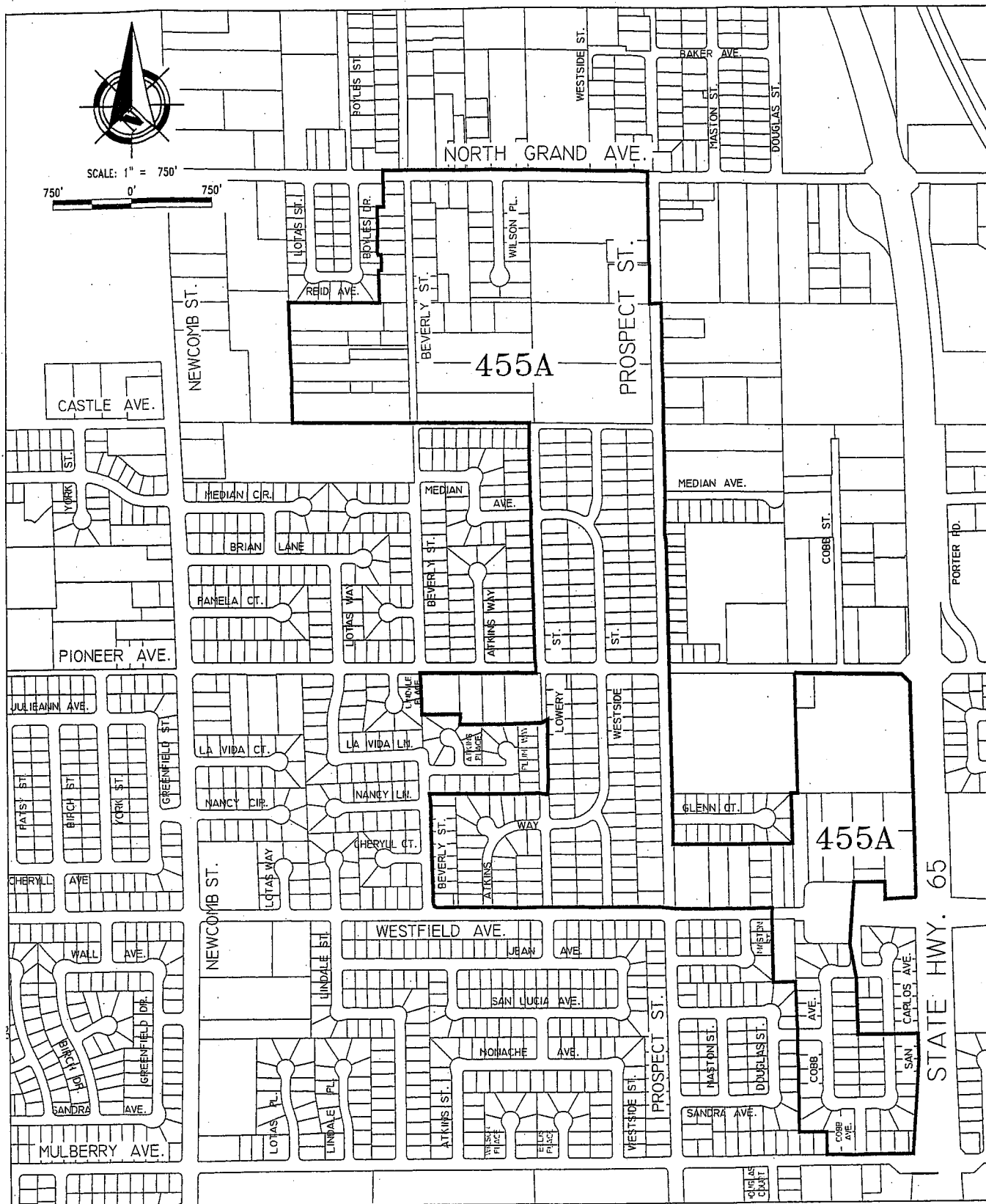
PASSED, APPROVED AND ADOPTED, this 21st day of July, 2020.

ATTEST:

John D. Lollis, City Clerk

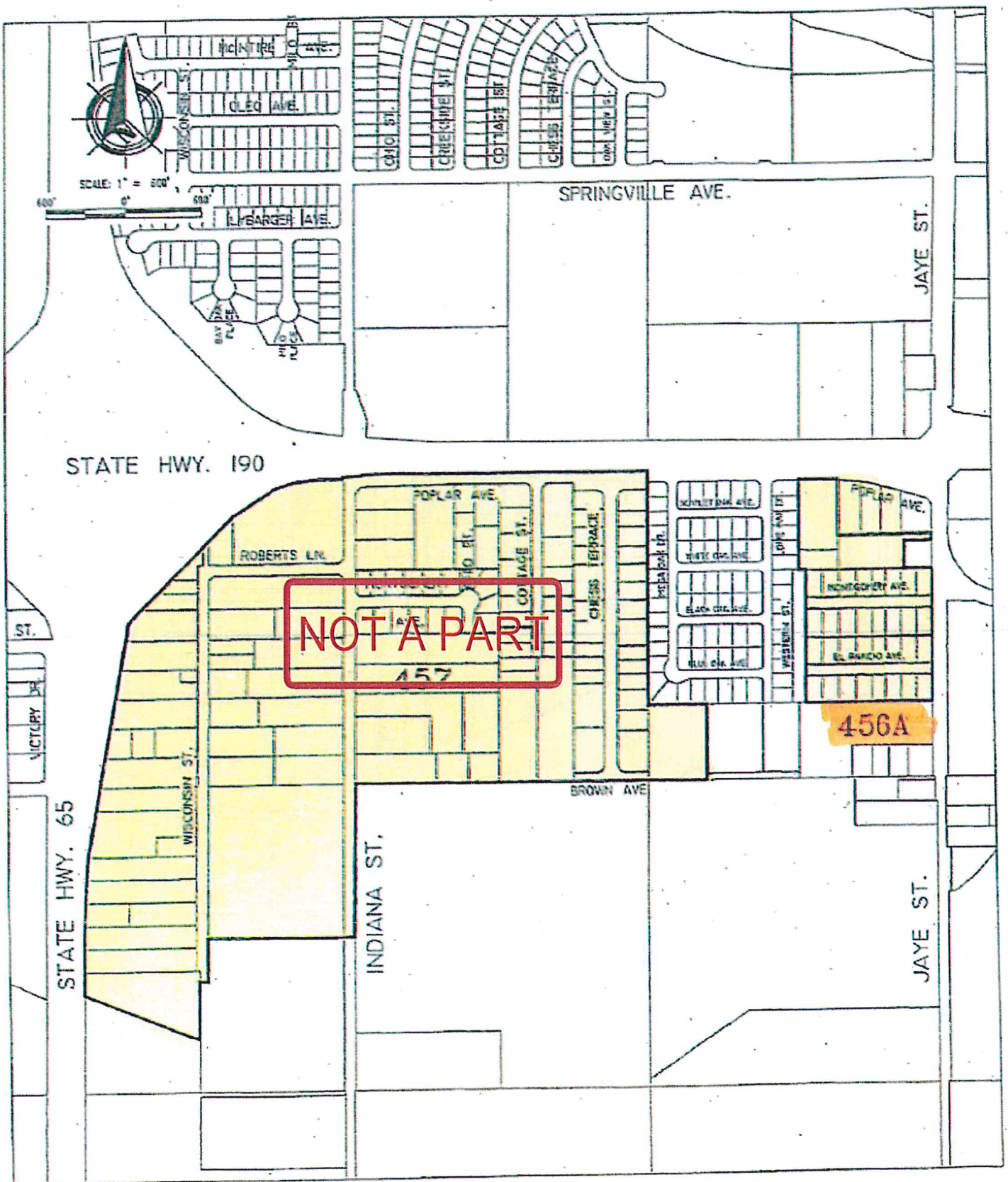
Martha A. Flores, Mayor

By: _____
Patrice Hildreth, Chief Deputy City Clerk



PROJECT BOUNDARIES

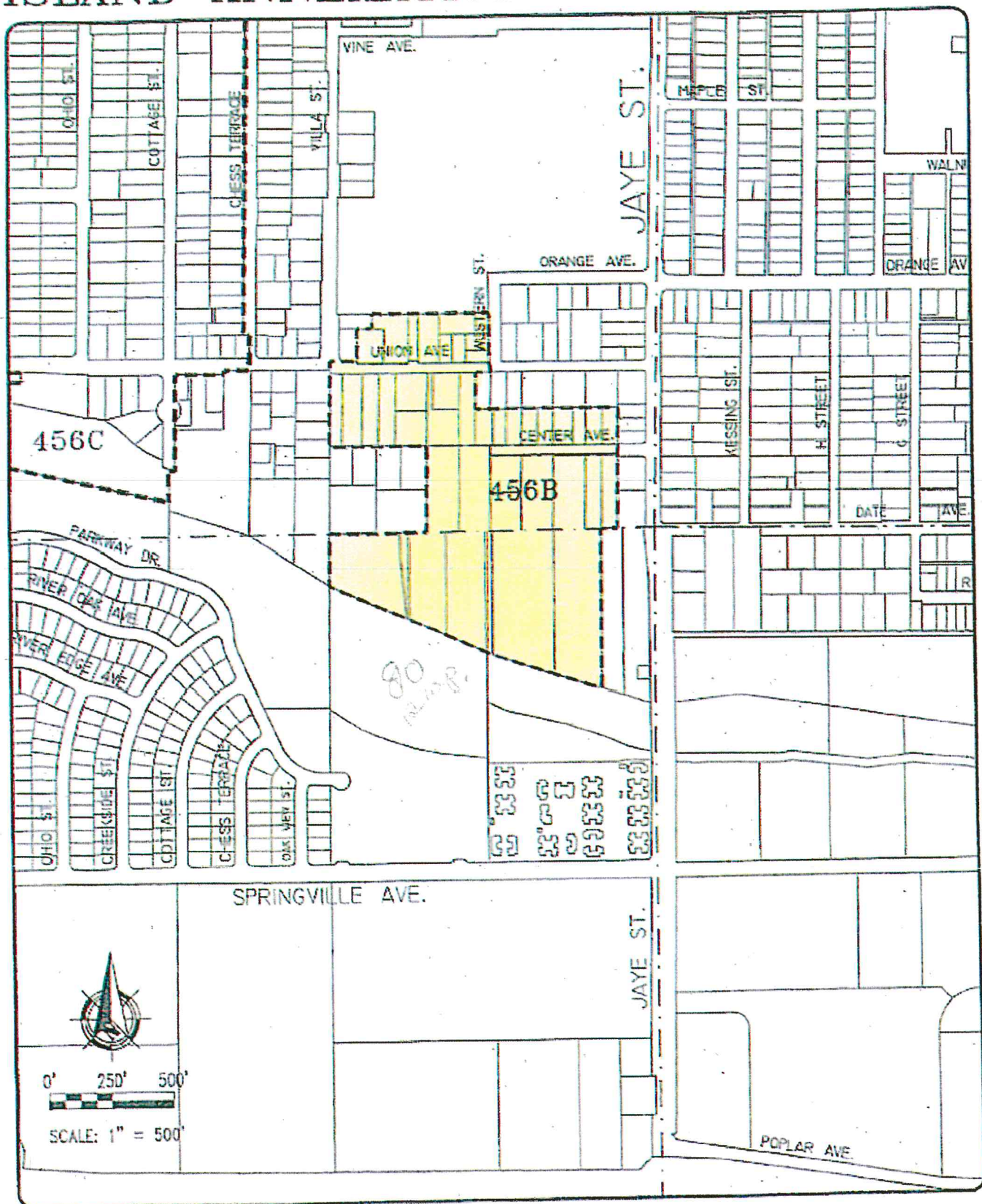
ISLAND ANNEX. 455A



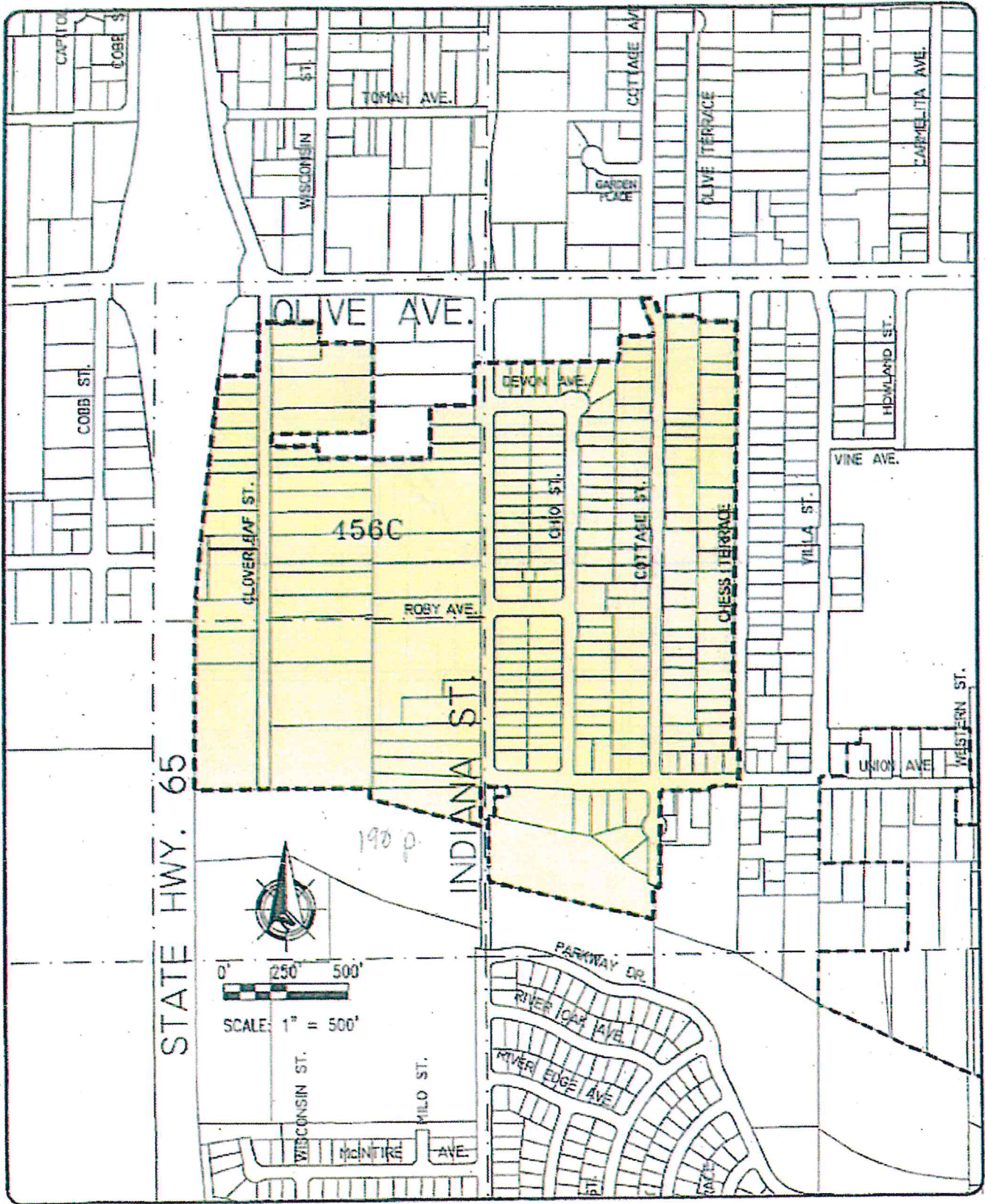
□ PROJECT BOUNDARIES

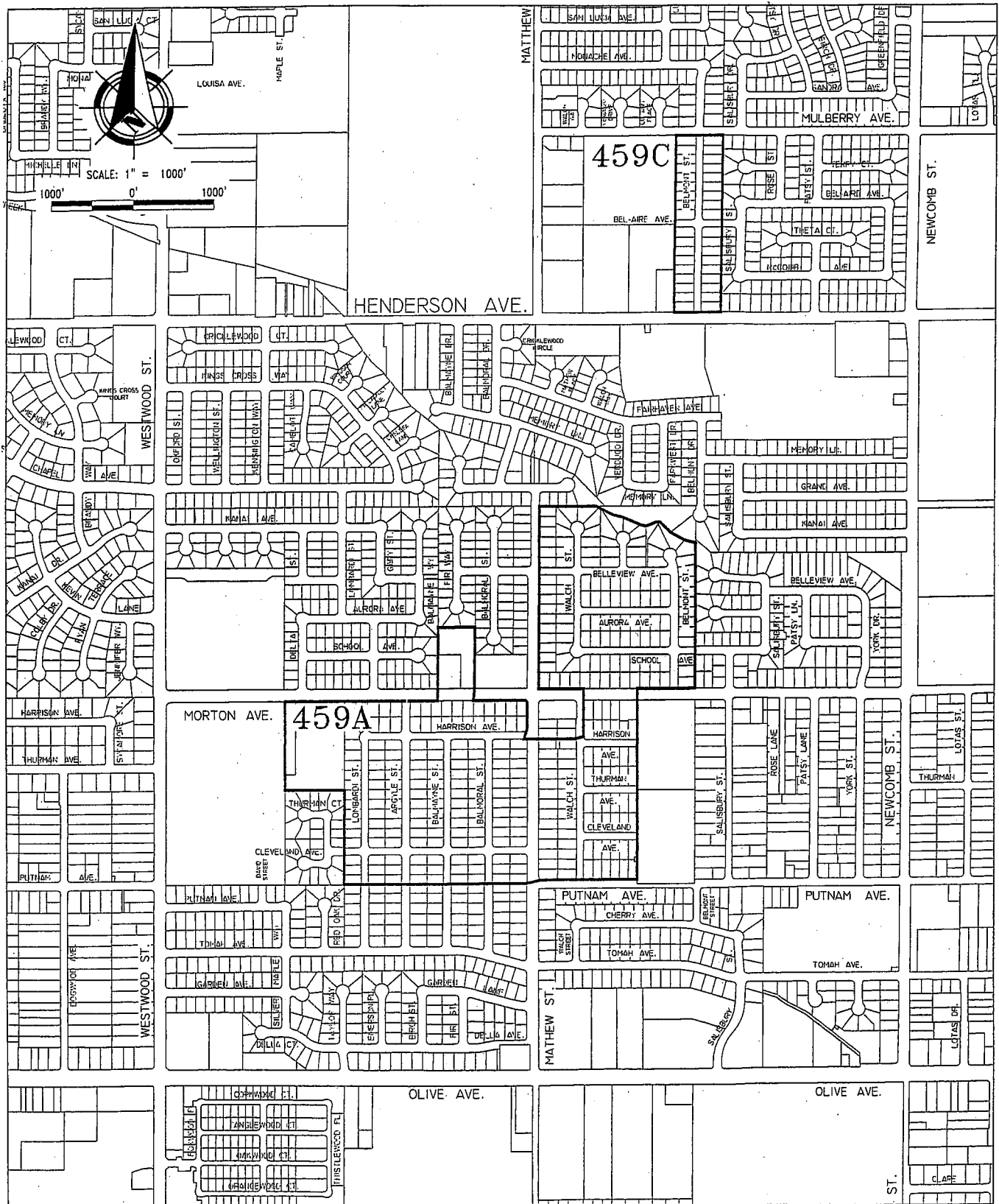
ISLAND ANNEX. 456A & 457

ISLAND ANNEXATION 456B



ISLAND ANNEXATION 456C





□ PROJECT BOUNDARIES

ISLAND ANNEX. 459A & 459C

Prop #	APN	Yearly Amt	Tax Code	Acct Name
00001	243220004	26530	531	PTV455SEWER
00002	243220010	34884	531	PTV455SEWER
00003	243220011	28504	531	PTV455SEWER
00004	243230001	18894	531	PTV455SEWER
00005	243230002	19054	531	PTV455SEWER
00006	243230003	17570	531	PTV455SEWER
00007	243230007	18636	531	PTV455SEWER
00008	243230008	39230	531	PTV455SEWER
00009	243230012	38978	531	PTV455SEWER
00010	243230014	12150	531	PTV455SEWER
00011	243230016	13624	531	PTV455SEWER
00012	243230019	16110	531	PTV455SEWER
00013	243230020	17452	531	PTV455SEWER
00014	243230021	29270	531	PTV455SEWER
00015	243230028	18792	531	PTV455SEWER
00016	243230030	19890	531	PTV455SEWER
00017	243230031	20354	531	PTV455SEWER
00018	243230032	18904	531	PTV455SEWER
00019	243230033	19810	531	PTV455SEWER
00020	243230034	20162	531	PTV455SEWER
00021	243230035	35856	531	PTV455SEWER
00022	243230038	36580	531	PTV455SEWER
00023	243280006	12802	531	PTV455SEWER
00024	243280007	20994	531	PTV455SEWER
00025	243280009	15218	531	PTV455SEWER
00026	243280015	14802	531	PTV455SEWER
00027	243280021	16840	531	PTV455SEWER
00028	243280026	19906	531	PTV455SEWER
00029	243280027	32906	531	PTV455SEWER
00030	243290003	23916	531	PTV455SEWER
00031	243290004	26084	531	PTV455SEWER
00032	243290005	47266	531	PTV455SEWER
00033	243290006	17932	531	PTV455SEWER
00034	243290007	27044	531	PTV455SEWER
00035	243290008	16466	531	PTV455SEWER
00036	243290010	18920	531	PTV455SEWER
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00038	243290012	10550	531	PTV455SEWER
00039	243290013	40446	531	PTV455SEWER
00040	243290014	24496	531	PTV455SEWER
00041	245050003	17640	531	PTV459SEWER
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00043	245050005	17520	531	PTV459SEWER
00044	245050009	18598	531	PTV459SEWER
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00046	245050011	17566	531	PTV459SEWER

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00050	245050016	17744	531 PTV459SEWER
00051	245050017	18476	531 PTV459SEWER
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00061	245060014	17518	531 PTV459SEWER
00062	245060015	17510	531 PTV459SEWER
00063	245060016	18964	531 PTV459SEWER
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00070	245081006	25672	531 PTV458SEWER
00071	245081008	26032	531 PTV458SEWER
00072	245081009	25928	531 PTV458SEWER
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00078	245081015	19478	531 PTV458SEWER
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01021	260111022	25118	531 PTV456SEWER
01022	260111023	25120	531 PTV456SEWER
01023	260111024	25118	531 PTV456SEWER
01024	260112001	22368	531 PTV456SEWER
01025	260112005	22326	531 PTV456SEWER
01026	260112006	22326	531 PTV456SEWER
01027	260112012	24646	531 PTV456SEWER
01028	260112013	23508	531 PTV456SEWER
01029	260112014	24646	531 PTV456SEWER
01030	260112015	22938	531 PTV456SEWER
01031	260112016	20090	531 PTV456SEWER
01032	260112017	20090	531 PTV456SEWER
01033	260112018	20090	531 PTV456SEWER

01034	260112019	20090	531 PTV456SEWER
01035	260112026	25410	531 PTV456SEWER
01036	260113002	41706	531 PTV456SEWER
01037	260113003	29748	531 PTV456SEWER
01038	260113004	23486	531 PTV456SEWER
01039	260113007	41706	531 PTV456SEWER
01040	260113009	42824	531 PTV456SEWER
01041	260113013	25172	531 PTV456SEWER
01042	260113014	14000	531 PTV456SEWER
01043	260113015	45100	531 PTV456SEWER
01044	260114011	11722	531 PTV456SEWER
01045	260114026	13430	531 PTV456SEWER
01046	260121002	22378	531 PTV456SEWER
01047	260121003	19522	531 PTV456SEWER
01048	260121004	25118	531 PTV456SEWER
01049	260122001	21230	531 PTV456SEWER
01050	260122002	21798	531 PTV456SEWER
01051	260122003	21230	531 PTV456SEWER
01052	260122004	26924	531 PTV456SEWER
01053	260122005	20102	531 PTV456SEWER
01054	260122006	21810	531 PTV456SEWER
01055	260122007	18394	531 PTV456SEWER
01056	260122008	18394	531 PTV456SEWER
01057	260122009	18394	531 PTV456SEWER
01058	260122010	18394	531 PTV456SEWER
01059	260122011	21240	531 PTV456SEWER
01060	260122020	29728	531 PTV456SEWER
01061	260122021	23464	531 PTV456SEWER
01062	260122022	24602	531 PTV456SEWER
01063	260122023	22326	531 PTV456SEWER
01064	260123009	20048	531 PTV456SEWER
01065	260123015	30296	531 PTV456SEWER
01066	260123016	48810	531 PTV456SEWER
01067	260150009	45100	531 PTV456SEWER
01068	260150020	21734	531 PTV456SEWER
01069	260150021	21734	531 PTV456SEWER
01070	260160004	33692	531 PTV456SEWER
01071	260160005	38816	531 PTV456SEWER
01072	260160006	63300	531 PTV456SEWER
01073	260160007	63870	531 PTV456SEWER
01074	260160009	38246	531 PTV456SEWER
01075	260160017	27096	531 PTV456SEWER
01076	260160018	34262	531 PTV456SEWER
01077	260160020	38246	531 PTV456SEWER
01078	260160022	25172	531 PTV456SEWER
01079	260160024	26290	531 PTV456SEWER
01080	260160025	25172	531 PTV456SEWER

01081	260160027	26290	531 PTV456SEWER
01082	260160028	26290	531 PTV456SEWER
01083	260160029	28568	531 PTV456SEWER
01084	260160030	23442	531 PTV456SEWER
01085	260160031	37130	531 PTV456SEWER
01086	260160033	26290	531 PTV456SEWER
01087	260160034	26290	531 PTV456SEWER
01088	260160039	27998	531 PTV456SEWER
01089	260160040	24012	531 PTV456SEWER
01090	260160042	71272	531 PTV456SEWER
01091	260160047	33692	531 PTV456SEWER
01092	260160058	38246	531 PTV456SEWER
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01094	269030004	29782	531 PTV456SEWER
01095	269030006	21240	531 PTV456SEWER
01096	269030007	22580	531 PTV456SEWER
01097	269030008	22580	531 PTV456SEWER
01098	269030009	22580	531 PTV456SEWER
01099	269030010	22580	531 PTV456SEWER
01100	269030011	22580	531 PTV456SEWER
01101	269030012	22580	531 PTV456SEWER
01102	269030013	17984	531 PTV456SEWER
01103	269030015	22580	531 PTV456SEWER
01104	269030016	22580	531 PTV456SEWER
01105	269030017	22580	531 PTV456SEWER
01106	269030019	22580	531 PTV456SEWER
01107	269030020	22580	531 PTV456SEWER
01108	269030074	66048	531 PTV456SEWER
01109	269030075	69652	531 PTV456SEWER
01110	269030076	70252	531 PTV456SEWER
01111	269040002	20458	531 PTV456SEWER
01112	269040003	20458	531 PTV456SEWER
01113	269040004	20458	531 PTV456SEWER
01114	269040005	20254	531 PTV456SEWER
01115	269040006	20254	531 PTV456SEWER
01116	269040007	20254	531 PTV456SEWER
01117	269040008	20254	531 PTV456SEWER
01118	269040009	19694	531 PTV456SEWER
01119	269040010	20262	531 PTV456SEWER
01120	269040011	20682	531 PTV456SEWER
01121	269040012	20682	531 PTV456SEWER
01122	269040013	20682	531 PTV456SEWER
01123	269040014	20682	531 PTV456SEWER
01124	269040015	20682	531 PTV456SEWER
01125	269040016	20682	531 PTV456SEWER
01126	269040017	20682	531 PTV456SEWER

Grand Total	\$247,392.96
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CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Authorization for Annual Wastewater Treatment Facility Extended Maintenance and System Service (EMASS) Contract

SOURCE: Public Works

COMMENT: The City of Porterville Wastewater Treatment Facility (WWTF) is requesting approval for the annual Extended Maintenance and System Service (EMASS) contract to provide support services for the Supervisory Control and Data Acquisition (SCADA) system. The SCADA system integrates Tesco Controls protocol to communicate directly with programmable logic controllers at remote sites.

The SCADA system monitors and controls the WWTF process by acquiring equipment and instrumentation data through remote telemetry units and sending the data to a central computer. The central computer performs graphic display representations, alarm reporting, report generation, data archiving and database management. The system is proprietary to Tesco Controls.

Tesco Controls Incorporated has provided a quote of \$6,500 for EMASS contract. Expenditure for the EMASS contract is to be funded from the 2020/2021 Wastewater Operation Budget.

RECOMMENDATION: That City Council:

1. Award the EMASS Annual Service Contract to Tesco Controls Incorporated for a do not exceed amount of \$6,500;
2. Direct The Finance Director to initiate a Purchase Order to Tesco Controls Incorporated for a do not exceed amount \$6,500: and
3. Direct the Finance Department to make payment to Tesco Controls Incorporated upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS: 1. Tesco Controls, Inc. EMASS Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

To: City of Porterville

Quote Date: 4/8/20

Attn: Robert Alvarez

Quote No.: 20D087Q01

Re: Annual Extended Maintenance and System Services (EMASS) Proposal

ANNUAL SERVICE CONTRACT PACKAGE

(Service Period: July 1, 2020 to June 30, 2021)

This proposal is offering an Extended Maintenance and System Service (EMASS) contract package to provide support services for City of Porterville's Wastewater sites' Remote Telemetry Units (RTU) and Control Panels (CP) Systems. The service contract shall provide a maximum of two (2) days in the field for two (2) TESCO's EMASS service representatives for prescheduled preventive maintenance service site visits. In addition, a maximum of eight (8) hours of remote/phone technical support is included in this agreement. EMASS services will be scheduled approximately 3-4 weeks prior to required work. Additional work provided above and beyond the contract allowance will be provided at the contract's reduced rates on a time-and-material basis.

With this agreement, **when paid in full at the beginning of the service term**, the signee is entitled to reduced rates, priority response, and emergency service available 24 hours a day, 7 days a week, 365 days a year. These rates and terms are identified under the "Standard Professional Services Rates for Time and Material Services" section as included herein.

Scope of Coverage

The following identifies the scope of coverage related to support, service, and covered equipment/systems as part of this Service Contract Package.

Item	Description
1	PLC / RTU / Control Panel Specialized Preventative Maintenance & Support Services: TESCO shall provide site visits to perform specialized preventative maintenance, including system inspection, verification, and equipment cleaning. These services will be prescheduled and performed annually onsite, and include: ▪ Exterior and Interior checks of the cabinet paint condition, door operations, seals and gaskets, and checks of door mounted controls and switches. ▪ Vacuum of dust and debris inside the cabinet ▪ Check for moisture intrusion ▪ Check for rodent/insect intrusion ▪ Check fan and heater functional performance ▪ Visually inspect battery backup and UPS ▪ Verify Controller's power supply voltage ▪ Check and verify PLC processor and I/O Modules connections ▪ Check for excessive heat and loose connections ▪ Check telemetry equipment cabling and connections ▪ Seat terminal blocks and all relays Sites/Equipment Covered: The above-listed support service applies to the following sites/equipment: ▪ Headworks Control Panel RTU-1 ▪ Digester Tank Control Panel RTU-7 ▪ Digester Building Control Panel RTU-6

Item	Description
	▪ Blower Building Control Panels 1,2,3 and 5 ▪ Outfall Pump Station Control Panel RTU-2 ▪ RAS/WAS Control Panel RTU-3 ▪ Sludge Pump Station Control Panel RTU-4 ▪ Influent Pump Station Control Panel
TOTAL ANNUAL COST:	
\$6,500.00	

Additional Services

Additional services which are not included within the Service Contract coverages (as defined above) are available and can be administered through this contract. Such services are offered at TESCO's "standard rates" per the rate scheduled included herein, which will accrue against the included Allowance or billed separately on a Time-&-material (T&M) basis. These services will be subject to the service provisions defined herein and scheduled accordingly. Service and support may include any of the following disciplines/items as needed to fulfill the additional service requests.

- **Field Service Technician** – to provide field support and services, including, but not limited to: instrumentation troubleshooting, calibration, and loop testing; electrical control modifications; Infrared Thermal Image Scan(s) for verifying/identifying poor connections, resistive "hot spots", and potentially failing equipment, control system troubleshooting; motor control support services (e.g. VFD's, RVSS's, Pump Control Panels, etc.) and communication system service.
- **PLC Programmer** – to provide PLC programming support and services as needed, including, but not limited to: troubleshooting, program modifications, OIT programming services, and training.
- **SCADA Programmer** – to provide SCADA support and services as needed, including, but not limited to: software troubleshooting; support services for system tags, database, telemetry/communications, alarming systems, reporting, and graphics support; networking support; programming modifications; and training. **(Note: Latest SCADA system software updates should be available while under terms of the contract)**
- **Engineer** – to provide engineering and consulting support and services related to electrical control and system engineering, including, but not limited to: electrical control system assessment, tracing, engineering, and as-built drawings; control system operations engineering; system documentation; and training.
- Materials, travel, expenses, and/or third-party services will be billed separately. Any material required shall be approved by owner/customer prior to procurement.

Rate Schedule

The following rate schedule identifies the Professional Services offered by Tesco Controls, Inc for Technical Support Services only. Please note that this rate schedule is not intended for use with Task Orders or project scopes of work, which shall be administered separately from this Service and Support Contract (TESCO can negotiate and quote these separate work efforts, as needed). This rate schedule applies to the services and support covered by this Service Contract per the applicable rate category, as well as, the additional services that are rendered for ancillary support effort (which is performed per the standard rates and provisions defined below).

The following are Tesco's current professional service rates for year **2020** including the escalation rate schedule for service type and category. The rates shown below include the direct hourly rate only and do not include expenses related to business travel, ME&I costs, per diem, or other miscellaneous fees. If needed, please consult with Tesco representative for travel-loaded rates which are evaluated case-by-case upon request.



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Preliminary Annual Engineer's Report of Assessments for Landscape and Lighting Maintenance Districts and Setting a Public Hearing

SOURCE: Parks and Leisure Services

COMMENT: The City has created 72 Landscape and Lighting Maintenance Districts (LMD's) since 1989. A separate district has been established for each new land development. Many of these districts only contain street lighting, for which the assessment is to collect only a portion of the street lighting cost. Other districts have landscape improvements installed within public right-of-ways or public properties, in addition to the street lighting. In these instances, the landscaping has been established to provide a more aesthetic appearance and a healthier environment. Only the property owners who directly benefit from improvements are assessed for the maintenance.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed. In an effort to facilitate the needs of each district, staff analyzes fund balances and deficits for each district, as well as projected expenditures and reserves. Based on the analysis, staff determined that not all districts will be assessed this fiscal year.

The first attached Resolution is necessary to initiate the annual Engineer's Report, which will show the proposed assessments for the 2020/21 Fiscal Year. The second Resolution provides preliminary approval to the Engineer's Report for Fiscal Year 2020/21. The comprehensive annual Engineer's Report is provided as an attachment. Once the assessments are approved by the City Council, they are transmitted to the County of Tulare for placement upon the tax bill of the property owners and indicated as a special assessment. The third Resolution declares the intent of the City Council to levy and collect the assessments for Fiscal Year 2020/21, and sets a Public Hearing on the assessments for August 4, 2020.

RECOMMENDATION: That the City Council:

1. Adopt Resolutions:
 - a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2020/21;
 - b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal

Year 2020/21;

c. Declaring the intent to levy and collect assessments for Fiscal Year 2020/2021, and offering a time and place for hearing objections thereto.

2. Schedule a Public Hearing for August 4, 2020 at 6:30 P.M., regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2020/21.

ATTACHMENTS:

1. Engineer's Report for Fiscal Year 2020-2021
2. Draft Resolution of Intent to Levy Taxes and Conduct a Public Hearing 2020
3. Draft Resolution of Preliminary Approval to Engineer's Report
4. Draft Resolution Ordering the Preparation of the Engineer's Report

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE, CALIFORNIA
ENGINEER'S REPORT FOR
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS
2020-2021 FISCAL YEAR**

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville, Resolution Number. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

SECTION 2. General Description

The City Council has heretofore elected to place the permanent landscape area along Westwood Street of Westwood Estates, Unit 1, 2, and 3 subdivisions, into Landscape and Lighting Maintenance District No. 1 and to annex the permanent landscape areas along the perimeter streets of the following developments:

1. Annexation No. 2 = Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street.
2. Annexation No. 3 = Porter Creek Avenue right-of-way to the center line of the Porter Slough, median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough and all of the maintenance area to the center line of Porter Slough.
3. Annexation No. 4 = LaVida Park Subdivision green belt, east on Plum Way Street and the entries east along Beverly Street.
4. Annexation No. 5 = Westwood Estates #4 Subdivision, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip.
5. Annexation No. 8 = Westwood Park Unit Three Subdivision located on Westwood Street adjacent to the Tule River.
6. Annexation No. 10 = Westview Subdivision located on the corner of Westfield Avenue and Cobb Street.
7. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way.
8. District No. 2 = North Creek Estates located on Westwood north of Westfield and Mulberry Avenue.
9. District No. 4 = River Springs Phase 1 Subdivision located along Newcomb Street.
10. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.

11. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough
12. District No. 7 = Ford Estates located on the corner of Roby and Westwood Avenue.
13. District No. 8 = River Breese located on Newcomb Street Between Pasty and Spring Streets.
14. District No. 10 = Orchard Ridge Phase 4 located on La Vida Court and Carmelo Street.
15. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way.
16. District No. 15 = Meadowood, Phase One Subdivision, located on Newcomb Street, Cheryl Avenue and York Street.
District No. 18 = Ohio North Subdivision located on Ohio Way Street.
17. District No. 19 = Williams Ranch, Phase One located south of Westfield Avenue on Silver Maple Street, Wall Court and San Lucia Court.
18. District No. 20 = West View Place Subdivision located on Median Avenue.
19. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street.
20. District No. 23 = River Estates Phase Three Subdivision located Roby Avenue, Belmont, Orange Avenue, Forest Avenue and Parkwest Street.
21. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue.
22. District No. 26 = Orchard Ridge, Phase Ninve Subdivision located on Belmontt Street, Pamela, Santa Maria and Pioneer Avenues.
23. District No. 28 = Meadowood, Phase Three Subdivision located on Westfield Avenue, Cheryl Avenue, Salisbury Street, Julieann Avenue and Pioneer Avenue.
24. District No. 30 = Sierra Meadows, Phase 1, Subdivision located at Indiana Street and Gibbons Avenue.
25. District No. 31 = Williams Ranch, Phase 2 and 3 Subdivision on Westwood Street between Henderson and Westfield Avenues.
26. District No. 32 = Sunrise Villa, Phase 1,2, and 3 Subdivision located along Mulberry Avenue east of Cottage Street. Phase 2 and 3 were annexed on June 16, 2009.
27. District No. 34 = Meadow Breeze, Phase 3 Subdivision located on Matthew Street, Michael Place, Verdugo Place, Lu Ann Place, Belmont Place, Brian Avenue and Castle Avenue.
28. District No. 35 = Meadow Breeze, Phase 1 Subdivision located on Pioneer Avenue and Salisbury Street.

29. District No. 37 = River View Estates Phase 4 Subdivision located south of Olive Avenue, and east of Mathew Street, including Union Lane and Parkwest Street.
30. District No. 38 = Ranch Victoria, Phase One Subdivision located on the north side of Putnam Avenue and east of Mathew Street
31. District No. 39 = Williams Ranch Phase 4 Subdivision, including Theta Avenue, Bel-Aire Court, Terry Court, Silver Maple Street and Red Oak Street.
32. District No. 40 = Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue, including Vine Avenue, Clare Avenue, Clare Court, and Dogwood Street.
33. District No. 44 = Summit Estates, Phase One Subdivision located along Mathew Street and includes Orange Avenue and Lombardi and Argyle Streets.
34. District No. 46 = Moorea Manor Subdivision located along Newcomb and includes San Lucia Lane.
35. District No. 47 = Chelsea Glen Subdivision located east of Newcomb Avenue and south of Linda Vista Avenue including Chelsea Way, Shelly Lane, Becky Way, Kimberly Place and Ben Circle.
36. District No. 48 = South of Roby between Cobb and Prospect Avenue.
37. District No. 49 = Ranch Victoria (Phase 2, 3, & 4) Subdivision is located South of Morton Avenue between Walch Street and Salisbury Street.
38. District No. 50 = Riverview Estates Subdivision is located south of Olive Avenue, West of Parkwest Street, includes Monte Lane and Heritage Lane.
39. District No. 51 = Summit Estates Two, Phase One Subdivision, is located South of Orange Avenue, North of Heritage Court between Mathew Street and Lombardi Street.
40. District No. 52 = Summit Heritage Villas Subdivision located on the west side of Westwood Street, between Henderson and Luisa Avenue.
41. District No. 53 = Trooper Terrace Subdivision located on the west side of Westwood Street between Henderson Avenue and Luisa Avenue.
42. District No. 54 = Windsor Court Subdivision located on the northwest corner of Henderson and Elderwood between Henderson Avenue and Redondo.

SECTION 3. Plans and Specifications

The plans and specifications for the landscaping have been prepared by the developers' engineers and have been approved as part of the improvement plans for the various developments. The plans and specifications for the landscaping are in conformance with the requirements of the City Council's conditions of approval of said Parcel Maps and Subdivisions.

Reference is hereby made to said subdivision maps, parcel maps and assessment diagrams for the exact location of the landscape areas. The plans and specifications by reference are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

SECTION 4. Improvements

Landscaping improvements will include landscaping the entry ways, medians and areas behind subdivision block wall.

SECTION 5. Estimated Maintenance Costs

Maintenance is currently being performed by City staff and contract services. Accordingly, the City's record-keeping will be required to be sufficiently accurate to detail the expenses incurred on behalf of each individual annexation so that these costs may be recaptured through assessments.

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort. The fund balance for some districts would appear to justify a refund, however, it is clear that some of the costs for some of the districts have not been properly recognized. The staff is committed to identifying the discrepancies and rectifying during this fiscal year. Refunds have been included in the form of one-time adjustments to the assessment reducing the amount actually assessed per lot.

The assessments include costs accumulated to date and estimated costs for the 2020-2021 Fiscal Year for Landscape and Lighting District No. 1, including Annexations 2, 3, 4, 5, 8, 10, and 14 Districts 2, 4, 5, 6, 7, 8, 10, 12, 18, 19, 20, 21, 23, 24, 26, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 44, 46, 47, 48, 49, 50, 51, 52, 53, and 54.

SECTION 6. Assessment Diagram

Copies of the assessment diagrams were attached to each individual Engineer's Reports and were labeled "Exhibit A". An Index Map is attached to this report identifying the location of the original district and each annexation.

SECTION 7. Assessment

The City Council, in forming Landscape and Lighting Maintenance District No. 1 and in annexing territories to the district, has maintained the philosophy that the subdivider or developer is responsible for the plantings, irrigation system and the maintenance of the improvements until they become well established. The assessments for maintenance thus only include anticipated costs incurred subsequent to the acceptance of the system by the City Council on behalf of the Maintenance District.

An exception to this philosophy is at Annexation No. 1, Airport Industrial Park, where the owners and the City will share costs for the plantings and irrigation system and the maintenance of improvements.

The maintenance of the landscaping is vital for the protection of both economic and humanistic values of the development. The City Council has heretofore determined that for the preservation of values incorporated within developments adjacent to landscaped areas, the landscaped areas should be included in a maintenance district to ensure satisfactory levels of maintenance. The establishment of the assessment for each development must be on a unit by unit basis which will preserve the integrity of each project. There should be a review of each annexation and District to determine if there are changed conditions that effect the assessment.

The determination of benefit for the lots within the districts takes into consideration the facts for the original districts and all annexations thereto.

Following are estimated maintenance costs and assessments for each District and Annexation.

Annexation No. 2 - Jasmine Ranch
Fiscal Year 2020/2021
Maximum Assessment \$8,000.00

Estimated Accumulated Costs 2019/2020 \$ 9,183.88

Maintenance:	22,100	sq.ft. of landscaping area	
Project Management:	22	lots	
Fund Balance:	\$ 2,477.80		
1 Landscape	22,100	sq.ft.	@ \$ 0.190 = \$ 4,199.00
2 Graffiti Maintenance	22,100	sq.ft.	@ \$ 0.030 = \$ 663.00
3 Tree Maintenance	22,100	sq.ft.	@ \$ 0.160 = \$ 3,536.00
4 Postage	22,100	sq.ft.	@ \$ 0.005 = \$ 110.50
5 Utilities	22,100	sq.ft.	@ \$ 0.040 = \$ 884.00
6 Printing	22,100	sq.ft.	@ \$ 0.005 = \$ 110.50
7 Repair/Maintenance	22,100	sq.ft.	@ \$ 0.020 = \$ 442.00
			<u>\$ 0.450 = \$ 9,945.00</u>
Maintenance	22,100	sq.ft.	x \$ 0.45 = \$ 9,945.00
Administrative Fee	\$ 9,945.00		x \$0.10 = \$ 994.50
County Fee	22		x \$1.00/per lot = \$ 22.00
Reserves 15% of total cost of maintenance			\$ 1,491.75
Eliminate deficit fund balance over 10 years - 10% of fund deficit			<u>\$ 12,453.25</u>

FORMULA FOR ASSESSMENT

$$A = \text{Assessment per lot} = \frac{\text{Total Assessment} - F}{L}$$

L = Number of lots
F = Assessment for remainder parcel

The 2020/2021 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment F = \$12,453.25 x .20 = \$2,490.85 for remainder

$$A = \$12,453.25 - \$2,490.85 = \$452.84 \text{ per lot in Unit One}$$

2019/2020 Assessment F = \$8,000 x .20 = \$1,600.00 for remainder

$$A = \$8,000 - \$1,600 = \$290.90 \text{ per lot in Unit One}$$

22

2020/2021 Assessment F = \$8,000 x .20 = \$1,600.00 for remainder

$$A = \$8,000 - \$1,600 = \$290.90 \text{ per lot in Unit One}$$

22

Annexation No. 4 - La Vida Park
Fiscal Year 2020/2021
Maximum Assessment \$2,469.42

Estimated Accumulated Costs 2019/2020

\$ 2,544.04

Maintenance:	3,790	sq.ft. of landscaping area, 437 feet of wall
Project Management:	17	lots
Fund Balance:	\$ (856.87)	

1. Landscape	3,790	sq.ft.	@ \$	0.190	=	\$ 720.10
2. Graffiti Maintenance	3,790	sq.ft.	@ \$	0.090	=	\$ 341.10
3. Tree Maintenance	3,790	sq.ft.	@ \$	0.150	=	\$ 568.50
4. Postage	3,790	sq.ft.	@ \$	0.020	=	\$ 75.80
5. Utilities	3,790	sq.ft.	@ \$	0.250	=	\$ 947.50
6. Printing	3,790	sq.ft.	@ \$	0.020	=	\$ 75.80
7. Repair/Maintenance	3,790	sq.ft.	@ \$	0.030	=	\$ 113.70
			\$	0.750	=	<u>\$ 2,842.50</u>

Maintenance	3,790	sq.ft.	x \$	0.750	=	\$ 2,842.50
Administrative Fee	\$ 2,842.50		x	\$0.10		\$ 284.25
County Fee	17 lots		x \$1.00/per lot			\$ 17.00
Reserves 15% of total cost of maintenance						\$ 426.38
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						<u>\$ 85.69</u>
						<u>\$ 3,655.81</u>

Estimated Cost Per Year	\$	<u>3,655.81</u>	=	\$	197.18
		17			

2019/2020 Assessment	\$	<u>2,469.42</u>	=	\$	145.26
		17			

2020/2021 Assessment	\$	<u>2,469.42</u>	=	\$	145.26
		17			

Annexation No. 8 Westwood Park Unit 3 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$2,481.27

Estimated Accumulated Costs 2019/2020 \$ 262.78

Maintenance:	28,460		sq.ft. of landscaping area	
Lighting:	6		5 @ 5,800 lumens, 1 @ 16,000 lumens	
Project Management:	36		lots	
Fund Balance:	\$ (1,446.95)			

1. Weed Abatement	28,460	sq.ft.	@ \$ 0.0713	=	\$ 2,029.20
2. Graffiti Maintenance	28,460	sq.ft.	@ \$ 0.0059	=	\$ 167.91
3. Tree Maintenance	28,460	sq.ft.	@ \$ 0.0040	=	\$ 113.84
4. Postage	28,460	sq.ft.	@ \$ 0.0060	=	\$ 170.76
			\$ 0.0872		\$ 2,481.71

Maintenance	28,460	sq.ft.	x \$ 0.08720	=	\$ 2,481.71
Administrative Fee	\$ 2,481.71		x \$ 0.10	=	\$ 248.17
County Fee	36 lots		x \$1.00/per lot	=	\$ 36.00
Reserves 15% of total cost of maintenance				=	\$ 372.26
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$ 144.70
					\$ 3,282.83

Estimated Cost Per Year	\$ 3,282.83	=	\$ 91.19
	36		
 2019/2020 Assessment	 \$ 2,481.27	 =	 \$ 68.92
	36		
 2020/2021 Assessment	 \$ 2,481.27	 =	 \$ 68.92
	36		

Annexation No. 10 - Westview Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$1,824.30

Estimated Accumulated Costs 2019/2020 \$ 958.82

Maintenance:	1,307	sq.ft. of landscaping area
Lighting	4	ea. @ 5,800 lumens
Project Management:	16	lots
Fund Balance:	\$ 1,006.71	

1. Landscape	1,307	sq.ft. @ \$	0.250	=	\$ 326.75
2. Graffiti Maintenance	1,307	sq.ft. @ \$	0.090	=	\$ 117.63
3. Tree Maintenance	1,307	sq.ft. @ \$	0.150	=	\$ 196.05
4. Postage	1,307	sq.ft. @ \$	0.020	=	\$ 26.14
5. Utilities	1,307	sq.ft. @ \$	0.250	=	\$ 326.75
6. Printing	1,307	sq.ft. @ \$	0.020	=	\$ 26.14
7. Repair/Maintenance	1,307	sq.ft. @ \$	0.030	=	\$ 39.21
		\$	0.810	=	<u>\$ 1,058.67</u>

Maintenance	1,307	sq.ft. x \$	0.750	=	\$ 980.25
Administrative Fee	\$ 980.25	x \$0.10			\$ 98.03
County Fee	16	x \$1.00/per lot			\$ 16.00
Reserves 15% of total cost of maintenance					\$ 158.80
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					<u>\$ -</u>
					<u>\$ 1,253.08</u>

Estimated Cost Per Year	\$ <u>1,253.08</u>	=	\$ 78.32
	16		

2019/2020 Assessment	\$ <u>1,241.31</u>	=	\$ 77.58
	16		

2020/2021 Assessment	\$ <u>1,253.08</u>	=	\$ 78.32
	16		

Annexation No. 14 - Wisconsin Manor 1 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$1,824.69

Estimated Accumulated Costs 2019/2020 \$ 1,182.79

Maintenance: 3,030 sq.ft. of landscaping area
Project Management: 8 lots
Fund Balance: \$ (4,156.62)

1. Landscape	3,030	sq.ft.	@	\$ 0.190	=	\$ 575.70
2. Graffiti Maintenance	3,030	sq.ft.	@	\$ 0.090	=	\$ 272.70
3. Tree Maintenance	3,030	sq.ft.	@	\$ 0.150	=	\$ 454.50
4. Postage	3,030	sq.ft.	@	\$ 0.020	=	\$ 60.60
5. Utilities	3,030	sq.ft.	@	\$ 0.250	=	\$ 757.50
6. Printing	3,030	sq.ft.	@	\$ 0.020	=	\$ 60.60
7. Repair/Maintenance	3,030	sq.ft.	@	\$ 0.030	=	\$ 90.90
				<u>\$ 0.750</u>	=	<u>\$ 2,272.50</u>

Maintenance	3030	sq.ft.	x	\$ 0.750	=	\$ 2,272.50
Administrative Fee	\$ 2,272.50		x	\$0.10	=	\$ 227.25
County Fee	8 lots		x	\$1.00/per lot	=	\$ 8.00
Reserves	15% of total cost of maintenance					\$ 340.88
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						\$ 415.66
						<u>\$ 3,264.29</u>

Estimated Cost Per Year \$ 3,264.29 = \$ 408.04
8

2019/2020 Assessment \$ 1,824.69 = \$ 228.09
8

2020/2021 Assessment \$ 1,824.69 = \$ 228.09
8

District No. 4 - River Springs Phase 1 Subdivision

Fiscal Year 2020/2021

Approved CPI 2003 (Adjusted 2003)

Maximum Assessment \$3,134.58

Estimated Accumulated Costs 2019/2020 \$ 1,735.42

Maintenance: 2,100 sq.ft. of landscaping area
 Project Management: 51 lots
 Fund Balance: \$ 623.78

1. Landscape	2,100	sq.ft. @ \$	0.380	=	\$	798.00
2. Graffiti Maintenance	2,100	sq.ft. @ \$	0.090	=	\$	189.00
3. Tree Maintenance	2,100	sq.ft. @ \$	0.150	=	\$	315.00
4. Postage	2,100	sq.ft. @ \$	0.030	=	\$	63.00
5. Utilities	2,100	sq.ft. @ \$	0.250	=	\$	525.00
6. Printing	2,100	sq.ft. @ \$	0.090	=	\$	189.00
7. Repair/Maintenance	2,100	sq.ft. @ \$	0.030	=	\$	63.00
			<u>\$ 1.020</u>	=	<u>\$</u>	<u>2,142.00</u>

Maintenance	2,100	sq.ft. x \$	1.02	=	\$	2,142.00
Administrative Fee	\$ 2,142.00	x \$	0.10	=	\$	214.20
County Fee	51 lots	x \$1.00/per lot		=	\$	51.00
Reserves	15% of total cost of maintenance			=	\$	321.30
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
					<u>\$</u>	<u>2,728.50</u>

Estimated Cost Per Year \$ 2,728.50 = \$ 53.50

2020/2021 Assessment \$ 2,397.56 = \$ 47.00

District No. 5 Castle Woods Phase 2 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$1,021.48
Approved CPI 2002 (Adjusted 2008)

Estimated Accumulated Costs 2019/2020 \$ 1,708.28

Maintenance: 1,715 sq.ft. of landscaping area
Project Management: 25 lots
Fund Balance: \$ (9,829.18)

1. Landscape	1,715	sq.ft.	@ \$	0.190	=	\$	325.85
2. Graffiti Maintenance	1,715	sq.ft.	@ \$	0.090	=	\$	154.35
3. Tree Maintenance	1,715	sq.ft.	@ \$	0.150	=	\$	257.25
4. Postage	1,715	sq.ft.	@ \$	0.020	=	\$	34.30
5. Utilities	1,715	sq.ft.	@ \$	0.250	=	\$	428.75
6. Printing	1,715	sq.ft.	@ \$	0.020	=	\$	34.30
7. Repair/Maintenance	1,715	sq.ft.	@ \$	0.030	=	\$	51.45
			\$	0.750	=	\$	<u>1,286.25</u>

Maintenance	1,715	sq.ft.	x \$	0.75	=	\$	1,286.25
Administrative Fee	\$ 1,286.25		x \$	0.10	=	\$	128.63
County Fee	25 lots		x \$1.00/per lot		=	\$	25.00
Reserves	15% of total cost of maintenance				=	\$	192.94
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					=	\$	<u>982.92</u>
						\$	<u>2,615.73</u>

Estimated Cost Per Year \$ 2,615.73
25 = \$ **104.63**

2019/2020 Assessment \$ 1,021.48
25 = \$ **40.86**

2020/2021 Assessment \$ 1,021.48
25 = \$ **40.86**

District No. 7 - Ford Estates Ph.1 Subdivision
Fiscal Year 2020/2021
Approved CPI 1999 (Adjusted 1999)
Maximum Assessment \$2,857.88

Estimated Accumulated Costs 2019/2020 \$ 1,006.72

Maintenance: 1,365 sq. ft. of landscaping area
lighting: 4 ea. @ 5,800 lumens, 1 ea @ 16,000 lumens
Project Management, 20 lots
Fund Balance: \$ 1,387.04

1. Landscape	1,365	sq.ft.	@	\$ 0.25	\$ 341.25
2. Graffiti Maintenance	1,365	sq.ft.	@	\$ 0.09	\$ 122.85
3. Tree Maintenance	1,365	sq.ft.	@	\$ 0.10	\$ 136.50
4. Postage	1,365	sq.ft.	@	\$ 0.10	\$ 136.50
5. Utilities	1,365	sq.ft.	@	\$ 0.25	\$ 341.25
6. Printing	1,365	sq.ft.	@	\$ 0.02	\$ 27.30
7. Repair/Maintenance	1,365	sq.ft.	@	\$ 0.30	\$ 409.50
				<u>\$ 1.11</u>	<u>\$ 1,515.15</u>

Maintenance	1,365	sq.ft.	x	\$ 1.11	=	\$ 1,515.15
Administrative Fee	\$ 1,515.15	@		10%	=	\$ 151.52
County Fee	20	@		\$ 1.00/per lot	=	\$ 20.00
Reserves	15% of total cost of maintenance					\$ 227.27
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						\$ -
						<u>\$ 1,913.94</u>

Estimated Cost Per Year	<u>\$ 1,913.34</u>	=	\$ 95.70
	20		
2019/2020 Assessment	<u>\$ 1,913.34</u>	=	\$ 95.70
	20		
2020/2021 Assessment	<u>\$ 1,913.34</u>	=	\$ 95.70
	20		

District 8 - River Breeze Subdivision

Fiscal Year 2020/2021

Maximum Assessment \$5,043.35

Estimated Accumulated Costs 2019/2020

\$ 1,020.29

Maintenance:	1,000	sq.ft. of landscaping area, 25,600 sq. ft. of fire break
Lighting	9	8 @ 5,800 lumens, 1 @ 16,000 lumens
Project Management:	37	lots
Fund Balance:	\$ 1,610.74	

1. Landscape	1,000	sq.ft. @ \$	3.250	=	\$ 3,250.00
2. Graffiti Maintenance	1,000	sq.ft. @ \$	0.090	=	\$ 90.00
3. Tree Maintenance	1,000	sq.ft. @ \$	0.150	=	\$ 150.00
4. Postage	1,000	sq.ft. @ \$	0.020	=	\$ 20.00
5. Utilities	1,000	sq.ft. @ \$	0.250	=	\$ 250.00
6. Printing	1,000	sq.ft. @ \$	0.020	=	\$ 20.00
7. Repair/Maintenance	1,000	sq.ft. @ \$	0.030	=	\$ 30.00
			<u>\$ 3.810</u>	=	<u>\$ 3,810.00</u>

Maintenance	1,000	sq.ft. x \$	3.810	=	\$ 3,810.00
Administrative Fee	\$ 3,560.00	x \$0.10			\$ 356.00
County Fee	37	x \$1.00/per lot			\$ 37.00
Reserves 15% of total cost of maintenance					\$ 571.50
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$ -
					<u>\$ 4,774.50</u>

Estimated Cost Per Year	\$ <u>4,774.50</u>	=	\$ 129.04
	37		

2020/2021 Assessment	\$ <u>4,774.50</u>	=	\$ 129.04
	37		

District No. 10 Orchard Ridge Phase 4
Fiscal Year 2020/2021
Approved CPI 2003
Maximum Assessment \$359.99

Estimated Accumulated Costs 2019/2020 \$ 185.91

Maintenance: lighting 4 @ 5,800 lumens
Project Management: 19 lots
Fund Balance: \$ 244.71

1. Utilities	4 @ 5,800 lumens	@ \$	30.2100	=	\$	120.84
2. Printing	1	@ \$	50.0000	=	\$	50.00
						\$ 170.84

Maintenance	\$	170.84	x	1	=	\$	170.84
Administrative Fee	\$	170.84	x	\$ 0.10	=	\$	17.08
County Fee		19	x	\$1.00/per lot	=	\$	19.00
Reserves 15% of total cost of maintenance					=	\$	25.63
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			=		=	\$	-
						\$ 232.55	

Estimated Cost Per Year \$ 232.55 = \$ 12.24
19

2019/2020 Assessment \$ 312.28 = \$ 16.44
19

2020/2021 Assessment \$ 232.55 = \$ 12.24
19

District No. 18 - Ohio North Subdivision Fiscal Year 2020/2021 Maximum Assessment \$190.26
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<i>Estimated Accumulated Costs 2019/2020</i>	\$ 229.21
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Maintenance:	lighting	@ 5,800 lumens each
Project Management:	10	lots
Fund Balance:	\$ 229.21	

1. Utilities	2 @ 5,800 lumens @	\$30.21	=	\$ 60.42
2. Printing	1 @	\$50.00	=	\$ 50.00
				<u>\$ 110.42</u>

Maintenance	\$ 110.42	x	1	=	\$ 110.42
Administrative Fee	\$ 110.42	x	\$ 0.10	=	\$ 11.04
County Fee	10 lots	x	\$1.00/per lot	=	\$ 10.00
Reserves	15% of total maintenance			=	\$ 16.56
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$ -
					<u>\$ 148.02</u>

Estimated Cost Per Year	<u>\$ 148.02</u>	=	\$ 14.80
	10		

2019/2020 Assessment	<u>\$ 190.26</u>	=	\$ 19.02
	10		

2020/2021 Assessment	<u>\$ 190.26</u>	=	\$ 19.02
	10		

District No. 19 Williams Ranch Phase 1 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$7,027.83
Approved CPI 2002 (Adjusted 2008)

Estimated Accumulated Costs 2019/2020 \$ 4,083.61

Maintenance: 13,910 sq.ft. of landscaping area
Project Management: 41 lots
Fund Balance: \$ 2,830.19

1. Landscape	13,910	sq.ft.	@ \$ 0.050	=	\$ 695.50
2. Graffiti Maintenance	13,910	sq.ft.	@ \$ 0.025	=	\$ 347.75
3. Tree Maintenance	13,910	sq.ft.	@ \$ 0.100	=	\$ 1,391.00
4. Postage	13,910	sq.ft.	@ \$ 0.010	=	\$ 139.10
5. Utilities	13,910	sq.ft.	@ \$ 0.080	=	\$ 1,112.80
6. Printing	13,910	sq.ft.	@ \$ 0.010	=	\$ 139.10
7. Repair/Maintenance	13,910	sq.ft.	@ \$ 0.040	=	\$ 556.40
			<u>\$ 0.315</u>	=	<u>\$ 4,381.65</u>

Maintenance	13,910	sq.ft.	x \$ 0.315	=	\$ 4,381.65
Administrative Fee	\$ 4,381.65	@	x \$ 0.10	=	\$ 438.17
County Fee	41 lots		x \$1.00/per lot	=	\$ 41.00
Reserves	15% of total cost of maintenance			=	\$ 657.25
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$ -
					<u>\$ 5,518.06</u>

Estimated Cost Per Year \$ 5,518.06
41 = \$ 134.58

2019/2020 Assessment \$ 5,518.06
41 = \$ 134.58

2020/2021 Assessment \$ 5,518.06
41 = \$ 134.58

District No. 21 - Orchard Ridge Phase 7 Subdivision
Fiscal Year 2020/2021
Approved CPI 2007
(Adjusted 2008)
Maximum Assessment \$1,728.51

Estimated Accumulated Costs 2019/2020 \$ 1,034.73

Maintenance:	2,142	sq. ft. of landscaping area (30/74 of 5,950 sq. ft.)
Project Management:	30	and lighting: 6 @ 5,800 lumens,
Fund Balance:	\$ 931.29	lots

1. Landscape	2,142	sq. ft. @ \$	0.200	=	\$	428.40
2. Graffiti	2,142	sq. ft. @ \$	0.010	=	\$	21.42
3. Tree Maintenance	2,142	sq. ft. @ \$	0.010	=	\$	21.42
4. Postage	2,142	sq. ft. @ \$	0.020	=	\$	42.84
5. Utilities	2,142	sq. ft. @ \$	0.150	=	\$	321.30
6. Printing	2,142	sq. ft. @ \$	0.020	=	\$	42.84
7. Repair/Maintenance	2,142	sq. ft. @ \$	0.010	=	\$	21.42
			<u>\$ 0.420</u>		<u>\$</u>	<u>899.64</u>

Maintenance	\$ 2,142.00	sq.ft. x \$	0.420	=	\$	899.64
Administrative Fee	\$ 899.64	x \$	0.10	=	\$	89.96
County Fee	30 lots	x \$1.00/per lot	=	\$	30.00	
Reserves 15% of total cost of maintenance					\$	134.95
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$	-
					<u>\$</u>	<u>1,154.55</u>

Estimated Cost Per Year	<u>\$ 1,154.55</u>	=	\$ 38.48
	30		

2019/2020 Assessment	<u>\$ 1,154.55</u>	=	\$ 38.48
	30		

2020/2021 Assessment	<u>\$ 1,154.55</u>	=	\$ 38.48
	30		

District No. 23 River View Fiscal Year 2020/2021 Approved CPI 2002 Maximum Assessment \$840.44

\$ 396.35

Maintenance:	lighting	11 ea. @ 5,800 lumens
Project Management:	36	lots
Fund Balance:	\$	(168.04)

1. Utilities	11 @ 5,800 lumens	@ \$	30.2100	=	\$	332.31
2. Printing	1	@ \$	50.0000	=	\$	50.00
3. Postage	1	@ \$	31.8500		\$	31.85
					\$	414.16

Maintenance	\$	414.16	x	1	=	\$	414.16
Administrative Fee	\$	414.16	x	\$ 0.10	=	\$	41.42
County Fee		36	x	\$1.00/per lot	=	\$	36.00
Reserves 15% of total cost of maintenance					=	\$	62.12
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					=	\$	-
						\$	553.70

$$\text{Estimated Cost Per Year} = \frac{\$ 553.70}{36} = \$ 8.52$$
$$\text{2019/2020 Assessment} \quad \frac{\$ \quad 840.44}{36} = \quad \$ \quad 12.92$$
$$\frac{\text{2020/2021 Assessment } \$ 840.44}{36} = \$ 12.92$$

District No. 24 - Orchard Ridge Phase 8 Fiscal Year 2020/2021 Maximum Assessment \$2,607.14
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<i>Estimated Accumulated Costs 2019/2020</i>	\$ 2,663.87
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Maintenance:	3,538	sq.ft. of landscaping area
Project Management:	44 lots	
Fund Balance:	\$ (12,696.17)	

1. Landscape	3,538	sq.ft. @ \$	0.190	=	\$	672.22
2. Graffiti Maintenance	3,538	sq.ft. @ \$	0.090	=	\$	318.42
3. Tree Maintenance	3,538	sq.ft. @ \$	0.150	=	\$	530.70
4. Postage	3,538	sq.ft. @ \$	0.020	=	\$	70.76
5. Utilities	3,538	sq.ft. @ \$	0.250	=	\$	884.50
6. Printing	3,538	sq.ft. @ \$	0.020	=	\$	70.76
7. Repair/Maintenance	3,538	sq.ft. @ \$	0.030	=	\$	106.14
		<u>\$</u>	<u>0.750</u>	=	<u>\$</u>	<u>2,653.50</u>

Maintenance	3,538	sq.ft. x \$	0.75	=	\$	2,653.50
Administrative Fee	\$ 2,653.50	x \$	0.10	=	\$	265.35
County Fee	44	x \$1.00/per lot		=	\$	44.00
Reserves	15% of total cost of maintenance			=	\$	398.03
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	1,269.62
					<u>\$</u>	<u>4,630.49</u>

Estimated Cost Per Year	<u>\$ 4,630.49</u>	=	\$ 105.24
	44		
2019/2020 Assessment	<u>\$ 2,607.14</u>	=	\$ 59.26
	44		
2020/2021 Assessment	<u>\$ 2,607.14</u>	=	\$ 59.26
	44		

District 26 - Orchard Ridge Phase 9 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$910.98

Estimated Accumulated Costs 2019/2020 \$ 646.34

Maintenance: Lighting: 14 each @ 5,800 lumens, 5 each @ 9,500 lumens
Project Management: 78 lots
Fund Balance: \$ (384.88)

Formula

1. Utilities	10 lumens @ \$30.21	=	\$	422.94
2. Printing/Copying	1 @ \$50.00	=	\$	50.00
			\$	472.94

Maintenance	\$	472.94	x	1	=	\$	472.94
Administrative Fee	\$	472.94	x	\$0.10	=	\$	47.29
County Fee		47	x	\$1.00/per lot	=	\$	47.00
Reserves 15% of total cost of maintenance					=	\$	70.94
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						\$	-
						\$	638.18

Estimated Cost Per Year	\$	<u>638.18</u>	=	\$	13.58
		47			

2019/2020 Assessment	\$	<u>910.98</u>	=	\$	19.38
		47			

2020/2021 Assessment	\$	<u>910.98</u>	=	\$	19.38
		47			

District No. 28 Meadowood Ph.3 Fiscal Year 2020/2021 Approved CPI 2004 (Adjustment 2004) Maximum Assessment \$1,808.45
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\$ 986.74

Maintenance:	lighting:	17 ea. @ 5,800 lumens
		9 ea. @ 9,500 lumens
Project Management:	78	lots
Fund Balance:	\$	474.23

1. Utilities	17 @ 5,800 lumens	@ \$	30.21	=	\$ 513.57
	9 @ 9,500 lumens:	@ \$	36.27		\$ 326.43
2. Printing	1	@ \$	50.00	=	\$ 50.00
					<u>\$ 890.00</u>

Maintenance	\$	890.00	x	1	=	\$	890.00
Administrative Fee	\$	890.00	x	\$ 0.10	=	\$	89.00
County Fee		78	x	1.00/per lot	=	\$	78.00
Reserves 15% of total cost of maintenance					=	\$	133.50
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					=	\$	-
						\$	1,190.50

Estimated Cost Per Year	$\frac{\$ 1,190.50}{78} =$	\$ 15.26
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$$\text{2019/2020 Assessment} \quad \frac{\$ \quad 1,808.45}{78} = \quad \$ \quad 23.18$$
$$\text{2020/2021 Assessment} \quad \frac{\$ \quad 1,808.45}{78} = \quad \$ \quad 23.18$$

District No. 30 - Sierra Meadows Phase 1 Subdivision
Fiscal Year 2020/2021
Approved CPI 2006
(Adjusted 2006)
Maximum Assessment \$16,773.66

Estimated Accumulated Costs 2019/2020 \$ 10,440.77

Maintenance:	26,639	sq.ft. of landscaping area, 2739 feet of wall
Lighting:	32	23 @ 5,800 lumens, 4 @ 9,500 lumens
		5 @ 16,000 lumens
Project Management:	56	lots
Fund Balance:	\$ 6,363.19	

1. Landscape	26,639	sq.ft.	@ \$ 0.1900	=	\$ 5,061.41
2. Graffiti Maintenance	26,639	sq.ft.	@ \$ 0.0250	=	\$ 665.98
3. Tree Maintenance	26,639	sq.ft.	@ \$ 0.0500	=	\$ 1,331.95
4. Weed Abatement	26,639	sq.ft.	@ \$ 0.0100	=	\$ 266.39
5. Graffiti Maintenance	26,639	sq.ft.	@ \$ 0.0059	=	\$ 157.17
6. Tree Maintenance	26,639	sq.ft.	@ \$ 0.0040	=	\$ 106.56
7. Postage	26,639	sq.ft.	@ \$ 0.0060	=	\$ 159.83
			<u>\$ 0.2909</u>		<u>\$ 7,749.29</u>

Maintenance	26,639	sq.ft.	@ x \$ 0.29090	=	\$ 7,749.29
Administrative Fee	\$ 7,749.29		x \$ 0.10	=	\$ 774.93
County Fee	56 lots		x \$1.00/per lot	=	\$ 56.00
Reserves 15% of total cost of maintenance				=	\$ 1,162.39
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			=	=	\$ -
					<u>\$ 9,742.61</u>

Estimated Cost Per Year	<u>\$ 9,742.61</u>	=	\$ 173.98
	56		
 2019/2020 Assessment	 <u>\$ 9,742.61</u>	=	 \$ 173.98
	56		
 2020/2021 Assessment	 <u>\$ 9,742.61</u>	=	 \$ 173.98
	56		

District No. 31 Williams Ranch Phase 2 & 3 Subdivision

Fiscal Year 2020/2021

Approved CPI 2006 (Adjusted 2006)

Maximum Assessment \$2,303.51

Estimated Accumulated Costs 2019/2020

\$ 3,950.34

Maintenance:	6,512	sq.ft. of landscaping area, 437 feet of wall
Lighting:	26	24 @ 5,800 lumens, 2 ea. @ 16,000 lumens
Project Management:	85	
Fund Balance:	\$ 20,343.25	

1. Landscape	6,512	sq.ft.	@ \$ 0.190	=	\$ 1,237.28
2. Graffiti Maintenance	6,512	sq.ft.	@ \$ 0.025	=	\$ 162.80
3. Tree Maintenance	6,512	sq.ft.	@ \$ 0.130	=	\$ 846.56
4. Postage	6,512	sq.ft.	@ \$ 0.010	=	\$ 65.12
5. Utilities	6,512	sq.ft.	@ \$ 0.080	=	\$ 520.96
6. Printing	6,512	sq.ft.	@ \$ 0.010	=	\$ 65.12
7. Repair/Maintenance	6,512	sq.ft.	@ \$ 0.040	=	\$ 260.48
			<u>\$ 0.485</u>		<u>\$ 3,158.32</u>

Maintenance	6,512	sq.ft.	x \$ 0.485	=	\$ 3,158.32
Administrative Fee	\$ 3,158.32		x \$ 0.10	=	\$ 315.83
County Fee	85 lots		x \$1.00/per lot	=	\$ 85.00
Reserves 15% of total cost of maintenance				=	\$ 473.75
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$ (2,034.33)
					<u>\$ 1,998.58</u>

Estimated Cost Per Year	<u>\$ 1,998.58</u>	=	\$ 23.51
	85		

2019/2020 Assessment	<u>\$ 2,303.51</u>	=	\$ 27.10
	85		

2020/2021 Assessment	<u>\$ 2,303.51</u>	=	\$ 27.10
	85		

District No. 32 - Sunrise Villa Phase 1-3
Fiscal Year 2020/2021
Approved CPI 2006
Maximum Assessment \$1,513.54

Estimated Accumulated Costs 2019/2020 \$ 510.18

Maintenance:	lighting	13ea. @ 5,800 lumens
Project Management:	54	lots
Fund Balance:	\$ 1,050.70	

1. Utilities	13 @ 5,800 lumens	@ \$ 30.2100	=	\$ 392.73
2. Printing	1	@ \$ 50.0000	=	\$ 50.00
				<u>\$ 442.73</u>

Maintenance	\$ 442.73	x 1	=	\$ 442.73
Administrative Fee	\$ 442.73	x \$ 0.10	=	\$ 44.27
County Fee	54	x \$1.00/per lot	=	\$ 54.00
Reserves 15% of total cost of maintenance			=	\$ 66.41
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit		=	=	\$ 105.07
				<u>\$ 712.48</u>

Estimated Cost Per Year	<u>\$ 712.48</u>	=	\$ 13.19
	54		

2019/2020 Assessment	<u>\$ 677.38</u>	=	\$ 12.54
	54		

2020/2021 Assessment	<u>\$ 677.38</u>	=	\$ 12.54
	54		

District 34 - Meadow Breeze Phase 2
Fiscal Year 2020/2021
Maximum Assessment \$1,928.30

Estimated Accumulated Costs 2019/2020 \$ 2,236.84

Maintenance: Lighting: 14 each @ 5,800 lumens, 5 each @ 9,500 lumens
Project Management: 78 lots
Fund Balance: \$ (3,102.65)

Formula

1. Utilities	14 lumens @ \$52.08	=	\$	729.12
	5 lumens @ \$104.16	=	\$	580.80
2. Printing/Copying	1 @ \$50.00	=	\$	50.00
			\$	1,359.92

Maintenance	\$	1,359.92	x	1	=	\$	1,359.92
Administrative Fee	\$	1,359.92	x	\$0.10	=	\$	135.99
County Fee		78	x	\$1.00/per lot	=	\$	78.00
Reserves 15% of total cost of maintenance					=	\$	203.99
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit						\$	-
						\$	1,777.90

Estimated Cost Per Year	\$	1,777.90	=	\$	11.48
		78			

2019/2020 Assessment	\$	1,928.30	=	\$	24.72
		78			

2020/2021 Assessment	\$	1,928.30	=	\$	24.72
		78			

District 35 - Meadow Breeze Phase 1
Fiscal Year 2020/2021
Maximum Assessment \$1,001.39

Estimated Accumulated Costs 2019-2020 \$ 1,393.22

Maintenance: lighting: 9 lumens @ 5,800 each
Project Management: 44 lots
Fund Balance: \$ (1,911.75)

						Formula
1 Utilities	9 lumens	@	\$ 52.08	=	\$	468.72
2 Printing/Copying	1	@	\$ 36.27	=	\$	36.27
					\$	504.99

Maintenance	\$ 504.99	x	1	=	\$	504.99
Administrative Fee	\$ 308.16	x	\$ 0.10	=	\$	30.82
County Fee	44 lots	x	\$1.00/per lot	=	\$	44.00
Reserves 15% of total cost of maintenance					\$	148.12
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$	-
					\$	727.93

Estimated Cost Per Year	\$	<u>727.93</u>		=	\$	16.54
		44				

2020/2021 Assessment	\$	<u>1,001.39</u>		=	\$	22.76
		44				

District No. 37 - River View Phase 4 Subdivision
Fiscal Year 2020/2021
Approved CPI 2007
Maximum Assessment \$508.84

Estimated Accumulated Costs 2018/2019 \$ 221.92

Maintenance: lighting 5 ea. @ 5,800 lumens
Project Management: 17 lots
Fund Balance: \$ 194.95

1. Utilities	5 @ 5,800 lumens	@ \$	52.0800	=	\$ 260.04
2. Printing	1	@ \$	50.0000	=	\$ 50.00
3. Postage	17	@ \$	0.4900		\$ 8.33
					\$ 318.37

Maintenance	\$ 209.38	x	1	=	\$ 209.38
Administrative Fee	\$ 318.37	x \$	0.10	=	\$ 31.84
County Fee	17	x	\$1.00/per lot	=	\$ 17.00
Reserves 15% of total cost of maintenance				=	\$ 47.76
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$ -
					\$ 305.97

Estimated Cost Per Year \$ 305.97 = **\$ 18.00**
17

2020/2021 Assessment \$ 278.73 = **\$ 16.40**
17

District 38 - Ranch Victoria, Phase One Subdivision Fiscal Year 2020/2021 Maximum Assessment \$529.89

<i>Estimated Accumulated Costs 2018/2019</i>	\$ 655.31
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Maintenance: lighting:	2 lumens	@	5,800 each
Project Management:	6		lots
Fund Balance:	\$ (382.10)		

					Formula
1 Utilities	2 lumens	@	\$ 30.21	=	\$ 60.42
2 Printing/Copying	1	@	\$ 50.00	=	\$ 50.00
					<u>\$ 110.42</u>

Maintenance	\$ 110.42	x	1	=	\$ 110.42
Administrative Fee	\$ 110.42	x	\$ 0.10	=	\$ 11.04
County Fee	6	x	\$1.00/per lot	=	\$ 6.00
Reserves 15% of total cost of maintenance					\$ 148.12
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					<u>\$ -</u>
					<u>\$ 275.58</u>

Estimated Cost Per Year	<u>\$ 529.89</u>	=	\$ 88.32
	6		

2017/2018 Assessment	<u>\$ 529.89</u>	=	\$ 88.32
	6		

2020/2021 Assessment	<u>\$ 529.89</u>	=	\$ 88.32
	6		

District 39 - Williams Ranch Phase 4 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$1,207.85

Estimated Accumulated Costs 2018/2019 \$ 654.32

Maintenance: lighting: 17 lumens @ 5,800 each
Project Management: 59 lots
Fund Balance: \$ 382.69

						Formula
1 Utilities	17 lumens	@	\$ 30.21	=	\$	513.57
2 Printing/Copying	1	@	\$ 50.00	=	\$	50.00
					\$	<u>563.57</u>

Maintenance	\$ 563.57	x	1	=	\$	563.57
Administrative Fee	\$ 563.57	x	\$ 0.10	=	\$	56.36
County Fee	59	x	\$1.00/per lot	=	\$	6.00
Reserves 15% of total cost of maintenance				=	\$	148.12
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
					\$	<u>774.05</u>

Estimated Cost Per Year	\$	<u>774.05</u>	=	\$	13.12
		59			

2020/2021 Assessment	\$	<u>774.05</u>	=	\$	13.12
		59			

District No. 40 - Amalene Estates
Fiscal Year 2020/2021
Approved CPI 2007 (Adjusted 2007)
Maximum Assessment \$7648.22

Estimated Accumulated Costs 2019/2020 \$ 3,624.68

Maintenance:	5,445	sq. ft. of landscaping area, 736 ft. of wall
Lighting:	16	ea. @ 5,800 lumens, 1 ea. @ 16,000 lumens
Project Management:	26	lots
Fund Balance:	\$ (5,486.68)	

1. Landscape	5,445	sq.ft.	@	\$ 0.190	=	\$ 1,034.55
2. Graffiti Maintenance	5,445	sq.ft.	@	\$ 0.025	=	\$ 136.13
3. Tree Maintenance	5,445	sq.ft.	@	\$ 0.130	=	\$ 707.85
4. Postage	5,445	sq.ft.	@	\$ 0.010	=	\$ 54.45
5. Utilities	5,445	sq.ft.	@	\$ 0.080	=	\$ 435.60
6. Printing	5,445	sq.ft.	@	\$ 0.010	=	\$ 54.45
7. Repair/Maintenance	5,445	sq.ft.	@	\$ 0.040	=	\$ 217.80
				\$ 0.485		\$ 2,640.83

Maintenance	5,445	sq.ft.	x	0.485	=	\$ 2,640.83
Administrative Fee	\$ 2,640.83		x	\$0.10	=	\$ 264.08
County Fee	26		x	\$1.00/per lot	=	\$ 26.00
Reserves	15% of total cost of maintenance				=	\$ 396.12
Eliminate deficit fund balance over 10 years - 10% of fund deficit					=	\$ 265.59
						\$ 3,592.62

Estimated Cost Per Year	\$ 3,592.62	=	\$ 138.18
	26		

2020/2021 Assessment	\$ 7,648.22	=	\$ 294.16
	26		

District 44 - Summit Estates Phase 1 Subdivision
Fiscal Year 2020/2021
Maximum Assessment \$5,629.48
(Adjusted 2008)

Estimated Accumulated Costs 2019/2020 \$ 4,007.23

Maintenance: 4,300 sq.ft. of landscaping area, 242 ft. of wall, and
20 ea. @ 5,800 lumens, 3 ea. @ 9,500 lumens
Project Management: 69
Fund Balance: \$ (396.48)

1. Landscape	4,300	sq.ft.	@ \$	0.400	=	\$	1,720.00
2. Graffiti Maintenance	4,300	sq.ft.	@ \$	0.025	=	\$	107.50
3. Tree Maintenance	4,300	sq.ft.	@ \$	0.100	=	\$	430.00
4. Postage	4,300	sq.ft.	@ \$	0.010	=	\$	43.00
5. Utilities	4,300	sq.ft.	@ \$	0.080	=	\$	344.00
6. Printing	4,300	sq.ft.	@ \$	0.010	=	\$	43.00
7. Repair/Maintenance	4,300	sq.ft.	@ \$	0.040	=	\$	172.00
			\$	0.665	=	\$	2,859.50

Maintenance	4,300	sq.ft.	x \$	0.665	=	\$	2,859.50
Administrative Fee	\$ 2,859.50		x \$	0.10	=	\$	285.95
County Fee	69		x \$1.00/per lot		=	\$	69.00
Reserves	15% of total cost of maintenance				=	\$	428.93
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					=	\$	-
						\$	3,643.38

Estimated Cost Per Year \$ 3,643.38
69 = \$ 52.80

2020/2021 Assessment \$ 3,643.38
69 = \$ 52.80

District No. 46- Moorea Manor
Fiscal Year 2020/2021
Approved CPI 2009
Maximum Assessment \$4202.28

Estimated Accumulated Costs 2019/2020 \$ 1,261.76

Maintenance:	1,460	sq. ft. of landscaping area, 286 ft. of wall
Lighting:	4	ea. @ 5,800 lumens
Project Management:	16	lots
Fund Balance:	\$ 706.29	

1. Landscape	1,460	sq.ft.	@	\$ 0.190	= \$	277.40
2. Graffiti Maintenance	1,460	sq.ft.	@	\$ 0.025	= \$	36.50
3. Tree Maintenance	1,460	sq.ft.	@	\$ 0.130	= \$	189.80
4. Postage	1,460	sq.ft.	@	\$ 0.010	= \$	14.60
5. Utilities	1,460	sq.ft.	@	\$ 0.080	= \$	116.80
6. Printing	1,460	sq.ft.	@	\$ 0.010	= \$	14.60
7. Repair/Maintenance	1,460	sq.ft.	@	\$ 0.040	= \$	58.40
				<u>\$ 0.485</u>		<u>\$ 2,640.83</u>

Maintenance	1,460	sq.ft.	x	0.485	= \$	708.10
Administrative Fee	\$ 2,640.83		x	\$0.10	= \$	264.08
County Fee	16		x	\$1.00/per lot	= \$	16.00
Reserves	15% of total cost of maintenance				= \$	396.12
Eliminate deficit fund balance over 10 years - 10% of fund deficit					= \$	-
					<u>\$</u>	<u>1,384.31</u>

Estimated Cost Per Year	<u>\$ 1,384.31</u>	=	\$ 86.52
	16		

2020/2021 Assessment	<u>\$ 1,384.31</u>	=	\$ 86.52
	16		

District 47 - Chelsea Glen Subdivision Fiscal Year 2020/2021
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Estimated Accumulated Costs 2020/2021 \$ -

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

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

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

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

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

District 48 - Nader Homes
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 8,450 sq.ft. of landscaping
 Project Management: 43 lots, lighting 11 lumens @ 5,800
 Fund Balance: \$ 29,218.70

Maintenance

1. Landscape/Tree Maintenance	8,450 @	\$	0.350	=	\$	2,957.50
2. Grafitti Maintenance	8,450 @	\$	0.010	=	\$	84.50
3. Postage	8,450 @	\$	0.025	=	\$	211.25
4. Utilities	8,450 @	\$	0.012	=	\$	101.40
5. Printing	8,450 @	\$	0.140	=	\$	1,183.00
6. Repair/Maintenance	8,450 @	\$	0.025	=	\$	211.25
			<u>0.562</u>	=	<u>\$</u>	<u>4,748.90</u>

Maintenance	8,450	\$	0.562	=	\$	4,748.90
Administrative Fee	\$ 4,748.90 x	\$	0.100	=	\$	474.89
County Fee	43 lots @ \$1.00/per lot			=	\$	43.00
Reserves 15% of total cost of maintenance				=	\$	712.34
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>5,979.13</u>

Estimated Cost Per Year: \$ 5,979.13 = **\$ 139.04**
43

2020/2021 Assessment \$ 5,979.13 = **\$ 139.04**
43

District 49 - Ranch Victoria Phase 2, 3, & 4
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 1,535 sq.ft. of landscaping
 Project Management: 44 lots, lighting 12 lumens @ 5,800, 1 @ 16,000
 Fund Balance: \$ -

Maintenance

1. Landscape/Tree Maintenance	1,535 @	\$	0.450	=	\$	690.75
2. Grafitti Maintenance	1,535 @	\$	0.090	=	\$	138.15
3. Postage	1,535 @	\$	0.150	=	\$	230.25
4. Utilities	1,535 @	\$	0.070	=	\$	107.45
5. Printing	1,535 @	\$	0.150	=	\$	230.25
6. Repair/Maintenance	1,535 @	\$	0.150	=	\$	230.25
			<u>1.060</u>	=	<u>\$</u>	<u>1,627.10</u>

Maintenance	1,535	\$	1.060	=	\$	1,627.10
Administrative Fee	\$ 1,627.10 x	\$	0.100	=	\$	162.71
County Fee	44 lots @ \$1.00/per lot			=	\$	44.00
Reserves 15% of total cost of maintenance				=	\$	244.07
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>2,077.88</u>

Estimated Cost Per Year: \$ 2,077.88 = \$ 47.22
44

2020/2021 Assessment \$ 2,077.88 = \$ 47.22
44

District 50 -Riverview Estates
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 2,190 sq.ft. of landscaping
 Project Management: 33 lots, lighting 12 lumens @ 5,800, 1 @ 16,000
 Fund Balance: \$ -

Maintenance

1. Landscape/Tree Maintenance	2,190 @	\$	0.450	=	\$	985.50
2. Grafitti Maintenance	2,190 @	\$	0.090	=	\$	197.10
3. Postage	2,190 @	\$	0.150	=	\$	328.50
4. Utilities	2,190 @	\$	0.070	=	\$	153.30
5. Printing	2,190 @	\$	0.150	=	\$	328.50
6. Repair/Maintenance	2,190 @	\$	0.150	=	\$	328.50
			<u>1.060</u>	=	<u>\$</u>	<u>2,321.40</u>

Maintenance	2,190	\$	1.060	=	\$	2,321.40
Administrative Fee	\$ 2,321.40 x	\$	0.100	=	\$	232.14
County Fee	33 lots @ \$1.00/per lot			=	\$	33.00
Reserves 15% of total cost of maintenance				=	\$	348.21
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>2,934.75</u>

Estimated Cost Per Year: \$ 2,934.75 = \$ 88.92
33

2020/2021 Assessment \$ 2,934.75 = \$ 88.92
33

District 51 - Summit Estates Two, Phase One
Fiscal Year 2020/2021

Estimated Accumulated Costs 2019/2020 \$ -

Maintenance: Lighting: 24 each @ 5,800 lumens
Project Management: 74 lots
Fund Balance: \$ -

1. Utilities	10 lumens @ \$52.08	=	\$	1,249.92
2. Printing/Copying	74 @ \$ 1.00	=	\$	74.00
			\$	1,323.92

Maintenance	\$ 1,323.92	x	1	=	\$ 1,323.92
Administrative Fee	\$ 1,323.92	x	\$0.10	=	\$ 132.39
County Fee	74	x	\$1.00/per lot	=	\$ 74.00
Reserves 15% of total cost of maintenance				=	\$ 198.59
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit					\$ -
					\$ 1,728.90

Estimated Cost Per Year	\$	<u>1,728.90</u>	=	\$ 23.36
		74		

2020/2021 Assessment	\$	<u>1,728.90</u>	=	\$ 23.36
		74		

District 52 - Summit Heritage Villas Subdivision
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 1,782 sq.ft. of landscaping
 Project Management: 16 lots, lighting 12 lumens @ 5,800, 1 @ 16,000
 Fund Balance: \$ -

Maintenance

1. Landscape/Tree Maintenance	1,782 @	\$	0.200	=	\$	356.40
2. Grafitti Maintenance	1,782 @	\$	0.000	=	\$	-
3. Postage	1,782 @	\$	0.150	=	\$	267.30
4. Utilities	1,782 @	\$	0.020	=	\$	35.64
5. Printing	1,782 @	\$	0.150	=	\$	267.30
6. Repair/Maintenance	1,782 @	\$	0.150	=	\$	267.30
			<u>0.670</u>	=	<u>\$</u>	<u>1,193.94</u>

Maintenance	1,782	\$	0.670	=	\$	1,193.94
Administrative Fee	\$ 1,193.94 x	\$	0.100	=	\$	119.39
County Fee	16 lots @ \$1.00/per lot			=	\$	16.00
Reserves 15% of total cost of maintenance				=	\$	179.09
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>1,508.43</u>

Estimated Cost Per Year: \$ 1,508.43
16 = \$ 94.28

2020/2021 Assessment \$ 1,508.43
16 = \$ 94.28

District 53 - Trooper Terrace
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 4,414 sq.ft. of landscaping
 Project Management: 17 lots, lighting 11 lumens @ 5,800
 Fund Balance: \$ -

Maintenance

1. Landscape/Tree Maintenance	4,414 @	\$	0.200	=	\$	882.80
2. Graffiti Maintenance	4,414 @	\$	0.070	=	\$	308.98
3. Postage/Printing	4,414 @	\$	0.005	=	\$	22.07
4. Utilities	4,414 @	\$	0.100	=	\$	441.40
6. Repair/Maintenance	4,414 @	\$	0.150	=	\$	662.10
			<u>0.525</u>	=	<u>\$</u>	<u>2,317.35</u>

Maintenance	4,414	\$	0.525	=	\$	2,317.35
Administrative Fee	\$ 2,317.35 x	\$	0.100	=	\$	231.74
County Fee	17 @ \$1.00/per lot			=	\$	17.00
Reserves 15% of total cost of maintenance				=	\$	347.60
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>2,913.69</u>

Estimated Cost Per Year: \$ 2,913.69
17 = \$ 171.38

2020/2021 Assessment \$ 2,913.69
17 = \$ 171.38

District 54 - Windsor Court
Fiscal Year 2020/2021

Estimated Accumulated 2019/2020 \$ -

Maintenance: 33,256 sq.ft. of landscaping
 Project Management: 80 lots, lighting 11 lumens @ 5,800
 Fund Balance: \$ -

Maintenance

1. Landscape/Tree Maintenance	33,256 @	\$	0.120	=	\$	3,990.72
2. Grafitti Maintenance	33,256 @	\$	0.025	=	\$	831.40
3. Tree Maintenance	33,256		0.045	=	\$	1,496.52
4. Postage/Printing	33,256 @	\$	0.003	=	\$	99.77
5. Utilities	33,256 @	\$	0.060	=	\$	1,995.36
6. Repair/Maintenance	33,256 @	\$	0.050	=	\$	1,662.80
			<u>0.303</u>	=	<u>\$</u>	<u>10,076.57</u>

Maintenance	33,256	\$	0.303	=	\$	10,076.57
Administrative Fee	\$ 10,076.57 x	\$	0.100	=	\$	1,007.66
County Fee	80 @ \$1.00/per lot			=	\$	80.00
Reserves 15% of total cost of maintenance				=	\$	1,511.49
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>12,675.71</u>

Estimated Cost Per Year: \$ 12,675.71
80 = \$ 158.44

2020/2021 Assessment \$ 12,675.71
80 = \$ 158.44

Annexation No. 3 Porter Creek, District No. 2 North Creek, District No. 6 Creekview Fiscal Year 2020/2021
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Estimated Accumulated 2019/2020	\$	23,676.60
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Maintenance:	125,477 sq.ft. of landscaping
Project Management:	297 lots, lighting 5 lumens @ 5,800
Fund Balance:	\$ 29,218.70

Maintenance

1. Landscape/Tree Maintenance	125,477 @	\$	0.125	=	\$	15,684.63
2. Grafitti Maintenance	125,477 @	\$	0.02	=	\$	2,509.54
3. Postage	125,477 @	\$	0.005	=	\$	627.39
4. Utilities	125,477 @	\$	0.06	=	\$	7,528.62
5. Printing	125,477 @	\$	0.005	=	\$	627.39
6. Repair/Maintenance	125,477 @	\$	0.01	=	\$	1,254.77
			<u>0.225</u>	=	<u>\$</u>	<u>28,232.33</u>

Maintenance	125,477	\$	0.23	=	\$	28,232.33
Administrative Fee	\$ 28,232.33 x	\$	0.10	=	\$	2,823.23
County Fee	297 lots @ \$1.00/per lot			=	\$	297.00
Reserves 15% of total cost of maintenance				=	\$	4,234.84
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				=	\$	-
Total					<u>\$</u>	<u>35,587.40</u>

Estimated Cost Per Year:	<u>\$35,587.40</u>	=	\$	119.82
	297			
 2019/2020 Assessment	 <u>\$34,319.40</u>	 =	 \$	 115.54
	297			
 2020/2021 Assessment	 <u>\$34,319.40</u>	 =	 \$	 115.54
	297			

Westwood Estates Consolidated
District 1 Westwood Estates Subdivision,
Annexation 5 - Westwood Estates Unit 4 & Unit 5 Subdivision
District No. 12 - Westwood Estates Unit 5, Phase 2 Subdivision
Fiscal Year 2020/2021

Estimated Accumulated Costs 2019/2020	\$	19,176.17
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Maintenance:	47,462	sq. ft. of landscaping are (30/74 of 5450 sq.ft.)
Project Management:	207	lots
Fund Balance:	\$ 2,117.72	

1. Landscape	47,462	sq.ft.	@	\$	0.170	=	\$	8,068.54
2. Graffiti Maintenance	47,462	sq.ft.	@	\$	0.020	=	\$	949.24
3. Postage	47,462	sq.ft.	@	\$	0.005	=	\$	237.31
4. Utilities	47,462	sq.ft.	@	\$	0.120	=	\$	5,695.44
5. Printing	47,462	sq.ft.	@	\$	0.005	=	\$	237.31
6. Repair/Maintenance	47,462	sq.ft.	@	\$	0.020	=	\$	949.24
				\$	0.340		\$	16,137.08

Maintenance	47,462	sq.ft.	x	0.340	=	\$	16,137.08
Administrative Fee	\$ 16,137.08		x	\$0.10	=	\$	1,613.71
County Fee	207		x	\$1.00/per lot	=	\$	207.00
Reserves	15% of total cost of maintenance				=	\$	2,420.56
Eliminate deficit fund balance over 10 years - 10% of fund deficit					=	\$	-
						\$	20,378.35

Estimated Cost Per Year	\$	20,378.35	=	\$	98.45
		<u>207</u>			

$$\frac{\text{2019/2020 Assessment } \$ 18,364.44}{207} = \$ 88.72$$
$$\frac{\text{2020/2021 Assessment } \$ 18,364.44}{207} = \$ 88.72$$

This concludes the 2020/2021 Landscape and Lighting District Engineer's Report.
Javier Sanchez, Jr., 70356



RESOLUTION NO.: -2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2020-2021 IN LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS; DECLARING THE WORK TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN THE LANDSCAPE MAINTENANCE DISTRICTS TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the following areas:

1. Right-of-way and easement along the Westwood Street frontage of Unit I and II of Westwood Estates, more particularly described on maps which are on file in the City Clerk's office entitled "Landscape and Lighting Maintenance District No. 1."
2. Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; south perimeter west of fire access road, west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 2 Landscape and Lighting District No. 1."

3. LaVida Park green belt, east on Plum Way Street and the entries east along Beverly Street, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 4 to Landscape and Lighting Maintenance District No. 1."
4. Porter Creek Avenue right-of-way to the bank of the Porter Slough median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough and all of the maintenance area to the center line Porter Slough, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 3 to Landscape and Lighting Maintenance District No. 1".
5. Westwood Estates #4, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 5 to Landscape and Lighting Maintenance District No. 1."
6. Westwood Park Unit Three Subdivision includes the east side of Westwood street and the fire access road on the south side of the subdivision, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 8 to Landscape and Lighting Maintenance District No. 1"
7. Westview Subdivision includes street lighting and landscaping on the east side of Cobb Street, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 10 to Landscape and Lighting Maintenance District No. 1".
8. Wisconsin Manor I Subdivision includes landscape and lighting maintenance, more particularly described on maps, which are on file in the City Clerk's office entitled "Annexation No. 14 to Landscape and Lighting District No. 1."
9. District No. 2 = North Creek Estates Subdivision located on Westwood north of Westfield includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 2.
10. District No. 4 = River Springs Phase I Subdivision located along Newcomb Street includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 4.
11. District No. 5 = Castle Woods Phase II Subdivision located on Castle Avenue, Salisbury Street, and Median Avenue includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 5.
12. District No. 6 = Creek View Estates located between Porter Creek Avenue and the property line in Porter Slough includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled

District No. 6.

13. District No. 7 = Ford Estates located on the corner of Roby and Westwood Avenue includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 7.
14. District No. 8 = River Breeze Subdivision located on Newcomb Street, Patsy Street and Springs Street includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's Office entitled District No. 8.
15. District No. 10 = Orchard Ridge Phase 4 Subdivision located on LaVida Court and Carmelo Street includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's Office entitled District No. 10.
16. District No. 12 = Westwood Estates Unit 5, Phase 2, located along Henderson Avenue and Brandy Way includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 12.
17. District No. 18 = Ohio North Subdivision located on Ohio Way Street includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 18.
18. District No. 19 = Williams Ranch, Phase One located south of Westfield Avenue on Silver Maple Street, Wall Court and San Lucia Court includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 19.
19. District No. 20 = West View Place Subdivision located on Median Avenue includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 20.
20. District No. 21 = Orchard Ridge Phase Seven Subdivision located on Pioneer Avenue, Michael Street and Mathew Street includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No.21.
21. District No. 23 = Riverview Estates Phase Three Subdivision located on Roby Avenue, Belmont Street, Orange Avenue and Parkwest Street includes lighting maintenance and more particularly described on maps which are on maps which are on file in the City Clerk's office entitled District No. 23.
22. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue, and Santa Maria Avenue includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 24.

23. District No 26 = Orchard Ridge, Phase Nine Subdivision located on Belmont Street, Pamela, Santa Maria and Pioneer Avenues includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 26.
24. District No. 28 = Meadowood Phase Three Subdivision located on Westfield Avenue, Cheryl Avenue, Salisbury Street, Julieann Avenue and Pioneer includes lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 28.
25. District No. 30 = Right-of-way, easements, and public lands within Sierra Meadows, Phase One Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 30.
26. District No. 31 = Right-of-way, easements, and public lands within Williams Ranch, Phase 2 and 3 Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 31.
27. District No. 32 = Right of way, easements, and public lands within Sunrise Villa, Phase One, Two and Three Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 32.
28. District No. 34 = Right-of-way, easements, and public lands within Meadow Breeze, Phase Two Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 34.
29. District No. 35 = Right-of-way, easements, and public lands within Meadow Breeze, Phase One Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 35.
30. District No. 37 = Right-of-way, easements, and public lands within Riverview Estates, Phase Four Subdivision, more particularly described on maps which are on file in the City Clerk's office entitled District No. 37.
31. District No. 38 = Right-of-way, easements, and public lands within Ranch Victoria, Phase One Subdivision located on the north side of Putnam Avenue and east of Mathew Street, and more particularly described on maps which are on file in the City Clerk's office entitled District No. 38.
32. District No. 39 = Right-of-way, easements, and public lands within Williams Ranch Phase 4 Subdivision, including Theta Avenue, Bel-Aire Court, Terry Court, Silver Maple Street and Red Oak Street, and more particularly described on maps which are on file in the City Clerk's office entitled District No. 39.
33. District No. 40 = Right-of-way, easements, and public lands within Amalene Estates Subdivision located on Westwood between the Tule River and Olive Avenue, including

Vine Avenue, Clare Avenue, Clare Court, and Dogwood Street, and more particularly described on maps which are on file in the City Clerk's office entitled District No. 40.

34. District No. 44 = Summit Estates, Phase One Subdivision located along Mathew Street and includes Orange Avenue and Lombardi and Argyle Streets.
35. District No. 46 = Moorea Manor Subdivision located along Newcomb and includes San Lucia Lane.
36. District No. 47 = Chelsea Glen Subdivision located along Shelly Lane, Kimberly Place within the subdivision, along with two on N Newcomb St.
37. District No. 48 = Right-of-way along Cobb Street, Orange Avenue, and Forest Avenue of Nader Homes, more particularly described on maps which are on file in the City Clerk's office entitled District No. 48.
38. District No. 49 = Right-of-way along the frontage of Cleveland Avenue, Thurman Avenue, Harrison Avenue, Morton Avenue, and Belmont Street of Ranch Victoria (Phase 2, 3 and 4), more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 49.
39. District No. 50 = Right-of-way along of frontages of Parkwest Street, Monte Lane, and Heritage Lane of Riverview Estates Phase 5, more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 50.
40. District No. 51 = Right-of-way along the frontages of River Springs Avenue, Union Avenue, Birch Street, Fir Street, Balmoral Street, and Mathew Street of Summit Estates Two, Phase One, more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 51.
41. District No. 52 = Right-of-way frontages along Lombardi Street and Clare Avenue of Summit Heritage Villas, more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 52.
42. District No. 53 = Right-of-way and easement along the Westwood Street frontage of Lots 1 and 17, as well as right-of-way along Bel Aire Court on Trooper Terrace, more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 53.
43. District No. 54 = Right-of-way and easement along the Henderson Avenue frontage ("Lot A"), as well as right-of-way along Creekview Street, Elderwood Street, Redondo Street, and McComb Avenue of Windsor Court, more particularly described on maps which are on file in the City Clerk's office entitled landscape and lighting maintenance District No. 54.

Reference is hereby made to said maps for further, full and more particular description of said assessment district, and the same maps so on file shall govern for all details as to the extent of said assessment district.

DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is to be of more than local or ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is described as follows:

1. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 26-89, indicating by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.
2. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 2 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 42-92, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
3. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 3 to Landscapes and Lighting Maintenance District No. 1" heretofore approved by the City Council of said City by Resolution No. 69-93 indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
4. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 4 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 100-93, indicating by said boundary line the extent of the territory included within the assessment district and which map is on file in the Office of the City Clerk of said City.
5. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 5 to Landscape and Lighting

Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 144-93, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City

6. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Annexation No. 8 to Landscape and Lighting Maintenance District No. 1" heretofore approved by the City Council of said City by Resolution No. 97-94 indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
7. All that certain territory of the City of Porterville, included within the exterior boundary line shown upon that certain "Map of Annexation No. 10 to Landscape and Lighting Maintenance District No. 1." heretofore approved by the City Council of said City by Resolution No. 46-95 indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
8. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Annexation No. 14 to Landscape and Lighting Maintenance District No. 1," heretofore approved by the City Council of said City by Resolution No. 24-96, indicating by said boundary line the extent of the territory included within the district and which map is on file in the Office of the City Clerk of said City.
9. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 2" heretofore approved by the City Council of said City by Resolution No. 126-98 indicating by said boundary like the extent of the territory included within the assessment district and which map is on file in the office of the City Clerk of said City.
10. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 4" heretofore approved by the City Council of said City by Resolution No. 128-98 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
11. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 5," heretofore approved by the City Council of said City by Resolution No. 29-2002, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.

12. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 6," heretofore approved by the City Council of said City by Resolution No. 89-99, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
13. All that certain "Map of Landscape and Lighting District No. 7" heretofore approved by the City Council of said City by Resolution No. 67-99 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
14. All that certain "Map of Landscape and Lighting District No. 8" heretofore approved by the City Council of said City by Resolution No. 120-99 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
15. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 10" heretofore approved by the City Council of said City by Resolution No. 28-2000 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
16. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 12," heretofore approved by the City Council of said City by Resolution No. 65-2000, indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
17. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 18," heretofore approved by the City Council of said City by Resolution No. 22-2002 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
18. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 19," heretofore approved by the City Council of said City by Resolution No. 23-2002 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
19. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 20," heretofore approved by the City Council of said City by Resolution No. 30-2002 indicating by said boundary line the extent of the territory included with the assessment district and which

map is on file in the Office of the City Clerk of said City.

20. All that certain "Map of Landscape and Lighting District No. 21" heretofore approved by the City Council of said City by Resolution No. 44-2002 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
21. All that certain "Map of Landscape and Lighting District No. 23" heretofore approved by the City Council of said City by Resolution No. 94-2002 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
22. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 24," heretofore approved by the City Council of said City by Resolution No. 191-2002 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
23. All that certain "Map of Landscape and Lighting District No. 26" heretofore approved by the City Council of said City by Resolution No. 59-2004 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
24. All that certain "Map of Landscape and Lighting District No. 28" heretofore approved by the City Council of said City by Resolution No. 61-2004 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
25. All that certain "Map of Landscape and Lighting District No. 30" heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
26. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 31," heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
27. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 32," heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.

28. All that certain "Map of Landscape and Lighting District No. 34" heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
29. All that certain territory of the City of Porterville, included within the exterior boundary Shown upon that certain "Map of Landscape and Lighting District No. 35," heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk.
30. All that certain "Map of Landscape and Lighting District No. 37" heretofore approved by the City Council of said City by Resolution No. 52-2006 indicating by said boundary line the extent of the territory included with the assessment district and which map is in the office of the City Clerk.
31. All that certain "Map of Landscape and Lighting District No. 38 heretofore approved by the City Council of said City by Resolution No. 38-2007 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
32. All that certain "Map of Landscape and Lighting District No. 39" heretofore approved by the City Council of said City by Resolution No. 38-2007 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
33. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 40," heretofore approved by the City Council of said City by Resolution No. 37-2008 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the Office of the City Clerk of said City.
34. All that certain "Map of Landscape and Lighting District No. 44" heretofore approved by the City Council of said City by Resolution No. 37-2008 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
35. All that certain "Map of Landscape and Lighting District No. 46" heretofore approved by the City Council of said City by Resolution No. 91-2009 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.

36. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 47" heretofore approved by the City Council of said City by Resolution No.46-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
37. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 48" heretofore approved by the City Council of said City by Resolution No. 51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
38. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 49" heretofore approved by the City Council of said City by Resolution No.51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
39. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 50" heretofore approved by the City Council of said City by Resolution No. 51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
40. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 51" heretofore approved by the City Council of said City by Resolution No. 51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
41. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 52" heretofore approved by the City Council of said City by Resolution No. 51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.
42. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 53" heretofore approved by the City Council of said City by Resolution No. 51-2020 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.

43. All that certain territory of the City of Porterville, included within the exterior boundary shown upon that certain "Map of Landscape and Lighting District No. 54" heretofore approved by the City Council of said City by Resolution No. 51-202 indicating by said boundary line the extent of the territory included with the assessment district and which map is on file in the office of the City Clerk of said City.

SECTION 4. The City Council of said City has ordered preparation of the annual report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report, Landscape and Lighting Maintenance Districts 2020-2021 Fiscal Year" will be filed in the Office of the City Clerk of said City, and prepared for the 2020-2021 Fiscal Year in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected.

TIME AND PLACE OF HEARING

SECTION 6. Notice is hereby given that on the 4th day of August 2020, at the hour of 6:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers at 291 North Main Street, in the City of Porterville, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests.

LANDSCAPING AND LIGHTING ACT OF 1972

SECTION 7. All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated The Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California.

PUBLICATION OF RESOLUTION OF INTENTION

SECTION 8. Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of the Notice of Hearing shall be completed at least 10 days prior to the date of hearing.

CERTIFICATION

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 21st day of July, 2020

Martha A. Flores, Mayor

ATTEST:
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 GIVING
PRELIMINARY APPROVAL OF ENGINEER'S REPORT FOR FISCAL YEAR 2020-2021
FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS**

WHEREAS, on the 21st day of July 2020, said City Council did adopt a Resolution directing the Engineer of Work to make and file with the City Clerk of said City a report in writing for Fiscal Year 2020-2021 as required by the Landscaping and Lighting Act of 1972; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified.

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that:

1. The Engineer's Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby, preliminarily approved and confirmed.
2. The diagram showing the Assessment Districts referred to and described in said report (the boundaries of the subdivision of land within each said Assessment District) are approved and confirmed as the same as existed at the time of passage of Resolution originally establishing each District.
3. The proposed assessments upon the subdivisions of land in said Assessment Districts are in proportion to the estimated benefit to be received by said subdivisions, respectively, from said normal and customary maintenance and of the incidental expenses thereof, as contained in said report, and are hereby preliminarily approved and confirmed.
4. Said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.

Reference is hereby made to said maps for further, full and more particular description of said Assessment District, and the same maps so on file shall govern for all details as to the extent of each said Assessment District.

RESOLUTION NO.: _____-2020

PASSED, APPROVED AND ADOPTED this 21st day of July 2020.

Martha A. Flores

ATTEST:
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
ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR LANDSCAPE
AND LIGHTING MAINTENANCE DISTRICTS FOR FISCAL YEAR 2020-2021**

WHEREAS, the City Council of the City of Porterville has determined that the public interest, convenience and necessity required the maintenance of lighting systems, landscape planting materials, irrigation systems and appurtenances in designated areas of the City; and

WHEREAS, the City has established assessment districts to recover the cost of maintenance work; and

WHEREAS, Section 22622 of the California Streets and Highways Code requires that an Engineer’s Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district.

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that:

1. Javier Sanchez, Jr. is appointed “Engineer of Work” for preparation of the Engineer’s Report.
2. The Engineer of Work is ordered to prepare the report for Fiscal Year 2020-2021 in accordance with Article 4, Division 15, of the Streets and Highways Code, “Landscaping and Lighting Act of 1972” of the State of California.

PASSED, APPROVED AND ADOPTED this 21st day of July 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Status and Review of Local Emergency: Drought

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

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

At its last meeting on July 7, 2020, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Twenty-six (26) residences within the city were determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State Cleanup and Abatement Account (CAA) emergency funds.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide initial source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its eighty (80) residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought

Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately forty (40) homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (70), which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff continues to work with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of

focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019. City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 2019. Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work began on the project. At its meeting on October 1, 2019, the Council accepted the public works segment of the project in the installation of water mains as complete, with Self-Help and CSET continuing to collaborate on the completion of the individual private connections and abandonment of private wells. City staff has recently been made aware that there may be a couple of additional residences whose wells are dry that are located along existing City water mains or may require further extension of water mains. Staff is coordinating with State staff on addressing these new isolated needs.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered. At its meeting on October 1, 2019, the Council directed staff to proceed with the amendment of the UDB to facilitate annexation, which a public meeting with the affected residents was conducted on Wednesday, October 9, 2019. 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:

John Lollis, City Manager

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

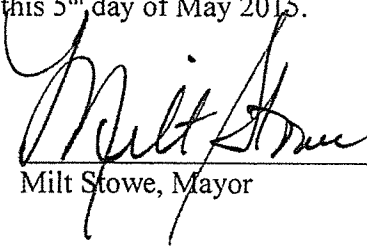
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

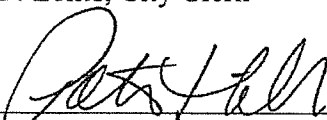
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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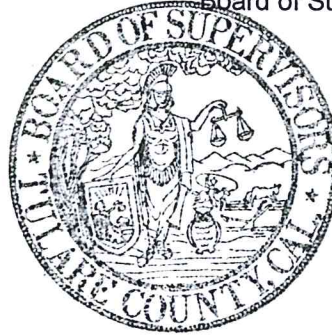
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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

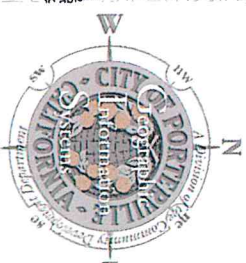
ATTEST:
City Clerk of the City of Porterville

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

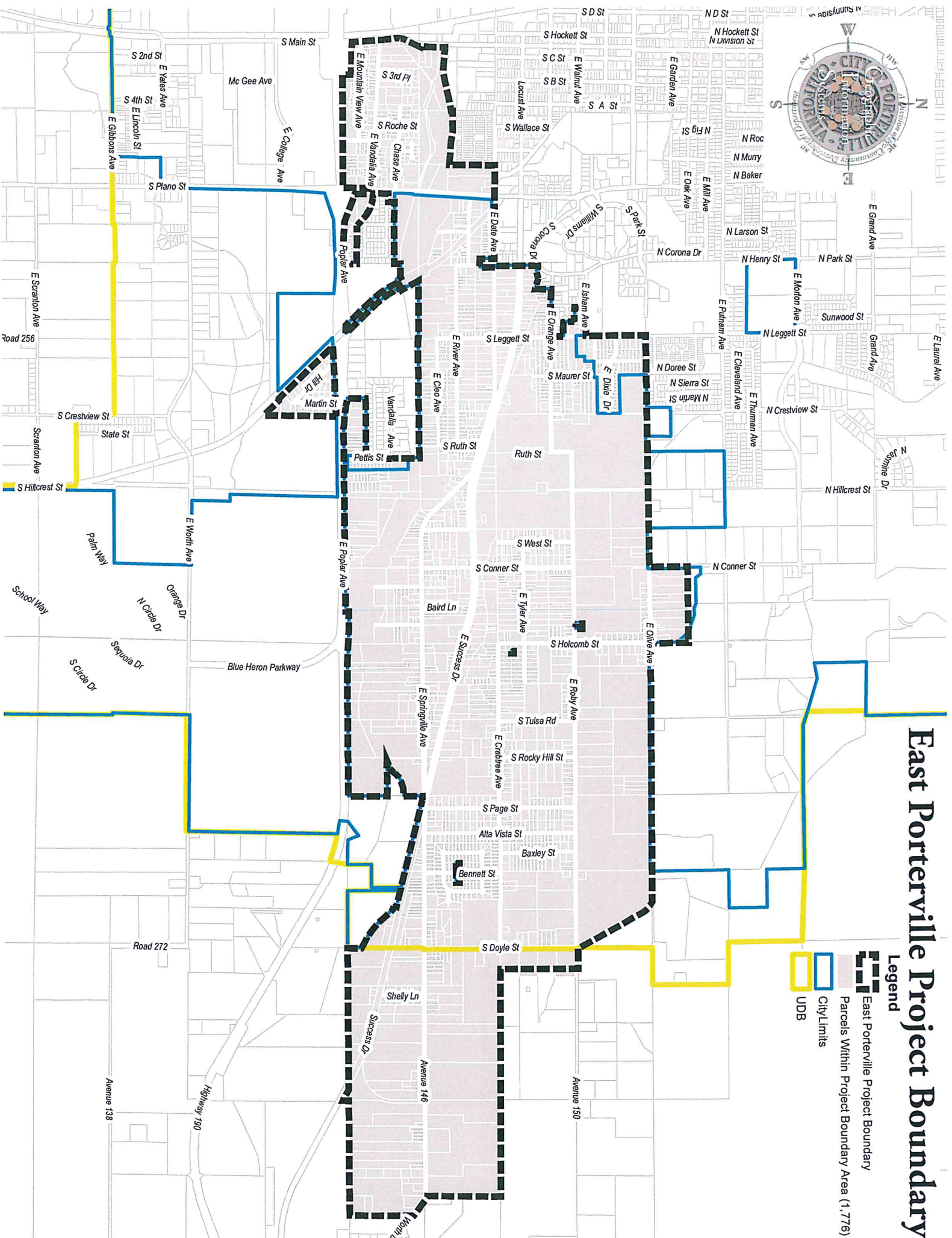


EXHIBIT 'B'

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:

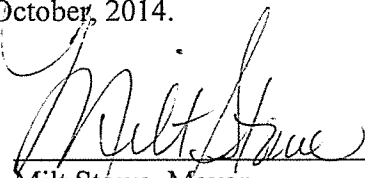
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

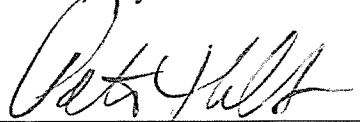
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

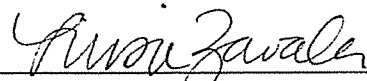
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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

County of Tulare

City of Porterville



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 – JULY 21, 2020

SUBJECT: Approval of the Analysis of Impediments to Fair Housing Choice

SOURCE: Community Development

COMMENT: As a recipient of federal funding, the City of Porterville is required to conduct an Analysis of Impediments (AI) to Fair Housing Choice every five years. The prior AI was adopted in 2015, which covers the period of 2015-2016 through 2019-2020.

The draft AI is an assessment of how laws, governmental policies, real estate practices, and local conditions may affect the location, availability and accessibility of housing. The analysis of their impact on housing choice can highlight areas where corrective actions might broaden the housing options of persons protected by fair housing laws.

The review and assessment has identified three new recommendations to reduce impediments to fair housing choice. The list below represents the new recommendations for the City of Porterville to affirmatively further fair housing and reduce and/or eliminate impediments to Fair Housing Choice.

Goal 1: Expanding Affordable Housing Opportunities

Recommendations:

Provide first-time homebuyer workshops in additional languages and/or make available oral and sign interpreter services to ensure the participation of persons with limited English proficiency (LEP) and persons with hearing impairments.

Goal 2: Affirmative Outreach to Applicants and Participants

Recommendations:

2.1 Analyze the race, ethnicity, national origin, and disability data, as well as gender of head of householders, for applicants, beneficiaries, and participants in funded programs to determine if there are any under-represented protected class groups.

2.2 Expand outreach efforts to increase participation by racial and ethnic minorities, persons with disabilities, persons with LEP, and female-headed households.

2.3 Notify citizens, applicants, beneficiaries, and participants that LEP services are available for public meetings, programs, and activities.

2.4 Remediate all physical barriers to ensure persons with mobility impairments have access to City any location where public meetings will be held or where programs will be administered or offered. Consult persons with

disabilities and/or organizations representing persons with disabilities to review current policies, practices, and programs to ensure efficacy and breadth of scope.

2.5 In housing units constructed and/or rehabilitated with federal funding, conduct affirmative marketing to attract applicants who need accessible units, if there are few or no applicants who need accessible units on the waiting list.

Goal 3: Expand Fair Housing Services

3.1 Continue to identify a Fair Housing Agency to provide fair housing services, education and landlord /tenant mitigation for Porterville residents

The Draft AI is attached for review. A five day comment period, which concludes at the City Council meeting on July 21, 2020, has been opened to allow the public to review the AI. At the time of writing this staff report, no written comments have been received. If Council adopts the draft AI, it will then be submitted to the Department of Housing and Urban Development.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing on the proposed 2020 Analysis of Impediments to Fair Housing Choice;
2. Adopt the draft Resolution approving the 2020 Analysis of Impediments to Fair Housing Choice; and
3. Authorize the City Manager to execute all necessary documents, and further authorize the City Manager to be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform to the requirements of the Department of Housing and Urban Development.

ATTACHMENTS:

1. Exhibit A- Draft Porterville Analysis of Impediments
2. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



2020

Prepared for:
The City of Porterville
Community Development Department
<http://www.ci.porterville.ca.us/>

291 North Main Street
Porterville, CA 93257

Prepared by:
The Ramsay Group
www.theramsay.com

23800 Garland Court
Valencia, CA 91354



Acknowledgements

The City of Porterville (City) prepared this Analysis of Impediments to Fair Housing Choice (AI) with the assistance of The Ramsay Group - a consulting firm committed to providing quality-driven services that result in solving complex community challenges for public and nonprofit organizations. The City would like to thank the community residents and representatives of organizations, agencies, and businesses who participated in the community forums and interviews and provided thoughtful and valuable feedback to various chapters of the AI. The following City Councilmembers, City staff and community stakeholders were instrumental in circulating information on and promoting engagement in the creation of this report:

City Council members

Mayor: Martha A. Flores,

Vice Mayor: Monte Reyes

Council Member: Virginia Gurrola

Council Member: Daniel Peñaloza

Council Member: Milt Stowe

City Staff

John D. Lollis, City Manager

Jennifer M. Byers, Director, Community Development Department

Donnie Moore, Director, Parks and Leisure Services

Jason Ridenour, Housing and Economic Development Manager, Community Development Department

Claudia Calderon, Development Associate, Community Development Department

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I. Introduction

The City of Porterville (City) is committed to affirmatively furthering fair housing and overcoming identified impediments to fair housing choice throughout the City. This Analysis of Impediments to Fair Housing Choice (AI) draws on the City's previous AI, regional and local data sources, and planning documents to provide an overview of the laws, policies, procedures, and circumstances that shape housing choice for individuals and households in the City.

The purpose of the AI is to provide information on fair housing, identify limitations to housing choice, and offer recommendations to minimize or eliminate any fair housing choice barriers that individuals and households face in their search for housing. It is intended to serve as a blueprint to guide future fair housing planning and resource allocation and is meant to provide meaningful information to policymakers, housing advocates, providers, and lenders in their efforts to build and support fair housing policies and practices.

As a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funding from the U.S. Department of Housing and Urban Development (HUD), the City is required to complete an AI to offer an overview of the current housing profile and set guidelines to address any fair housing choice issues identified.

Organization of the AI

This AI is divided into the following eight chapters:

- I. **Introduction** defines “fair housing” and discusses the purpose of the report.
- II. **Background Data** provides an overview of the socio-demographic and access characteristics of the City, along with a discussion of their relationship to fair housing choice.
- III. **Housing Profile** provides an overview of the housing characteristics of the City, along with a discussion of their relationship to fair housing choice.
- IV. **Mortgage Lending Practices** discusses public and private lending practices that shape the ability of individuals and households to obtain housing.
- V. **Public Policies and Practices** discusses public policies that shape the ability of individuals and households to obtain housing.
- VI. **Fair Housing Profile** analyzes current public- and private-sector fair housing programs and activities, and identifies any findings regarding trends and patterns associated with discriminatory housing practices.
- VII. **Fair Housing Progress Since 2015** summarizes the actions and recommendations outlined in the 2015 AI and the City's progress to date.
- VIII. **Key Findings and Recommendations** presents a set of recommended strategies and action steps to overcome the barriers to fair housing choice identified within the report.

What is Fair Housing?

Federal and state fair housing laws are designed to prohibit housing discrimination and guarantee everyone equal access to purchasing, renting, leasing, or lending a home and obtaining housing insurance and mortgages. Federal fair housing laws prohibit housing

discrimination on the basis of race, color, religion, sex, national origin, familial status, and disability. California fair housing laws advance those implemented at the federal level and forbid discrimination by reason of age, marital status, ancestry, source of income, sexual orientation, and other forms of arbitrary discrimination.

Legal Framework

Fair housing choice grants individuals the opportunity to choose where they wish to live. To ensure that all individuals and families are given equal access to housing, the federal government and the state of California have enacted the following laws to prohibit subtle and overt forms of housing discrimination.

Federal Fair Housing Laws

- *Title VI of the Civil Rights Act of 1964 (Title VI)*: Title VI is intended to protect the rights of individuals regardless of race, color, or national origin in programs and activities that receive federal funding or financial assistance.¹
- *Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)*: The Fair Housing Act (adopted in 1968 and amended in 1988) prohibits housing discrimination against any of the following seven protected classes:
 1. Race
 2. Color
 3. Religion
 4. Sex
 5. National origin
 6. Familial status
 7. Disability²
- As amended in 1988, the Fair Housing Act added “familial status” and “disability” as protected classes and increased HUD’s authority to establish mandatory enforcement measures to ensure compliance with federal law.³
- *Section 504 of the Rehabilitation Act of 1973 (Section 504)*: Section 504 established guidelines that prohibit individuals with disabilities from being denied access to housing under programs and activities that receive federal funding or financial assistance.⁴
- *Section 109 of Title I of the Housing and Community Development Act of 1974 (Section 109)*: Section 109 prohibits housing discrimination based on race, color, national origin,

¹ U.S. Department of Housing and Urban Development. “Fair Housing Laws and Presidential Executive Orders.”
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

² Ibid

³ U.S. Department of Housing and Urban Development. “Title VIII: Fair Housing and Equal Opportunity.”
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/progdesc/title8

⁴ U.S. Department of Housing and Urban Development. “Section 504.”
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504

sex, or religion under programs and activities that receive federal funding or financial assistance.⁵

- *Title II of the Americans with Disabilities Act of 1990 (Title II)*: Title II prohibits discrimination based on disability under programs, services, and activities provided by public entities. HUD is responsible for enforcement of Title II when it is associated with public housing, housing assistance, and housing referrals administered by state and local jurisdictions.⁶
- *Architectural Barriers Act of 1968 (Architectural Barriers Act)*: The Architectural Barriers Act mandates that buildings and facilities that received federal funding assistance after September 1969 be accessible to and functional for handicapped individuals.⁷
- *Age Discrimination Act of 1975 (Age Discrimination Act)*: The Age Discrimination Act prohibits programs or activities that receive federal funding from discriminating against individuals on the basis of age.⁸
- *Title IX of the Education Amendments Act of 1972 (Title IX)*: Title IX prohibits educational programs or activities that receive federal funding or financial assistance from discriminating against individuals on the basis of sex.⁹

In addition to federal fair housing laws that guarantee equal access to housing, a number of presidential executive orders were also issued to minimize discrimination and barriers to obtaining housing.

California Fair Housing Laws

The California Department of Fair Employment and Housing (DFEH) was established as an independent department of the State in 1980 that holds responsibility for protecting California residents from discrimination and hate violence in employment and housing and public accommodation. DFEH's statutory mandate calls for implementation and enforcement of the following fair housing laws:¹⁰

- *California Fair Employment and Housing Act (FEHA)*: In addition to the protected classes identified under the federal government's Fair Housing Act, FEHA requires that the following classes also be protected from employment discrimination in the State of California "because of:

⁵ U.S. Department of Housing and Urban Development. "Section 109 of Title I of the Housing and Community Development Act of 1974." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/109

⁶ U.S. Department of Housing and Urban Development. "Fair Housing Laws and Presidential Executive Orders." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

⁷ United States Access Board. "About the ABA Standards." <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards>

⁸ United States Department of Labor. "Equal Employment Opportunity: Age Discrimination." <http://www.dol.gov/dol/topic/discrimination/agedisc.htm>

⁹ U.S. Department of Housing and Urban Development. "Fair Housing Laws and Presidential Executive Orders." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws

¹⁰ California Department of Fair Employment and Housing. "About Us." <http://www.dfeh.ca.gov/About.htm>

1. Age (40 and over)
 2. Ancestry
 3. Color
 4. Religious Creed (including religious dress and grooming practices)
 5. Denial of Family and Medical Care Leave
 6. Disability (mental and physical) including HIV and AIDS
 7. Marital Status
 8. Medical Condition (cancer and genetic characteristics)
 9. Genetic Information
 10. Military and Veteran Status
 11. National Origin (including language use restrictions)
 12. Race
 13. Sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding)
 14. Gender, Gender Identity, and Gender Expression
 15. Sexual Orientation”¹¹
- *Unruh Civil Rights Act (Unruh Act)*: The Unruh Act protects individuals from discrimination in business establishments in California, to include housing and public accommodations on the basis of “sex, race, color, religion, ancestry, national origin, disability, or medical condition.” Specifically, the Unruh Act prohibits arbitrary discrimination associated with personal characteristics or traits in an individual or family’s efforts to obtain housing.¹²
 - *Disabled Persons Act*: Under California Civil Code §54(a) (1), individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.¹³
 - *Ralph Civil Rights Act (Ralph Act)*: The Ralph Civil Rights Act prohibits hate violence against individuals on the basis of race, ethnicity, religious affiliation, gender, age, disability, sexual orientation, or political affiliation and provides civil and administrative remedies for victims protected under these classes. The Ralph Act is intended to protect individuals from hate and impose criminal penalties on violators.¹⁴

¹¹ California Department of Fair Employment and Housing. “Fair Employment and Housing Act.”

http://www.dfeh.ca.gov/Publications_FEHADescr.htm

¹² California Department of Fair Employment and Housing. *Unruh Civil Rights Act Fact Sheet*. May 2002.

<http://www.dfeh.ca.gov/res/docs/Publications/DFEH-250.pdf>

¹³ California Government Legislative Information. “Civil Code Section 54-55.32.”

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=54-55.32>

¹⁴ State of California Department of Justice Office of the Attorney General. “Chapter 1 – Racial, Ethnic, Religious, and Minority Violence.” <http://oag.ca.gov/publications/CRhandbook/ch1>

As discussed below, DFEH is also responsible for administering the Bane Civil Rights Act and three California government code sections aimed at protecting individuals from housing discrimination.

- *Bane Civil Rights Act (Bane Act)*: The Bane Act prohibits violence or threat of violence against individuals on the basis of “race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.” It is intended to ensure that Californians do not experience force or threat of force; protects equal access to housing for residents; and imposes criminal penalties on violators.¹⁵
- California Government Code Sections 111135, 65008, and 65589.5 are also intended to protect individuals from discriminatory practices under state-funded programs and activities and land use negotiations.¹⁶

Methodology

The City prepared this report with the assistance of The Ramsay Group through funding provided from General Fund dollars. Data sources for this report include the 2000 and 2010 U.S. Census, along with American Community Survey (ACS) 2014-2018 five-year estimates. Additionally, this AI was drafted concurrently with the City of Porterville’s 2020-2025 Consolidated Plan, which utilizes 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) data, also based on ACS five-year estimates. CHAS data from the 2020-2025 Consolidated Plan is referenced throughout the AI. While ACS one-year estimates provide the most current data, this report utilizes five-year estimates, as they reflect a larger sample size and are considered more reliable and precise.¹⁷ As a result of the production of the City’s AI during the same time period as the preparation of its Consolidated Plan, some of the same language is used verbatim when discussing certain data. In some instances, this data is analyzed in both reports but in different contexts.

Data Sources

A variety of data sources and planning documents were consulted in the drafting of this AI to provide a quantitative and qualitative overview of past and current housing choice conditions within the City, and to ensure future compliance with fair housing regulations. Data sources include:

- U.S. Census Bureau (Census)
- American Community Survey (ACS)
- Federal Financial Institutions Examination Council (FFIEC)
- California Department of Finance

¹⁵ State of California Department of Justice Office of the Attorney General. “Chapter 1 – Racial, Ethnic, Religious, and Minority Violence.” <http://oag.ca.gov/publications/CRhandbook/ch1>

¹⁶ Legal Services of Northern California. *Fair Housing in California: Families with Children*. March 2004. http://www.lsncl.net/housing/fh_manual/fh_manual_all_2004.pdf

¹⁷ United States Census Bureau. “American Community Survey: When to Use 1-year, 3-year, or 5-year Estimates.” http://www.census.gov/acs/www/guidance_for_data_users/estimates/

- Comprehensive Housing Affordability Strategy (CHAS)

Additionally, the following documents were consulted:

- *San Joaquin Valley Fair Housing and Equity Assessment (FHEA)*: The FHEA provides an overview of racial and economic segregation patterns in the City and describes its impact on residential mobility. The report also includes a set of recommendations to promote integration in the City and lessen the negative consequences generated as a result of segregation identified within the report.¹⁸
- *Tulare County Regional Housing Needs Assessment (RHNA)*: The RHNA calculates the housing needs of each jurisdiction located in Tulare County, including the City, which allows jurisdictions to plan for, prioritize, and determine how it will address current and future housing needs.¹⁹
- *City of Porterville Housing Element*: The Housing Element identifies the housing needs of the community, goals and objectives to address those needs, and outlines the community's efforts to pursue specific policies and programs to achieve its goals and objectives.

Public Engagement

To add a qualitative component to the quantitative data gathered for this report, the City proactively established relationships with community residents and representatives of organizations, agencies, and businesses to share ideas and concerns regarding fair housing issues and ensure future implementation and evaluation of the fair housing recommendations included within this report. Through community forums and small group interviews with community stakeholders, the City collected information on concerns of residents, service providers, and representatives of organizations, agencies, and businesses regarding existing limitations to fair housing choice in the City.

To maximize citizen participation in the preparation of this Analysis of Impediments to Fair Housing Choice, the City designed and administered a community needs survey and held community forums. The community needs survey was distributed to residents, workers, service providers, and businesses of the City. It is estimated that there was a potential reach of 37,838 entities, organizations, or persons that were informed of and/or engaged in the preparation of the Consolidated Plan. More than 500 hardcopy surveys were distributed to public housing sites, school districts, at a business expo event, the public counter, libraries, and community centers. The survey was also distributed via email and social media. The City sent emails to 86 different individuals or organizations notifying them of the Community Needs Survey and Community and Stakeholder Forums. It is estimated that 13,500 persons on Facebook were reached with information regarding the Consolidated Plan. One hundred and fifty-seven survey responses were submitted to the City. The City also held three Community Forums and one focus group,

¹⁸ California Coalition for Rural Housing. *San Joaquin Valley Fair Housing and Equity Assessment*. April 2014.

<http://www.frbsf.org/communitydevelopment/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>

¹⁹ Tulare County Association of Governments. *Draft Regional Housing Needs Plan for Tulare County 2014-2023*. June 30, 2014.

<https://tularecog.org/tcag/studies/regional-housing-needs-assessment-rhna/>

which were attended by a total of 43 individuals, and presented the Consolidated Plan to multiple organizations and advisory boards.

Summary of citizen participation process made to broaden citizen participation

Community Needs Survey

- Results: 157 Responses
- Outreach: It is estimated that there was a potential reach of 86 entities, organizations, or persons were informed of and/or engaged in the preparation of the Consolidated Plan
- Hardcopy Engagement: Approximately 500 hardcopy surveys and flyers were distributed to: public housing sites, school districts, health care providers, libraries, and community centers
- Email Engagement and Social Media: An estimated 15,800 emails sent; 13,500 of persons on Facebook were reached

Community and Stakeholder Forums

There were a total of three community forums and one focus group were attended by 43 individuals. Community meetings were open to the public and held at the following locations:

- September 10, 2019 – 6:00 pm - 1st **Community Meeting** / Heritage Center, 256 E. Orange Ave.
- October 8, 2019 – 5:30 pm - 2nd **Community Meeting** / Porterville College, Student Center, 100 E. College Ave.
- October 22, 2019 – 3:00 pm to 5:00 pm - **Focus Group** / City Hall – 291 N. Main St.
- October 22, 2019 – 5:30 pm - 3rd **Community Meeting** / City Hall – 291 N. Main St.

These community members and service providers supplied first-hand insight into fair housing issues and concerns. Community members of the City found that the following themes emerged as important:

- Education and outreach programs regarding fair housing rights would benefit both landlords and tenants.
- More education and outreach is needed to link homeless individuals with housing and services.

Overall feedback from meeting participants indicated that few had either directly or indirectly experienced instances of overt housing discrimination. When asked whether they believe housing discrimination exists in the City, there was general consensus that housing discrimination often occurs in subtle forms. This is in line with recent studies which show that racial and ethnic minorities face more subtle housing discrimination:

“ Fewer minorities today may be getting the door slammed in their faces, but we continue to see evidence of housing discrimination that can limit a family’s housing, economic

and educational opportunities,’ said former HUD Secretary Shaun Donovan. ‘It’s clear we still have work to do to end housing discrimination once and for all.”²⁰

Public Review

The City, with the assistance of The Ramsay Group, conducted a thorough outreach effort, consulting with stakeholders of the City to assess needs, set goals and strategize for implementing the Consolidated Plan. Outreach focused on engaging stakeholders of the City, and community residents of the City. The City held three community forums and one focus group to inform participants of the Consolidated Planning process and purpose as well as discuss community member’s top priorities for the City of Porterville. In addition to community meetings, the City also conducted a Fair Housing Survey as an alternative way to quantify the fair housing experience of residents.

Summary of Key Findings and Recommendations

Historically, the City has dedicated an average of 20% of their CDBG Administration dollars to fair housing programs and projects and the City anticipates approximately \$5,161,592 in CDBG funding from 2020-2025, based on the most recent annual allocation received. This ensures dollars “off the top” are dedicated to fair housing services and not relegated to competitive categories i.e. Public Services. As a minority-majority jurisdiction, and with nearly 44% of its households earning 80 percent AMI or less, the City elects “to affirmatively further the purposes and policies of the Fair Housing Act, . . . [and] to take steps proactively to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities for all”²¹ by undertaking the actions outlined in **Table 1.1** below.

Table 1.1: Key Recommendations to Reduce Impediments to Fair Housing Choice

Action	Description
Goal 1: Expanding Affordable Housing Opportunities	
1.1	Continue to provide first-time homebuyer workshops in Spanish and/or make available oral and sign interpreter services to ensure the participation of persons with LEP and persons with hearing impairments.
1.2	Incorporate alternative formats and additional services for first-time homebuyer workshops, such as pre-taped videos and/or recordings, off-peak hours, and admittance of children to ensure the participation of female-headed households, persons with more than one job, and families with young children.
1.3	Mitigate the existing barrier of lack of equity to help low income households participate in the Housing Rehabilitation Loan Program.

²⁰ U.S. Department of Housing and Urban Development. “Racial And Ethnic Minorities Face More Subtle Housing Discrimination.” http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-091

²¹ U.S. Department of Housing and Urban Development. Proposed Rule 24 CFR Parts 5, 91, 92, 570, 574, 576, and 903.

1.4	Modify program and marketing materials for federally funded programs intended to rehabilitate housing units to ensure that prospective applicants with disabilities are notified of the opportunity to request reasonable modifications to housing units offered for sale.
Goal 2: Expanding Access to Information	
2.1	Prominently display fair housing information in City owned and operated buildings, other public spaces such as libraries, recreation centers, and community centers, and other local media sources such as newspapers and websites.
2.2	Develop a Language Access Plan and make available vital documents in Spanish, along with other languages if needed.
2.3	In reviewing applications for CDBG, HOME, and NSP funding, consider how sub-recipients will meet the language needs of persons with LEP. Monitor sub-recipients to ensure LEP procedures were implemented.
2.4	Ensure City staff members are trained in the use of the TDD machine and are assigned to answering TDD calls.
Goal 3: Evaluate and Modify Fair Housing Policies	
3.1	Implement fair housing planning strategies as well as incorporate formal mechanisms for evaluating whether proposed developments will increase a range of housing choices, especially outside of areas of minority concentration and areas already concentrated with affordable housing, and avoid the perpetuation of areas of minority concentration.
3.2	Develop criteria used to assess CDBG applications for funding, particularly how the proposed project will address impediments to fair housing choice and/or affirmatively further fair housing.
3.3	Execute agreements that contain a civil rights clause with all sub-recipients in order to ensure compliance with Title VI, Fair Housing Act, Section 109, and Section 504. Conduct periodic monitoring of all sub-recipients for compliance with federal civil rights laws.
3.4	Develop and/or modify guidelines detailing the implementation of waiting list practices and preferences for housing programs so as not to have a disparate impact on protected classes such as persons with LEP and persons with disabilities who may need longer to process applications. Process applications in the corresponding order that applicants appear on the waiting list.
Goal 4: Affirmative Outreach to Applicants and Participants	
4.1	Analyze the race, ethnicity, national origin, and disability data, as well as gender of head of householders, for applicants, beneficiaries, and participants in funded programs to determine if there are any under-represented protected class groups. If any under-representations exist, amend affirmative marketing plans to target outreach to said under-represented group(s).
4.2	Expand outreach efforts to increase participation by racial and ethnic minorities, persons with disabilities, persons with LEP, and female-headed households.

4.3	Notify citizens, applicants, beneficiaries, and participants that LEP services are available for public meetings, programs, and activities.
4.4	Consult persons with disabilities and/or organizations representing persons with disabilities to review current policies, practices, and programs to ensure efficacy and breadth of scope.
4.5	In housing units constructed and/or rehabilitated with federal funding, continue to monitor the implementation of affirmative marketing so that those who need affordable units, are made aware of these housing opportunities.
Goal 5: Expand Fair Housing Services	
5.1	Ensure access to fair housing services and education to all Porterville residents by increasing dedicated eligible entitlement dollars (CDBG Admin or Public Service/HOME Admin and Planning) to fair housing services. • Fund a fair housing agency • Fund an audit testing project to assess the magnitude of housing discrimination in the City • Support agencies that offer education and counseling services

II. Background Data

This chapter provides an overview of the demographic profile of the City and contains information on income, employment, and housing patterns to help identify emerging trends that may provide insight on methods to address fair housing choice issues relevant to specific populations.

General Population Characteristics

Population Trends

Population growth rate serves as an indicator of the City's long-term housing demand and provides information that helps the City determine the capacity of current resources. As shown in **Table 2.1**, the total population of the City grew by approximately 83 percent from 1990 to 2010. The Tulare County Association of Governments (TCAG) estimated that between 2010 and 2020 the City's population would increase by 17 percent, and then continue to grow at that rate until 2030. However, this analysis overestimated the population growth in the City and in 2019 the population hovered around 59,040 residents, significantly lower than the projected 2020 population of 63,505 residents.

Table 2.1: Historical and Projected Population Trends, 2000 – 2040

Year	Population	Growth Rate
1990	29,563	50%
2000	39,615	34%
2010	54,165	37%
2020	63,505	17%
2030	74,455	17%

2040	97,097	30%
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Source: City of Porterville, *Housing Element*, 2015-2023; Draft TCAG Demographic Forecast, 2013

Race and Ethnicity

As shown in **Table 2.2**, in the years between the 2000 and 2018 Census, the overall population in Porterville grew by 50 percent, with the greatest population growth occurring among Pacific Islanders (753 percent), Hispanic/Latinos (101 percent), and Asians (70 percent). This trend shows the diversifying population of the City, which is now a “majority-minority,” with Whites constituting 25 percent, compared to 42 percent of the population in 2000. Currently, natural increases, not immigration, make up the majority of the growth in the non-White population. With Hispanic/Latino families having a higher than average birth rate compared to other ethnic groups, this population is expected to experience continued growth, with Asian, Black/African American, and White populations expected to stabilize or decrease.²²

Table 2.2: Population by Race and Ethnicity, 2000 – 2018

Race/Ethnicity	2000 Population	% of Total	2010 Population	% of Total	2018 Population	% of Total	Growth Rate 2000 - 2018
Asian	1,761	4%	2,349	4%	2,988	5%	70%
American Indian, Alaska Native	378	1%	461	1%	478	1%	26%
Black/African American	406	1%	454	1%	537	1%	32%
Hispanic/Latinos	19,589	49%	33,549	62%	39,439	66%	101%
White	16,649	42%	16,423	30%	14,939	25%	-10%
Pacific Islander	28	0.1%	49	0.1%	239	.4%	753%
Other*	804	2%	880	2%	1,792	3%	122%
Total	39,615	100%	54,165	100%	59,757	100%	50%

Source: 2000 Census; 2010 Census; 2014-2018 ACS

*Some Other Race / Two or More Races

Note: Totals may not add to 100% due to rounding

Figure 2.1 shows minority concentrations within Porterville. Minority concentration is defined as census tracts whose proportion of any one racial/ethnic group is 20 percent or greater than the overall City average. Of the 14 census tracts that lie wholly or partially in the City, the only census tract that is an area of concentration is #41.01, a Hispanic concentrated area that constitutes 15 percent of the City’s total population.

Figure 2.1: Minority Concentration in Porterville

²² California Coalition for Rural Housing. *San Joaquin Valley Fair Housing and Equity Assessment*. April 2020.
<http://www.frbsf.org/communitydevelopment/files/SJV-Fair-Housing-and-Equity-Assessment.pdf>



ty Limits

0 1 2 Miles



Date Printed: 7/7/2020 by the Community Development Department

Age Characteristics

The age characteristics of the City provide insight regarding current and projected housing demands, as different age groups have diverse housing needs and preferences. **Table 2.3** demonstrates several important factors, both in the distribution of age groups and growth among age groups within the City. Most significantly, while the population that is 65 and older represents the proportionately smallest age group, it is growing at a higher rate to the other age groups, with a 76 percent growth rate. This increase mirrors nationwide trends, as the increased longevity of baby boomers has led to the 50-and-over population becoming the fastest-growing age group, with projections that one in five Americans will be aged 65 and older by 2030.²³

Table 2.3: Age Distribution, 2000 – 2018

Age	2000	% of Total	2010	% of Total	2018	% of Total	Growth Rate
Under 20 Years	14,960	38%	20,018	37%	21,022	35%	41%
20-34 Years	8,423	21%	11,727	22%	13,239	23%	57%
35-64 Years	12,494	32%	17,327	32%	18,928	31%	51%
65 and Over	3,738	9%	5,093	9%	6,608	11%	76%

Source: 2000 Census; 2010 Census; 2014-2018 ACS

Note: Growth Rate refers to 2000 population compared to 2018 population

Even with the growing senior population, the City's population remains young overall. As shown in the table below, the median age held steady at approximately 28 years from 2000-2018; in contrast, the median age in California rose from approximately 33 years to 36.7 years.

Table 2.4: Median Age, 2000 – 2018

	Porterville 2000	California 2000	Porterville 2010	California 2010	Porterville 2018	California 2018
Median Age	28.6	33.3	28.8	35.2	28.9	36.7

Source: 2000 Census; 2010 Census; 2014-2018 ACS

Household Composition

As shown on **Table 2.5**, roughly 75% of the City's households are comprised of family households. Additionally, 19% percent of households contain just one individual, 25% contain one person over the age of 65 and 42% of households contain one or more children under 18. The Average household size is 3.45 and the average family size is 3.98

Table 2.5: Household Composition

Household Type	Total Households	% of Total
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²³ Joint Center for Housing Studies of Harvard University. *Housing America's Older Adults: Meeting the Needs of an Aging Population*. April 2020. http://www.jchs.harvard.edu/research/housing_americas_older_adults

Family Households	12,703	75%
Householder Living Alone	3,205	19%
Household Type	Total Households	% of Total
Household Contains At Least One Person Age 65 or Older	4,248	25%
Households with One or More Children 18 Years Old or Younger	7,187	42%
Total Households	16,070	

Source: 2014-2018 ACS Estimates

Note: Totals do not add to 100%, as households may fall into more than one category

Income Characteristics

Household income is a strong indicator of socio-economic status and a household's ability to meet the costs of living, such as housing, transportation, and the basic necessities of life. As a determinant of the financial resources available, the median household income of a city plays a significant role in predicting the type of housing households can afford. It is also one of the factors taken into account when households apply for mortgage loans or rental housing.

Median Income

Table 2.6 shows the change in median income for Porterville between 1999, 2012 and 2018. While the median income appears to have increased by 33 percent in current dollars (unadjusted for inflation), when translated to constant or real-dollar values, the median household income for the City actually decreased by 3 percent between 1999 and 2012. The unadjusted medium income between 2012 and 2018 decreased by \$1,384.

Table 2.6: Median Income 1999 - 2018

	1999 Income	2012 Income	2018 Income	% Change
Unadjusted Median Income	\$32,046	\$42,628	\$41,246	33%
Adjusted Median Income*	\$44,163	\$42,628	\$41,246	-3%

Source: 2000 Census; 2008-2012 and 2014-2018 ACS Estimates

* Real 2012 dollars, adjusted for inflation

Income Distribution

Table 2.7 shows the distribution of household income in the City. While the total number of households at the lower end of the income spectrum increased the least at only 16 percent, this group still makes up the majority at 44 percent of households. In comparison, those earning over \$150,000 grew by 543% from households in 1999; however, this group only makes up 6 percent of households. Middle-wage earners in the \$35,000-\$75,000 income category also increased (35 percent) but their share of total households remained relatively the same (32 percent compared to 33 percent). So while those earning over \$75,000 have experienced the greatest growth rates over the 19-year time period, in addition to making up a greater percentage of total households, more than three-fourths of the City's households still earn less than \$75,000 (76 percent).

Table 2.7: Household Income Distribution, 2000 – 2018

Household Income	1999 Households	% of Total	2012 Households	% of Total	2018 Households	% of total	% Change 1999-2018
Less than \$10,000	1,563	13%	1,061	7%	1,355	8%	-13%
\$10,000 to \$14,999	1,170	10%	1,393	9%	1,700	10%	45%
\$15,000 to \$24,999	2,004	17%	2,361	15%	2,540	15%	27%
\$25,000 to \$34,999	1,659	14%	1,746	11%	1,863	11%	12%
Under \$35,000	6,396	54%	6,561	42%	7,457	44%	16%
Household Income	1999 Households	% of Total	2012 Households	% of Total	2018 Households	% of total	% Change 1999-2018
\$35,000 to \$49,999	1,860	16%	2,470	16%	2,710	16%	45%
\$50,000 to \$74,999	2,142	18%	2,890	18%	2,710	16%	26%
\$35,000 - \$75,000	4,002	33%	5,360	34%	5,420	32%	35%
\$75,000 to \$99,999	977	8%	1,758	11%	1,524	9%	55%
\$100,000 to \$149,999	430	4%	1,486	9%	1,700	10%	293%
\$75,000 - \$150,000	1,407	12%	3,244	21%	3,224	17%	129%
\$150,000 to \$199,999	82	0.7%	424	3%	508	3%	519%
\$200,000 or More	76	0.6%	188	1%	508	3%	568%
\$150,000+	158	1.3%	612	4%	1,016	6%	543%
Total	11,963	100%	15,777	100%	16,933	100%	41%

Source: 2000 Census; 2008-2012, 2014-2018 ACS Estimates

Note: Totals may not add to 100% due to rounding; * % of change refers to changes in household income between 1999 and 2018.

Low Income Households

The Community Development Block Grant (CDBG) program is primarily concerned with activities that benefit Low- and Moderate-income (LMI) households whose incomes do not exceed 80 percent of the area median income (AMI), as established by HUD, with adjustments for smaller or larger families.²⁴ HUD utilizes three income levels to define LMI households:

²⁴ U.S. Department of Housing and Urban Development. "Glossary of CPD Terms"
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/glossary

- Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
- Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)

Table 2.8 shows that over half (53 percent) of households in Porterville are LMI, with incomes ranging from 0-80% AMI.

Table 2.8: Low- and Moderate-Income Households

Household	Total	% of Total
Household Income 0-30% AMI	3,270	19%
Household Income 30% - 50% AMI	2,370	14%
Household Income 50% - 80% AMI	3,365	20%
Household Income 80% - 100% AMI	1,905	11%
Household Income >100% AMI	5,895	35%
Total Households	16,800	100%

Source: 2012-2016 CHAS

Special-Needs Populations

Certain sub-populations often require special accommodations due to their unique characteristics and/or needs. These characteristics may include age, family characteristics, or disability, and can affect their accessibility to decent and affordable housing. For example, elderly individuals are often reliant on a fixed income, and experience higher health care costs. Large households require a greater number of bedrooms. Persons with disabilities have physical or mental impairments that substantially limit major life activities, and may require accessible housing accommodations. **Table 2.9** provides an overview of several special-needs populations within Porterville.

Table 2.9: Special Needs Populations

Population	Total	% of Total
Elderly Households (65+)	6,003	10.1%
Large Households	3,290	5.6%
Disabled Persons	6,701	11.4%

Source: 2014-2018: ACS five-year estimates

Employment Profile

Unemployment Rates

Overall, as shown in **Table 2.10**, unemployment rates in the Visalia-Porterville Metropolitan Statistical Area (MSA) increased by 6.6 percentage points from 2000 to 2010, dropped by 3 percentage points from 2010 to 2013 and then dropped by 5.7 percentage points from 2013 to 2019. This suggests that unemployment rates in the City have reached prerecession levels, yet the unadjusted unemployment rate for California 3.7 percent for during this period and 3.4 percent for the nation.

Table 2.10: Unemployment Rates, 2000 – 2019

Year	2000	2005	2010	2013	2019
Annual Average Unemployment Rate	10.4%	9.5%	17.0%	14.0%	9.3%

Source: California Employment Development Department (EDD) Historical Civilian Labor Force, Visalia-Porterville MSA, 2019

Employment Trends

Table 2.11 shows historical employment rates within the Visalia-Porterville MSA, by major industry categories. Overall, non-farm jobs account for 77 percent of employment within the MSA (113,500 jobs), compared to 23 percent of on-farm jobs (34,200 jobs). Within the non-farm category, the 97,800 service providing jobs account for the majority of employment opportunities (66 percent), with the greatest percentages found in government (20 percent), retail (11 percent), and education/health services (9 percent).

Within the time period of 2000-2013 non-farm jobs have increased 14 percent, while on-farm jobs have decreased by 2 percent. Within the non-farm category, goods producing jobs decreased by 7 percent, while service providing jobs increased by 19 percent. The greatest job growth was seen in the education/health services field (54 percent), followed by transportation, warehousing & utilities (41 percent), leisure and hospitality (35 percent), and professional and business services (24 percent). The largest employment shrinkage was seen in the construction (19 percent) and information (18 percent) industries.

Table 2.11: Employment by Industry, 2000 – 2013

Jobs by Industry of Employment	2000		2013		% Change
	Number	% of Total	Number	% of Total	
Goods Producing	16,900	13%	15,700	11%	-7%
Construction	5,200	4%	4,200	3%	-19%
Manufacturing	11,700	9%	11,600	8%	-1%
Service Providing	82,300	61%	97,800	66%	19%
Educational & Health Services	8,200	6%	12,600	9%	54%
Financial Activities	3,900	3%	3,800	3%	-3%

Government	28,300	21%	30,000	20%	6%
Information	1,100	1%	900	1%	-18%
Leisure & Hospitality	7,400	6%	10,000	7%	35%
Professional & Business Services	8,500	6%	10,500	7%	24%
Retail Trade	13,900	10%	16,600	11%	19%
Transportation, Warehousing & Utilities	4,600	3%	6,500	4%	41%
Wholesale Trade	3,600	3%	3,800	3%	6%
Other Services	2,800	2%	3,100	2%	11%
Total Non-farm	99,200	74%	113,500	77%	14%
Total On-Farm	34,900	26%	34,200	23%	-2%
Total Jobs by Industry of Employment	134,100	100%	147,700	100%	10%

Source: California Employment Development Department (EDD) Industry Employment & Labor Force by Annual Average, Visalia-Porterville MSA, 2013

Table 2.11.1 shows employment rates by industry for the citizens of Porterville city over the age of 16. Compared to **Table 2.11**, which shows employment by industry for the greater Visalia-Porterville Metropolitan area, this table captures industry employment data for the city of Porterville.

Table 2.11.1: Employment by Industry, 2013 – 2018

Jobs by Industry of Employment	2018	
	Number	% of Total
Goods Producing	6,561	30%
Construction	860	4%
Manufacturing	1,284	6%
Agriculture, forestry, fishing and hunting, and mining	4,417	20%
Service Providing	15,522	70%
Educational & Health Services	4,558	21%
Financial Activities	611	3%
Government	1,333	6%
Information	226	1%
Leisure & Hospitality	2,272	10%
Professional & Business Services	1,086	5%
Retail Trade	3,185	15%
Transportation, Warehousing & Utilities	937	4%
Wholesale Trade	379	2%
Other Services	935	4%
Total Jobs by Industry of Employment	22,083	100%

Source: 2014-2018: ACS five-year estimates

Education

As shown in **Table 2.12** below, the educational attainment for residents 25 years of age and older is as follows:

- 33 percent have not graduated high school
- 28 percent have graduated high school (including equivalency), but no further education
- 21 percent have some college but no degree
- 7 percent have an associate's degree
- 7 percent have a bachelor's degree
- 4 percent have a graduate or professional degree

Overall, 68 percent of Porterville residents have at least a high school diploma or higher; however, 10 percent have a bachelor's degree or higher. As a result, about 90 percent of the workforce 25 years of age and older are without an advanced or professional degree, making it more difficult for them to compete for jobs requiring higher education or technical skills.

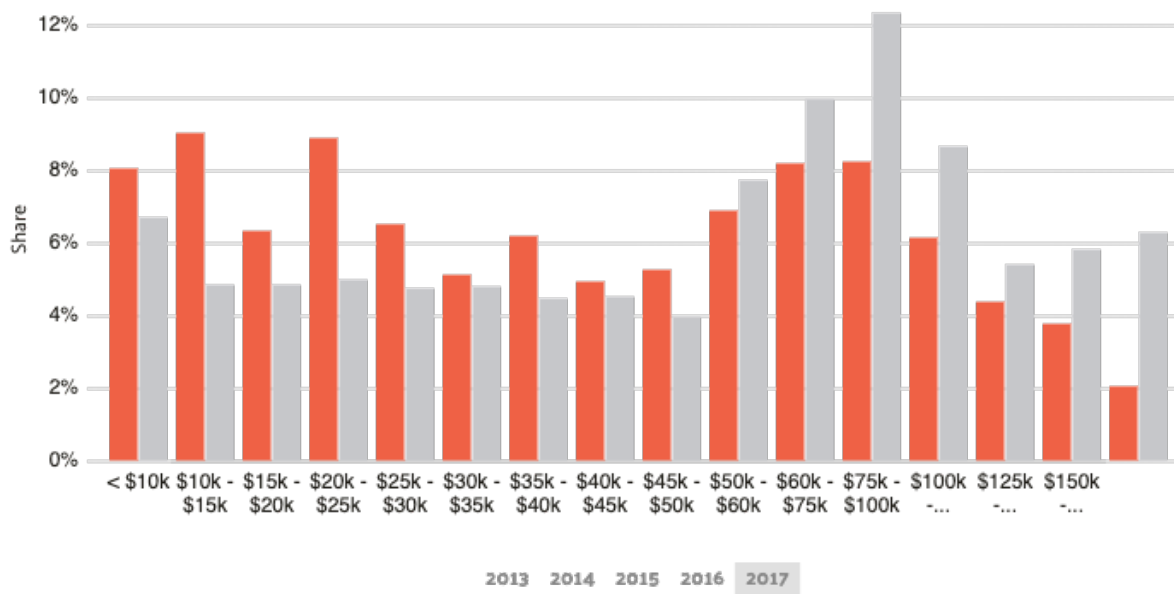
Table 2.12: Educational Attainment in 2018

Educational Attainment	Total	% of Total
Less than 9th grade	7,313	22%
9th to 12th grade, No Diploma	3,745	11%
High School Graduate, GED, or Alternative	9,585	28%
Some College, No Degree	7,193	21%
Associate's Degree	2,436	7%
Bachelor's Degree	2,391	7%
Graduate or Professional Degree	1,336	4%
High School Graduate or Higher	22,941	68%
Total	33,999	100%

Source: 2014-2018: ACS five-year estimates

Chart 2.13 captures median household income in Porterville compared to national median household income levels. In 2017, the median household income of the 16.8k households in Porterville, grew to \$39,909 from the previous year's value of \$39,763. The following chart displays the households in Porterville (in red columns), distributed between a series of income buckets compared to the national averages for each bucket.

Chart 2.13: Porterville Median Earnings in the Past 12 Months Compared to National Averages



Source: 2014-2018 ACS Five Year Estimate

Public Transportation

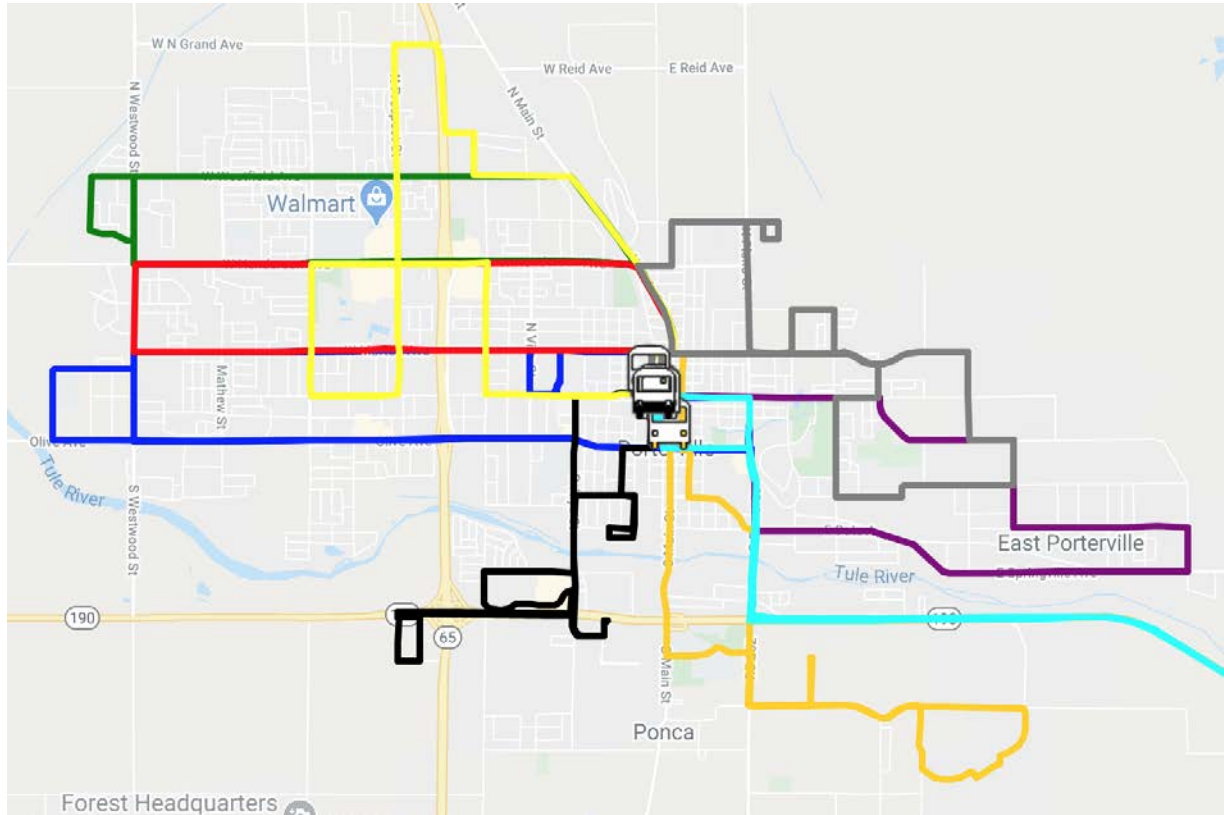
Public transit is critical for linking those without access to private transportation to job centers and services. The City manages a full service, comprehensive transit system that links neighborhoods within the City to commercial centers, job sites, and public institutions and amenities. The following transit options are available in the City:

Fixed Route

The City operates nine fixed-routes that offer access to affordable public transit to residents and visitors of the City. **Figure 2.2** shows the public transit routes within the City. The City's fixed routes operate from 6:00 AM to 10:40 PM on weekdays, 8:00 AM to 10:40 PM on Saturdays and 8:00 AM to 6:00 PM on Sundays.²⁵

²⁵ Porterville. "Service Hours." <http://www.ci.porterville.ca.us/depts/PortervilleTransit/maps.cfm>

Figure 2.2: City of Porterville Transit Routes



Source: City of Porterville

Table 2.14 shows the fare rates offered to fixed-route riders. Seniors (65 years of age or older), persons with disabilities, and Medicare card holders qualify for transit fares at reduced rates.²⁶

Table 2.14: Porterville Fixed-Route Transit Fares

Fare	Cost
General One-Way	\$1.50
Reduced One-Way (Seniors 65+/Disabled/Medicare Card Holder)	\$0.75
Children (First 2 Children/5 & Younger)	Free
Each Additional Child	\$1.50
General Day Pass	\$3.00
Reduced Day Pass (Seniors 65+/Disabled/Medicare Card Holder)	\$1.50
General Monthly	\$40.00
Student Monthly	\$25.00

²⁶ Porterville. "Porterville Transit Fares." <http://www.ci.porterville.ca.us/depts/PortervilleTransit/fares.cfm>

Reduced Monthly (Seniors 65+/Disabled/Medicare Card Holder)	\$20.00
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Source: City of Porterville, April 2020

COLT

The City's COLT program is a lift-equipped Americans with Disabilities Act (ADA) curb-to-curb service designed for transit riders with disabilities that prevent them from using regular bus services. COLT provides service to the same areas and during the same days and hours of service that the City's fixed route operates. The City's COLT service operates from 6:15 am to 8:00 pm on weekdays and from 8:15 am to 4:00 pm on weekends.

Table 2.15 shows the fare rates for users of the COLT service. Seniors (65 years of age or older), persons with disabilities, and Medicare card holders qualify for transit fares at reduced rates.²⁷

Table 2.15: Porterville COLT Fares

Fare	Cost
General	\$5.00
Reduced (Seniors 65+/Disabled/Medicare Card Holder)	\$2.50
Personal Care Attendant (Limit 1)	Free
Each Additional Guest	\$2.50

Source: City of Porterville, April 2020

²⁷ Porterville. "Porterville Transit Fares." <http://www.ci.porterville.ca.us/depts/PortervilleTransit/fares.cfm>

III. Housing Profile

Housing Stock

A diverse and balanced housing stock will provide a greater range and flexibility of housing options for households in the City. **Table 3.1** below reflects the distribution of housing found throughout the City. At approximately 69 percent, the large majority of the City's housing stock is made up of single-family detached homes. The next-highest category is multifamily developments of 2-4 units (11 percent), followed by mobile homes (7 percent).

With a large share of the housing stock consists of single-family homes, the City's existing housing stock may stand as an impediment to fair housing choice for households seeking a source of affordable housing, as multifamily units are often less expensive to rent or purchase.

Table 3.1: Residential Housing by Number of Units

Property Type	Number	%
1-Unit Detached Structure	12,518	69%
1-Unit, Attached Structure	312	1.9%
2-4 Units	1,952	11%
5-19 Units	1,075	6%
20 or More Units	1,083	6%
Mobile Home	1,228	7%
Total	18,168	100%

Source: 2014-2018: ACS five-year estimates

Note: Totals may not add to 100% due to rounding

Housing Affordability

Housing is often one of the most significant expenses for households and can be one of the most significant factors in evaluating a housing market. This section provides an overview of housing affordability in the City.

Cost of Housing

Table 3.2 shows the median home value and contract rent for housing units in the City. This data demonstrates that from 2000 to 2018 there has been a 76 percent increase in median home values and a 75 percent change in median contract rent. However, as was seen in **Table 2.6**, the median household income increased by only 33 percent during the same time period. This indicates that the median household income in the City is not keeping pace with the cost of housing, which may pose financial challenges for households seeking to purchase a home. In addition, the median rent in 2018 is almost double the 2000 median rent, which may cause families seeking rental units to experience greater difficulty affording housing.

Table 3.2: Cost of Housing

	Base Year: 2000	2012	Most Recent Year: 2018	% Change
Median Home Value	\$93,500	\$156,100	\$165,100	76%
Median Gross Rent	\$504	\$745	\$884	75%

Source: 2000 Census, 2008-2012 ACS, 2014-2018 ACS

Note: % Change refers to 2000 and 2018 comparisons

Housing Affordability

There is a clear disparity between need and availability of affordable housing in the City for those in the lower income brackets. As seen in **Table 3.3**, 2,300 renter households are at 0-30% AMI, yet there are only 170 rental units available that are affordable to these households (no data is available on owner household units). The data is similar for households earning 30-50% AMI; there are 2,370 households yet only 2,045 units affordable to those households. However, households earning 50-80% AMI and 80-100% AMI actually have more units affordable to them. Even though households earning less than 50% AMI make up 33 percent of total households, the units affordable to this group only make up 20 percent of total units.

Table 3.3: Low- and Moderate-Income Households by Tenure

Household	Renter	Owner	Total	% of Total
Household Income 0 - 30% AMI	2,300	970	3,270	19%
Household Income 30% - 50% AMI	1,345	1,025	2,370	14%
Household Income 50% - 80% AMI	1,685	1,680	3,365	21%
Household Income 80% - 100% AMI	755	1,150	1,905	12%
Household Income >100% AMI	1,750	4,145	5,895	34%
Total Households	6,660	9,410	16,800	100%

Source: 2011-2015 CHAS

Table 3.4: Housing Affordability by Household Income

Units affordable to households earning	Renter	Percentage	Owner	% of
30% AMI	315	4.9%	No Data	N/A
50% AMI	1,510	23.5%	800	11.2%
80% AMI	4,590	71.65	2,379	33.4%
100% AMI	No Data	N/A	3,954	55.4%
Total	6,415	100%	7,133	100%

Source: 2011-2015 CHAS

Housing Cost Burden

Table 3.5 demonstrates the degree of housing cost burden for renter and owner households within the City. HUD defines housing cost burden as households paying more than 30 percent of their incomes toward housing cost, including utilities, and severe cost burden as those paying more than 50 percent of their income towards housing costs. Overall, 39 percent of households in the City experience either cost burden or severe cost burden. Among owners, 19 percent are cost burdened and 16 percent are severely cost burdened. Among renter households, 18 percent are cost burdened and 29 percent are severely cost burdened. This means that nearly half (47 percent) of the renter household population in Porterville is living in housing considered to be unaffordable, and more than one in four (29 percent) are paying more than half their income towards housing costs.

Table 3.5: Housing Cost Burden

Housing Cost Burden	Owner	% Owners	Renter	% Renters	Total	% Total
Cost Burden <=30%	5,580	65%	4,100	52%	9,950	60%
Cost Burden >30% to <=50%	1,580	19%	1,410	18%	2,990	18%
Cost Burden >50%	1,425	16%	2,209	29%	3,634	21%
Cost Burden not available	100	1%	115	1%	215	1%
Total	8,695	100%	7,835	100%	16,800	100%

Source: 2012-2016 CHAS

Note: Totals may not add to 100% due to rounding

Table 3.6 shows the housing cost burden distribution by race/ethnicity. Per HUD definitions, a disproportionate housing need exists when any racial/ethnic group experiences a housing need that is 10 percent or greater than the total population.

Table 3.6: Housing Cost Burden by Race/Ethnicity

Housing Cost Burden	<=30%	%	30-50%	%	>50%	%	No / negative income (not computed)	Total
Jurisdiction as a Whole	8,980	59%	3,515	23%	2,665	18%	155	15,160
White	4,455	67%	1,210	18%	1,020	15%	45	6,685
Black / African American	35	35%	30	30%	35	35%	0	100
Asian	380	67%	130	23%	55	10%	0	565
American Indian, Alaska Native	105	85%	19	15%	0	0%	0	124
Pacific Islander*	0	0%	0	0%	55	100%	0	55
Hispanic	3,865	52%	2,070	28%	1,495	20%	85	7,430

Source: 2007-2011 CHAS

*Most updated CHAS data regarding Housing Cost Burden by Race/Ethnicity was released in 2011.

Note: Totals may not add to 100% due to rounding.

*Pacific Islander and American Indian, Alaska Native household analysis is not included due to insufficient data

Assisted Housing

The Housing Authority of the County of Tulare (HACT) provides rental assistance to LMI households throughout the County. The HACT is responsible for offering various affordable housing opportunities to ensure that the unique needs of individuals and households who require rental housing assistance are met. The HACT manages and administers the conventional public housing program for Tulare County, including the Porterville area; farm labor centers; and housing for the senior, homeless, and disabled populations.²⁸ **Table 3.7** demonstrates the number of public housing units and vouchers granted for specific programs within the City.

Table 3.7: Public Housing by Program Type

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled*
# of Units in Use	0	2	703	2,261	11	2,250	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Source: Community Development Block Grant 2020-2025 Consolidated Plan & 2020-2021 Action Plan Draft Entitlement Application

Section 8 Housing Programs

Housing Choice Voucher Program (HCV): The Section 8 HCV program is designed to help families secure rental housing in the private market and provide them with greater control and choice over where they live. The HACT administers the Section 8 HCV program and provides rental assistance to families spending more than 30 percent of their monthly income on housing. Under the Section 8 HCV program, a subsidy is granted to landlords to cover the gap between 30 percent of the voucher recipient's monthly income and the payment standard approved by the federal government. **Figure 3.1** shows the utilization of Section 8 vouchers throughout the City of Porterville.

²⁸ Housing Authority of Tulare County. "About Us." <http://www.hatc.net/default.htm>

Figure 3.1: City of Porterville Section 8 Housing Choice Voucher Utilization



Date Printed: 7/7/2020 by the Community Development Department

Public Housing Programs

In addition to providing rental assistance through the Section 8 HCV program, the HACT also subsidizes housing for LMI seniors and owns and manages a total of 105 assisted senior housing units in the City.

Currently there are 480 housing units receiving rental assistance through Section 8 HCV throughout the City. There are currently a total of 2,664 Section 8 HCVs throughout Tulare County; the data indicates that 18 percent is utilized in the City. There are currently 4,134 households listed on the City's public housing waiting list that is managed by the Housing Authority of Tulare County (HATC) and 10,267 listed on HATC's countywide Section 8 program waiting list. **Figure 3.2** shows the distribution of public housing throughout the City of Porterville.

Figure 3.2: City of Porterville Public Housing Sites



imits

0 1 2 Miles



Date Printed: 7/7/2020 by the Community Development Department

Affordable Housing Projects

Affordable housing projects in the City receive funding from various sources to ensure that the rental costs of the units within these projects remain affordable for LMI households. Owners of these projects often attempt to offset the costs of these projects and ensure the affordability of the units within them by applying for and using Low Income Housing Tax Credits (LIHTC). The LIHTC is an incentive program that encourages private investors to develop low income affordable housing by granting federal tax credits to investors. Additionally, in some instances, project owners request public assistance to develop these projects and are often required to devote a share of these units for low income households. Please see **Appendix B: Subsidized Housing Referral List** for a list of affordable housing units that are not owned or managed by the HACT.

Table 3.8: HACT-Administered HUD Multifamily Projects in the City

Facility Name	Clientele	# of units
La Serena	Families	65
Santa Fe Plaza	Seniors	105
Total		170

Source: HACT

Table 3.9: HACT Mixed Finance Project in the City

Facility Name	Clientele	# of units
Lotas & Newcomb	Families	11
Total		11

Source: HACT

Table 3.10: HACT Public Housing Units in the City

House No.	Direction	Street Name
301	N	4th St
303	N	4th St
305	N	4th St
307	N	4th St
309	N	4th St
311	N	4th St
2211	W	Aurora Ave
1801	W	Aurora Ct
530	N	Balmayne Way

531	N	Balmayne Way
550	N	Balmayne Way
1781	N	Bellevue Ct
269	S	Beverly St
1050	N	Birch Dr
1060	N	Birch Dr
1061	N	Birch Dr
1060	E	Cleveland Ave

House No.	Direction	Street Name
1091	W	Cleveland Ave
411	N	Delta St
1750	W	Gerry Lane
566	W	Grand Ave
1010		Greenfield Dr
734	E	Kanai Ave
280	N	Maston St
581	E	Morton Ave
2140	W	Morton Ave
2150	W	Morton Ave
492	W	Morton Ave
494	W	Morton Ave
496	W	Morton Ave
498	W	Morton Ave
500	W	Morton Ave
502	W	Morton Ave
504	W	Morton Ave
506	W	Morton Ave
508	W	Morton Ave
510	W	Morton Ave

512	W	Morton Ave
514	W	Morton Ave
516	W	Morton Ave
518	W	Morton Ave
520	W	Morton Ave
522	W	Morton Ave
524	W	Morton Ave
526	W	Morton Ave
528	W	Morton Ave
530	W	Morton Ave
532	W	Morton Ave
534	W	Morton Ave
536	W	Morton Ave
538	W	Morton Ave
540	W	Morton Ave
581		Mountain View Ave
291	E	Mulberry Ave
341	E	Mulberry Ave
351	E	Mulberry Ave
690		Park Pl

House No.	Direction	Street Name
721		Park Pl
730		Park Pl
1030	N	Patsy Dr
303	N	Plano St
1100	E	Putnam Ave
1120	E	Putnam Ave
635 A	W	Putnam Ave

635 B	W	Putnam Ave
635 C	W	Putnam Ave
635 D	W	Putnam Ave
635 E	W	Putnam Ave
635 F	W	Putnam Ave
641 A	W	Putnam Ave
641 B	W	Putnam Ave
647 A	W	Putnam Ave
647 B	W	Putnam Ave
653 A	W	Putnam Ave
653 B	W	Putnam Ave
653 C	W	Putnam Ave
653 D	W	Putnam Ave
653 E	W	Putnam Ave
659 A	W	Putnam Ave
659 B	W	Putnam Ave
659 C	W	Putnam Ave
659 D	W	Putnam Ave
659 E	W	Putnam Ave
665 A	W	Putnam Ave
665 B	W	Putnam Ave
665 C	W	Putnam Ave
665 D	W	Putnam Ave
665 E	W	Putnam Ave
665 F	W	Putnam Ave
671 A	W	Putnam Ave
671 B	W	Putnam Ave
671 C	W	Putnam Ave
671 D	W	Putnam Ave
671 E	W	Putnam Ave

671 F	W	Putnam Ave
677 A	W	Putnam Ave
677 B	W	Putnam Ave
House No.	Direction	Street Name
2231	W	Putnam Ct
2241	W	Putnam Ct
1001	N	Salisbury Dr
1041	N	Salisbury Dr
1061	N	Salisbury Dr
1661	W	Sandra Ave
720	W	Sandra Lane
472	N	Sierra Vista St
491	N	Sunwood St
511	N	Sunwood St
1130	E	Thurman Ave
1140	E	Thurman Ave
510	E	Vandalia Ave
1750	W	Wall Ave
Total # of units	111	

Source: HACT

Community Care Facilities

Community care facilities are designed to provide shelter and assistance to individuals and groups who are unable to live on their own but do not require extensive medical services. Services offered at these facilities are catered to meet the needs of the specific groups which they serve and can include assistance with medications and personal hygiene. Community care facilities ensure that children, disabled adults, and the elderly receive the support that they need with day-to-day living. **Table 3.11** provides a list of assisted licensed senior housing projects, while **Table 3.12** includes a comprehensive list of licensed community care facilities in the City.²⁹

²⁹ California Department of Social Services. "Residential Care." <http://www.cdss.ca.gov/cdssweb/pg12.htm>

Table 3.11: Licensed Assisted Senior Housing Projects

Facility Name	Address	# of units
Atkins Way Home	1551 N. Atkins Way	5
Autumn Oaks	848 N. Jaye Street	44
Bella Home	403 N. Ryan Terrace	6
Benton Manor Elderly	17980 Road 232	6
Cottage LLC, The	19127 Avenue 150	6
Domingo Home	2069 Linda Vista	6
Heart N Home Companions	641 W Putnam Ave	NA
Gateway Post Acute	661 W Poplar Ave	NA
Guardian Angels in Home Care	661 N Prospect	NA
Johnson Home 112 Inc.	22419 Ave 112	4
Johnson's Greenwood Homes #4	2482 W. Cricklewood Court	4
Merzoian Ranch LLC	21402 Avenue 112	6
Price Elderly LLC	17754 Road 232	6
Riversedge Eldercare	285 South Westwood	6
Sequoia Transitional Care	350 N Villa St	NA
Sue's Care Home	1325 N. Lotas Way	6
Facility Name	Address	# of units
Westwood Eldercare	225 "B" S. Westwood St.	6

Source: California Department of Social Services

Table 3.12: Licensed Community Care Facilities in the City

Facility Name	Address	# of units
24-Hour Residential Care For Children		
D & I Morris Children's Home	659 W. Mulberry Ave.	6
Evelyn's Nursery	1403 N. Newcomb	6
Orduno Home #1	11645 S. Orange Belt Drive	6
Robert Morris Small Family Home	1862 W. Santa Maria	4
Orduno Home #2	1187 Howland	6
Turning Point-Porterville Home	1701 West Kanai Street	4
Residential Elder Care Facility		
Atkins Way Home	1551 N. Atkins Way	5
Autumn Oaks	848 N. Jaye Street	44
Bella Home	403 N. Ryan Terrace	6

Benton Manor Elderly	17980 Road 232	6
Cottage LLC, The	19127 Avenue 150	6
Domingo Home, The	2069 Linda Vista	6
Johnson Home 112 Inc.	22419 Ave 112	4
Johnson's Greenwood Homes #4	2482 W. Cricklewood Court	4
Merzoian Ranch LLC.	21402 Avenue 112	6
Price Elderly LLC.	17754 Road 232	6
Riversedge Eldercare	285 South Westwood	6
Sue's Care Home	1325 N. Lotas Way	6
Westwood Eldercare	225 "B" S. Westwood St.	6
Adult Residential Facilities And Day Programs		
Agda Residential Care Home	1846 Pamela Avenue	6
Angie Edwards Residential Services	2442 W. Nancy	4
Baxter Adult Residential	860 Gerry Lane	6
Bledsoe Home-2	68 North Corona Drive	6
Cobbs Family Care	1922 N. Newcomb	6
Curry Family Care	1658 W. North Grand	6
Denton Adult Home	1120 W. San Lucia Ave.	5
Employ America	340 N. Fourth St	90
Farmer Residential Home	2156 W. White Chapel Way	5
Gibson Home #1	1517 E. Springville Drive	6
Gibson Home #3	1731 Success Drive	6
Gurrola Home	1300 State Street	6
Gurrola Home #3	287 B Teapot Dome	6
Gurrola Home #4	8 East Gibson	6
Harp Home	922 N. Jaye Street	5
Facility Name	Address	# of units
Jeffries Home	2545 White Chapel Ave.	6
Jeffries Home 2	1220 Lotas Way	6
Johnson's Greenwood Home #1	361 South Greenwood	6
Jones Home	525 West Morton	6
Kg's Care Home	586 N. Balmoral	6
Lemmeyer Family Care	585 West Kanai	6

Luis-Waddle Residential	237 N. Newcomb	6
Morris Family Care Home, The	1740 Belaire	6
Orduno Country Home	11600 S. Orange Belt Drive	6
Orduno Home #3	515 N. Plano	6
Orduno Home #4	11667 S. Orange Belt Drive	6
Orduno Home #6	375 North Mathew Avenue	6
P. Christine Thomas Home	761 E. Sutter Avenue	6
Porterville Adult Day Services	227 Oak	75
Porterville Sheltered W/S#2 (Behavior Mod).	130 North E Street	49
Porterville Sheltered Workshop	621 South E Street	270
Promise Care #3	1260 West Monache	6
Rico Residential Fac. #2,LLC	32 N. Olive Terrace	6
Rico Residential Facility/LLC	381 N. York St.	6
Rogers Agape Care Home	1206 W. North Grand	6
Ruf Adult Residential	940 North Belmont Street	5
Ruf Rickman Residential	2042 W. Orange Ave.	6
Siegel House	2230 W. Putnam Ct.	6
Siegel House #3	1421 West Union Avenue	6
Smithcare Home #1 Cottage Street	829 S Cottage Street	6
Timmerman D & M Family Care Home	22547 Ave. 178	6
Todd Family Home	22755 Ave. 178	6
Travis Home #2	711 Sandra Lane	6
Travis Home #3	669 W. Kanai	6
Travis Home #4	2423 W. Westfield Avenue	6
Turner Home	12593 Road 252	4
Twin Acres	1811 W. No. Grand Avenue	4
Tynes Residential Facility	300 E. Heatherwood Circle	6
Wiggins Care Home	2266 S. Leggett	6

Source: California Department of Social Services

IV. Mortgage Lending Practices

“Without investment in mortgage and home improvement loans, residential areas decline rapidly.”

– U.S. Department of Housing and Urban Development, *Fair Housing Planning Guide Volume 1* pg. 5-10

Equal access to fair and safe credit is essential to fair housing choice. Mortgage lending policies and practices impact economic stability and viability of individual borrowers as well as the entire nation. This is evidenced by the housing bubble bust and resulting Great Recession of 2007. This chapter provides legislative background and review of the practices of lending institutions as applicable to fair housing choice.

Legislation

Fair Housing Act 1968

“Discrimination in mortgage lending is prohibited by the federal Fair Housing Act and HUD's Office of Fair Housing and Equal Opportunity actively enforces those provisions of the law. The Fair Housing Act makes it unlawful to engage in the following practices based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or set different terms or conditions for purchasing a loan”³⁰

Home Mortgage Disclosure Act

The Home Mortgage Disclosure Act (HMDA), enacted by Congress in 1975, requires that mortgage lenders make loan data public. The Consumer Financial Protection Bureau oversees HMDA compliance. Data collected and reported on includes applications, approvals and denials, loan amount, type of loan, applicant demographic information, property type, and census tract. This information is released annually each September.

Community Reinvestment Act

In response to discriminatory lending reports and redlining, Congress passed the Community Reinvestment Act (CRA) in 1977. CRA encourages “depository institutions to help meet the credit needs of the communities in which they operate, including LMI neighborhoods, consistent with safe and sound operations.”³¹ The CRA requires periodic evaluation of the depository institutions. These evaluations are conducted by the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC). The CRA Lending Test considers the institution’s record of helping to meet the credit needs of its assessment area through home mortgage, small business, small farm, and community development lending.³² Institutions will receive a rating of “outstanding,”

³⁰ U.S. Department of Housing and Urban Development. “Fair Lending.” http://portal.hud.gov/hudportal/HUD?src=/topics/fair_lending

³¹ Board of Governors of the Federal Reserve System. “Community Reinvestment Act (CRA).” http://www.federalreserve.gov/communitydev/cra_about.htm

³² Board of Governors of the Federal Reserve System “Regulation BB Community Reinvestment.” June 2007.

"satisfactory," "needs to improve," or "substantial noncompliance." **Table 4.1** lists the latest available CRA ratings of financial institutions serving the City. Based on this information, these financial institutions have been given at least a satisfactory rating.

Table 4.1: Financial Institution Community Reinvestment Act Ratings

Exam Date	Bank Name	CRA Rating
4/22/1990	Bank of the Sierra	Satisfactory
10/1/1992	Bank of the Sierra	Satisfactory
10/1/1994	Bank of the Sierra	Satisfactory
7/1/1997	Bank of the Sierra	Satisfactory
5/1/1999	Bank of the Sierra	Satisfactory
11/1/2001	Bank of the Sierra	Satisfactory
11/1/2004	Bank of the Sierra	Satisfactory
1/7/2008	Bank of the Sierra	Satisfactory
7/1/2011	Bank of the Sierra	Satisfactory
8/1/2013	Bank of the Sierra	Satisfactory
5/01/2016	Bank of the Sierra	Satisfactory
1/01/2019	Bank of the Sierra	Satisfactory
5/6/1990	Finance and Thrift Company	Satisfactory
6/1/1992	Finance and Thrift Company	Satisfactory
9/1/1994	Finance and Thrift Company	Satisfactory
1/1/1997	Finance and Thrift Company	Outstanding
9/1/1999	Finance and Thrift Company	Outstanding
5/1/2005	Finance and Thrift Company	Outstanding
7/1/2011	Finance and Thrift Company	Outstanding

Source: FFIEC Interagency CRA Rating Search, 2020

Note: Any banks not listed are not publicly available or reported by FFIEC

Conventional vs. Government-backed Financing

Conventional loans are made by the private sector (banks, mortgage companies, etc.) and are not guaranteed or insured by the U.S. government. Conversely, government-backed loans, such as those issued by the Federal Housing Administration (FHA), Department of Veterans Affairs (VA), and the Rural Housing Services/Farm Service Agency (RHA/FSA), are completely or partially insured by the U.S. government.

http://www.federalreserve.gov/boarddocs/supmanual/cch/cra_disc.pdf

Conventional loans thus are more risk averse and typically have more stringent credit score and down payment requirements along with lower debt acceptance and loan maximums. Due to the less strict lending guidelines, government-backed loans were historically more popular with LMI borrowers.

Although discrimination in mortgage lending is prohibited by the federal Fair Housing Act, multiple other factors may contribute to a potential homebuyer's ability to secure safe financing. Credit history, savings, and education regarding the home-buying process all affect financing opportunities. It is critical to understand that FFIEC HMDA data does not provide insight into these other factors.

Tables 4.2 and 4.3 below indicate that African Americans were approved for Conventional and FHA, FSA RHS and VA at a significantly lower rate than other races. Local governing and regulatory authorities should examine why this disparity exists and take the appropriate measures to remedy the discrepancy in loan approval rates across races.

Table 4.2: Approval Rate of Conventional Home Purchase Loan by Race/Ethnicity

Applicant Race/Ethnicity	Asian	Black Or African American	Hispanic Or Latino	White
Approval Rate	88%	71%	74%	79%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Table 4.3: Approval Rate of FHA, FSA/RHS and VA Loan by Race/Ethnicity

Applicant Race/Ethnicity	Asian	Black or African American	Hispanic or Latino	White
Approval Rate	90%	75%	91%	93%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Tables 4.4 through 4.5 below do not clearly indicate that race, ethnicity, or income was a factor in the home purchase loan approval rate in Conventional and FHA, FSA/RHA and VA purchase Loans.

Table 4.4: Conventional Home Purchase Loan Approval Rate by Race and Income

Applicant Race/Ethnicity	Asian	Black or African American	Hispanic or Latino	White
Less than 50% Median Income	66%	NA	78%	80%
50-79%	66%	0%	89%	88%
80-99%	90%	100%	92%	93%
100-119%	86%	0%	88%	93%
120%+	88%	74%	91%	95%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Table 4.5: FHA, FSA/RHA and VA Purchase Loan Approval Rate by Race/Ethnicity and Income

Applicant Race/Ethnicity	Asian	Black or African American	Hispanic or Latino	White
Less than 50% Median Income	100%	NA	67%	75%
50-79%	100%	100%	93%	98%
80-99%	100%	80%	92%	94%
100-119%	100%	75%	92%	93%
120%+	88%	82%	95%	96%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Tables 4.4 through **4.5** provide approval rates between 100 percent to zero percent. This fluctuation may be due to the small numbers of loan applications and originations.

The total number of loan originations as shown below in tables **4.6** and **4.7** may paint a clearer picture of race and income opportunities.

Table 4.6: Conventional Home Purchase Loan Originations by Race/Ethnicity and Income

Applicant Race/Ethnicity	Asian	Black Or African American	Hispanic Or Latino	White	Total by Income
Less than 50% Median Income	2	0	10	17	29
50-79%	1	0	93	131	224
80-99%	7	1	82	127	217
100-119%	6	0	100	76	282
120%+	64	8	397	1260	1740
Total by Race	80	9	682	1,611	2,492

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Table 4.7: FHA, FSA/RHA and VA Purchase Loan Originations by Race/Ethnicity and Income

Applicant Race/Ethnicity	Asian	Black Or African American	Hispanic Or Latino	White	Total by Income
Less than 50% Median Income	1	0	7	8	16
50-79%	6	1	203	234	444
80-99%	1	4	202	265	472
100-119%	5	3	257	368	633
120%+	25	20	647	1225	1,917
Total by Race	38	28	1,316	2,100	3,482

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Refinance approval rates by race, ethnicity and income, shown below in **Tables 4.8** and **4.9**, are similar to home purchase rates in that they do not indicate clear trends.

Table 4.8: Refinance Approval Rate by Race/Ethnicity

Applicant Race/Ethnicity	Asian	Black or African American	Hispanic or Latino	White
Approval Rate	70%	65%	67%	72%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

Table 4.9: Refinance Approval Rates by Race/Ethnicity and Income

Applicant Race/Ethnicity	Asian	Black or African American	Hispanic or Latino	White
Less than 50% Median Income	66%	0%	54%	51%
50-79%	59%	33%	62%	68%
80-99%	47%	50%	65%	67%
100-119%	65%	60%	68%	71%
120%+	71%	62%	71%	77%

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

However, just as with Home Purchase Originations, Table 4.10 Refinance Loan Originations by Race/Ethnicity and Income shows that Whites accounted for a significantly larger share of all refinance originations than Hispanic or Latinos, despite accounting for a smaller percentage of the total population.

Table 4.10: Refinance Loan Originations by Race/Ethnicity and Income

Applicant Race/Ethnicity	Asian	Black Or African American	Hispanic or Latino	White
Less than 50% Median Income	1	0	36	53
50-79%	3	2	135	216
80-99%	3	3	164	98
100-119%	6	2	114	222
120%+	81	25	577	1,786

Source: FFIEC HMDA Aggregate Reports, Visalia-Porterville MSA 2016

This information does not in and of itself point to wrongdoing. However, the City should monitor application and approval rates across race/ethnicity and income as it eliminates impediments to fair housing choice. City actions have included supporting providers, such as Consumer Credit Counselors of Kern County and Community Services and Employment Training (CSET) to provide post-purchase counseling services. The City is also currently providing monthly homebuyer education classes to low income persons or families in partnership with CSET. The class provides participants with information on good credit practices, the advantages and disadvantages of household ownership, how to select a lender and

realtor, what to look for in selecting a home, understanding the loan and escrow process, and learning how to maintain the home once it is purchased. Upon completion of the class, the participant is then able to participate in the City's First Time Home Buyer Assistance Program. This program provides up to 35% of the purchase price in low interest, 30-year deferred payment loans to applicants for down payment and closing cost assistance when purchasing a home and obtaining a first mortgage with a participating lender.³³

Subprime Lending

Subprime lending is usually targeted to borrowers with "blemished or limited credit histories."³⁴ Subprime loans are characterized by high interest rates and fees. Unlike the prime market (e.g. conventional and government-backed loans), subprime lending institutions are not regulated. While subprime loans are not predatory, by definition, they were often provided to borrowers who could not afford them in the housing boom of the 2000s. Today, new subprime regulations are enforcing stricter requirements such as tightened credit standards and income verification. The regulations are intended to create a safer subprime market while providing household ownership options for those with less than perfect credit.

Predatory Lending

While no governing or statutory institutions have one definition of predatory lending, HUD describes the loans as having "outrageous terms and conditions, often through deception."³⁵ The U.S. Department of Treasury provides, "Predatory lending -- whether undertaken by creditors, brokers, or even home improvement contractors -- involves engaging in deception or fraud, manipulating the borrower through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms. These practices are often combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices."³⁶ Available through the subprime market and characterized by excessive fees, disregard for credit worthiness or ability to repay, a subprime loan "drains wealth from families, destroys the benefits of homeownership, and often leads to foreclosure."³⁷

Effective January 2014, Regulation Z, "which implements the Truth in Lending Act (TILA), requires creditors to make a reasonable, good faith determination of a consumer's ability to repay any consumer credit transaction secured by a dwelling."³⁸ The final rule also implements limits prepayment penalties - a red flag of predatory loans.

³³ City of Porterville. "First Time Low Income Home Buyers Loan Program."

<http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/FTHBFlyer-2020Bilingual.pdf>

³⁴ U.S. Department of Housing and Urban Development. "Subprime Lending."

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/lending/subprime

³⁵ U.S. Department of Housing and Urban Development. "Fair Lending." http://portal.hud.gov/hudportal/HUD?src=/topics/fair_lending

³⁶ U.S. Department of the Treasury. <http://www.treasury.gov/press-center/press-releases/Documents/treasrpt.pdf>

³⁷ National Association of Consumer Advocates. "Predatory Lending." <http://www.naca.net/issues/predatory-lending>

³⁸ Consumer Financial Protection Bureau. "Ability to Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Regulation Z)." <http://www.consumerfinance.gov/regulations/ability-to-repay-and-qualified-mortgage-standards-under-the-truth-in-lending-act/regulation-z/-date>

There is collective agreement that education is the best protector against predatory lending and the City could further support providers and programs that increase access to financing, credit counseling and education, down-payment assistance, closing costs assistance, and first-time home buyer education, especially for those targeted by predatory lenders such as senior citizens, people of color, lower income families, and people with disabilities.

V. Public Policies and Practices

This chapter identifies various public policies and practices at the local and regional level that may affect housing development and fair housing choice within the City. While the City has reviewed all of its zoning laws, policies, and practices for compliance with fair housing law, this section contains additional analysis of potential and actual public sector constraints on the development of housing. The following City documents were reviewed in the preparation of this chapter:

- City of Porterville 2030 General Plan Land Use Element (adopted March 04, 2008)
- City of Porterville 2015-2023 Housing Element (adopted December 18, 2015)
- City of Porterville California Municipal Code (adopted November 19, 2019)

Zoning Ordinance and Land-Use Regulation

Zoning Ordinance

Zoning ordinances and other land-use controls have a direct effect on the availability and range of housing choices within a community. The zoning ordinance establishes the densities and intensities for all new development within the City and determines requirements such as lot size, number of dwelling units per acre, setback needs, and building height.

Exclusionary zoning practices, such as those that limit where, how, or if affordable housing can be developed, or that restrict development such as small-lot homes, mobile homes, or group homes, can decrease the number of affordable housing opportunities. The City's zoning ordinance includes residential districts, downtown zones, and commercial zones that all allow for a variety of housing types for residential development.

Table 5.1: Land Use Designations

Zoning District	Code	Allowed Residential Uses	Maximum Density
Rural Residential	RR	Detached single-family dwellings, group residential facilities, limited residential care facilities	0.2 units per acre
Very Low Density Residential	RS-1	Detached single-family dwellings, group residential facilities, limited residential care facilities	3.1 units per acre
Low Density Residential	RS-2	Attached or detached single-family dwellings, group residential facilities, limited residential care facilities	7.5 units per acre
Low-Medium Density Residential	RM-1	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and	11.3 units per acre

		mobilehome parks*	
Medium Density Residential	RM-2	Attached or Detached Single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobilehome parks*	15 units per acre
High Density Residential	RM-3	Attached or detached single-family dwellings, multi-family residential units, group residential facilities, limited residential care facilities, general residential care facilities*, and mobilehome parks	30 units per acre
Downtown Medium Density Residential	DRM-2	Attached single- and multi-family dwellings, group residential facilities, and limited residential care facilities	16.5 units per acre
Downtown High Density Residential	DRM-3	Attached single- and multi-family dwellings, group residential facilities, and limited residential care facilities	33 units per acre
Downtown Mixed Use	D-MX	Multi-family dwellings, group residential facilities, limited residential care facilities, and single room occupancy hotels*	41 units per acre

Source: City of Porterville, General Plan Housing Element, 2015-2023

*Permitted with a conditional use permit

General Plan Land Use Element

The creation of a General Plan is mandated for every city and county within the State by the California Housing and Community Development Department and provides the long-term vision, goals, and policies for a jurisdiction. The City's General Plan was comprehensively updated between 2005 and 2008. The General Plan, which establishes the City's development patterns for the next 20 years (the horizon date is 2030), was adopted by the City Council on March 04, 2008. The Land Use Element provides guidance on current and future physical development in the City. This can include the location and design of land uses such as housing, businesses, industry, community facilities, parks and open space. As such, the City's Land Use Element contains several items that can affect the development and distribution of housing: growth management (the Urban Development Boundary); strategies to encourage infill development, foster a strong Downtown with retail and commercial surrounded by higher density housing, and balance residential growth with employment-generating land uses in order to balance the job to housing ratio; land use designations to accommodate a diverse range of housing types and prices to provide more housing choices; and, density and intensity standards.

General Plan Housing Element

The Housing Element identifies and analyzes existing and future housing needs for all economic segments of the community and the resources and constraints relative to addressing those needs. Under California Housing law, the City's Housing Element was last adopted in December 2015 and covers the planning period of 2015 - 2023.

Definition of Family/Occupancy Standards

The Fair Housing Act forbids discrimination on the basis of familial status, which protects families with children and large households. A city must avoid occupancy standards that may be limiting and violate fair housing regulations that contain a restrictive definition of family. When the definition of family in a zoning ordinance is too rigid, it may be exclusive of certain segments of the population that do not completely match its classification. For instance, zoning ordinances that distinguish between related or unrelated individuals lead to the exclusion of nontraditional families and households comprised of individuals who are not biologically related to one another.

The City's current zoning ordinance defines "family" as "one or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a 'family' need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house."³⁹

Density Bonuses

Local jurisdictions have the authority to implement policies and programs that promote the development and integration of affordable housing units, such as density bonuses. A density bonus is a zoning tool that is designed to encourage and grant developers exceptions to zoning and development standards in exchange for providing a public benefit to the community, such as funding for affordable housing or construction of affordable housing units.⁴⁰ According to Chapter 302 of the City's Municipal Code, the City shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by the City's Development Ordinance and the General Plan, and one or more additional concessions or incentives, consistent with Government Code Section 65915 and section 302.03 of the Development Ordinance, if the applicant applies for and proposes to construct any one of the following:

1. Lower Income Units. A density bonus of 20 percent if 10 percent of the total units of a housing development are affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
2. Very Low Income Units. A density bonus of 20 percent if 5 percent of the total units of a housing development are affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.

³⁹ Sterling Codifiers. "City of Porterville Municipal Code." http://www.sterlingcodifiers.com/codebook/index.php?book_id=679

⁴⁰ Puget Sound Regional Council. "Featured Tool: Density Bonuses*." <http://www.psrc.org/growth/hip/alltools/density-bonus/>

3. Senior Citizen Housing Development. A density bonus of 20 percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Section 51.3 of the Civil Code.
4. Moderate Income Units in Condominium and Planned Use Developments. A density bonus of 5 percent if 10 percent of the total dwelling units in a condominium project or in a Planned Development are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.⁴¹

Additionally, the number of units to which the applicant is entitled may exceed the percentage specified in the previous subsection under the following provisions:

1. Lower Income Dwellings. For each additional 1 percent increase above 10 percent units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum density bonus of 35 percent of the maximum allowable residential density for the site.
2. Very Low Income Dwellings. For each additional 1 percent increase above 5 percent in the proportion of units affordable to very low-income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.
3. Condominium and Planned Development Units. For each additional 1 percent increase above 10 percent units affordable to moderate income households, the density bonus shall be increased by 1 percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

These density bonuses are applicable to residential projects of 5 or more units and senior housing projects of more than 35 units.

Parking Requirements

Parking standards for housing units may stand as a limitation to the development of affordable housing, as these requirements increase development costs and diminish the availability of land for additional units. **Table 5.2** illustrates the City's parking requirements for residential uses. According to Development Ordinance Section 304.04, the City Council shall have the authority to allow a reduction in the number of required multi-family parking spaces if a developer can demonstrate that the project will not generate a need for as much parking as such a project designed for a general market.⁴²

Table 5.2: Residential Parking Standards in the City

Required Off-Street Parking Spaces	
Residential Use	Requirements

⁴¹ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴² City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴⁴ City of Porterville. "City Council Approves Adoption of California Building and Fire Codes."

<http://www.ci.porterville.ca.us/mods/BusinessHere/>

Single-Family Dwelling	2 covered spaces per unit
Multi-Family Dwelling	1 space (studio); 1.5 spaces (1 bdrm); 2 spaces (2 or 3 bdrm); 0.5 spaces per bdrm (above 3 bdrm); 1 guest space for every 5 units
Mobile Home Parks	2 spaces (one covered) per unit
Secondary Units	No additional parking required
Large Family Day Care Home	1 per non-resident employee. 1 passenger loading space, on or offsite. (Required spaces are in addition to those required for the primary residential use).

Source: Porterville Municipal Code, Chapter 304, On-Site Parking and Loading, Section 304.04

Additionally, the City can provide parking incentives upon the applicant's request, inclusive of handicapped and guest parking. On-site parking may be provided through tandem parking or uncovered parking but not through on-street parking.

The following maximum parking standards may be requested by the applicant:

- One (1) on-site space for studios to one (1) bedroom units
- Two (2) on-site spaces for two (2) to three (3) bedroom units
- Two and a half (2.5) on-site spaces for four (4) more bedroom units

Building Codes

Building codes set guidelines that identify minimum standards to ensure that building and non-building structures protect the health and safety of the community. Local building codes, however, often mandate that costly improvements be made to meet regulation requirements.

The various building codes in use by most jurisdictions in California are updated periodically to reflect the latest materials and construction techniques available to the construction industry. The City adopted the 2019 California Building Code, which is grounded on the International Building Code. In addition, the City adopted the 2019 California Green Building Standards Code which encourages sustainable construction practices. The City's building codes prove to be in line with those of other California jurisdictions and do not have negative consequences on the development of affordable housing in the City.

Growth Management

The Porterville 2030 General Plan guides sustainable physical and economic growth, while conserving natural and cultural resources. The Plan seeks to establish a well-defined compact urban form, as clearly defined urban edges reflect a commitment to focus future growth within the City in order to prevent urban sprawl and protect environmentally sensitive areas. The main strategy to achieve this is the Urban Development Boundary (UDB). The UDB protects the health, safety, welfare, and quality of life of the residents of Porterville by concentrating future residential, commercial, and industrial growth in areas already served by urban services or areas where such services are to be provided. Tulare County Local Agency Formation Commission (LAFCO) allows the UDB to be reviewed and amended every five years to ensure an adequate

land supply is provided to accommodate 10 years of residential land demand and 20 years of non-residential land demand.⁴³

Other elements of the Plan aim to manage growth as well. The Plan's Open Space & Conservation Element reinforces the limits of urban development by designating land around the growth area as Agriculture/Rural/Conservation, Park, and Rural Residential. In addition, the Land Use Element designates a mix of land uses that meet the housing and economic development needs of the community while balancing growth so that Downtown is once again the "heart of the City" and environmental and cultural resources are protected. In recent years, the majority of the growth and development has occurred in other areas of the City. The Plan re-centers the City on Downtown by promoting growth in this portion of the Planning Area.⁴⁶

Permit and Development Impact Fees

As with many other jurisdictions across California, the City collects permit and development impact fees to offset the administrative and service costs generated from these projects, such as processing permits and building inspections. California law requires that City-enforced fees be reasonable and relative to the cost of providing specific services. These fees, however, may limit the supply of affordable housing produced due to the additional costs associated with housing construction. **Table 5.3** demonstrates the estimated residential development impact fees in the City.

Table 5.3: Community Development and Public Works Fees

Porterville Fee Schedule	
<i>Community Development Fees</i>	
Airport Master Plan	\$2
Annexation (Major)	\$3,670
Appeals	\$316
CEQA Compliance	
Notice of Exemption	\$79
Negative Declaration	\$1,105
EIR	Consultant cost + 10% contingency + 10% admin
Certificate of Compliance	\$655
Conditional Use Permit (CUP)	\$1,164
Minor Use Permit (MUP)	\$614
Flood Plain Review	\$244
General Plan (Text on CD)	\$5

Porterville Fee Schedule

⁴³ City of Porterville. "Porterville 2030 General Plan."

http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/Chapter2LandUse_000.pdf⁴⁶ Ibid

General Plan Amendment	\$1,599
Hazardous Waste Conditional Use Permit	\$20,000
Home Occupation Permit	\$59
Lot Line Adjustment	\$616
Lot Line Merger and Unmerger	\$616
Modification of Conditional Use Permit, Tentative Map, Variance or Planned Unit Development	\$150
Parking District	\$2,500
Parcel Map Waiver	\$59
Parcel Map (Tentative)	\$1,500
Parcel Map (Final)	\$955
Parcel Map Time Extension	\$237
Preliminary Project Site Review	Small = \$250 Medium = \$500 Large = \$750
PD Plan or Specific Plan	\$1,818
Temporary Structure Permit	\$454
Temporary Sign Permit	\$19.75
Temporary Use of Right-of-Way Permit	\$145
Subdivision Map (Tentative) Plus per lot fee of:	\$3,004 \$39
Subdivision Map (Final) Plus per lot fee of:	\$1,672 \$40
Subdivision Map Extension	\$316
Subdivision/Parcel Map Extension	\$118
Zone Change	\$1,105
Zone Variance	\$1,026
Zoning Administrator Permits	\$138
Zoning Compliance Letter	\$79
Zoning Maps	\$6
Development Ordinance Amendment	\$4,213
Development Ordinance (CD)	\$5
General Research in Excess of 30 Minutes	\$79/hr
300-foot Radius Maps and Labels	\$26.50
<i>Local Agency Formation Commission (LAFCO) Processing Fees</i>	
Infill of a County Island	\$1,791
Full Annexation	\$3,476
Annexation That Creates a County Island	\$5,412
Sphere of Influence Amendment	\$1,500
<i>Public Works Fees</i>	
Aerial Maps	\$159
City Map	\$80

Development and Improvement Modification Request Fees	\$159
Improvement Plan Checking	<\$100k = \$2,390 \$100k-\$200k = \$3,187 >\$200k = \$3,984
Municipal Utility Services Policy	\$797
Standard Plans and Specifications Book	\$319
Porterville Fee Schedule	
Property Information Service	\$159
Public Improvement Inspection Fees	<\$100k = \$4,262 \$100k-\$200k = \$6,254 >\$200k = \$8,246
Public Works Utility Permit Inspection	\$319
Miscellaneous Public Works Construction Permit Fees	\$319
Right-of-Way Encroachment	\$1,414
Subdivision Inspection	<\$100k = \$7,170 \$100k-\$200k = \$9,162 >\$200k = \$11,154
Documentation for Water Meter Service (Excludes Meter and Materials)	\$20
Documentation for Water Meter Installation (Excludes Meter and Materials)	\$20
Traffic Control Permit	\$199
Wide, Overweight, or Overlong Permit (Annual Fee)	\$677
Street and Alley Abandonment (Plus Title Research)	\$637
General Research in Excess of 30 Minutes	\$817

Source: City of Porterville Public Fee Schedule, 2020⁴⁴

Table 5.4: Residential Developer Impact Fees

Impact Fee	Hillside Development	Single Family (R-1)	Duplex (R-2)	Multi-Family (R-3 & R-4)	Mobile Homes
Water Acreage Fee/Acre	\$1,816	\$2,941	\$9,478	\$22,128	\$0
Sewer Acreage Fee/Acre	\$1,234	\$2,314	\$5,374	\$12,537	\$0
Storm Drain Fee/Acre	\$0	\$6,237	\$8,319	\$12,482	\$0
Transportation Fee/Unit	\$0	\$1,334	\$902	\$902	\$0
Park Impact Fee/Unit	\$0	\$829	\$643	\$643	\$465

Source: City of Porterville Developer Impact Fee Summary, 2019⁴⁵

⁴⁴ Housable. Porterville Public Fee Schedule

<https://www.housable.com/city/porterville-ca-845812/adu-permit-fees>

⁴⁵ City of Porterville. "Developer Impact Fee Summary."

<http://www.ci.porterville.ca.us/depts/Finance/documents/DeveloperImpactFeesReport2018-2019.pdf>

Variety of Housing Opportunity

To maximize the availability of housing opportunities for City residents, the City's public policies and practices must allow for a diverse set of housing options. The City is currently involved in various efforts to provide diverse housing opportunities for all residents, including farmworker housing, zoning that allows for the development of SROs, second dwelling units, manufactured housing, residential care facilities, and emergency shelters, transitional housing, and supportive housing.

Farmworker Housing

Little land within the City limits is designated for agricultural uses, but the areas surrounding Porterville are some of the most productive agricultural land in the country. The City's General Plan includes an Agriculture/Rural/Conservation land use designation that preserves agricultural and resource conservation areas in which incidental residential uses are allowed. Clustered housing, in particular, is strongly encouraged as it makes the provision of infrastructure more cost-effective.

While no zoning district is established to implement large-scale commercial agricultural uses, the RR (Rural Residential) district does allow small scale agricultural uses and farmworker housing for 12 units. In addition, the AC (Agricultural/Conservation) zone also allows for a single-family unit for agricultural employees as an additional use.⁴⁶

Single-Room Occupancy (SRO)

State law requires that local jurisdictions provide housing options for extremely low income households. Single-room occupancy is a housing option that is often viable to extremely low income households, such as the homeless, those with mental illnesses, substance abuse issues, and AIDS. SROs ensure that even the most disadvantaged populations have the opportunity to access extremely low-cost affordable housing. SRO housing is permitted via a conditional use permit in the Downtown General Mixed Use zone.⁴⁷

Second Dwelling Units

Second dwelling units are defined as a second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. Second dwelling units are designed to offer occupants housing at a more affordable cost and give multi-generational households the opportunity to live in close proximity to one another but in more private spaces. The City permits the construction of second dwelling units in any R district where a primary single family dwelling has been

⁴⁶ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴⁷ Ibid

previously established or is proposed to be established in conjunction with construction of second unit zones.⁴⁸

As of January 1, 2020, under state law, each single-family home may now create at least one Accessory Dwelling Unit (ADU).⁴⁹ Owner occupied single-family parcels may create one Accessory Dwelling Unit (ADU) and one Junior Accessory Dwelling Unit. Multi-family parcels, per every four existing residential units, may create one Accessory Dwelling Unit (ADU), so long as the existing units were legally established. Detached ADU, Attached ADU, Junior ADU are allowed. Accessory Dwelling Units may be new construction or converted from existing space. ADU projects on single family or multi-family residential parcels will not be subject to the minimum lot size of the underlying local zoning code or by special ordinance per AB68 & AB881. Residential parcels will be allowed to create up to 850 sq. ft. for a one bed ADU or up to 1,000 sq. ft. for a two bed ADU, regardless of the underlying zoning standards of the property. A Junior Accessory Dwelling Unit is allowed up to 500 sq. ft.. According to California Residential Code, the minimum size of any living unit is 150 sq. ft. (including ADUs and Junior Accessory Dwelling Units). Parcels that convert an existing garage to an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit will not be subject to replacement parking requirements.

Mobile Homes

The City's Development Code defines mobile homes as "a structure constructed prior to June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one (1) or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems."³⁵ Further, the City's Development Code defines mobile home parks as mobile housing in a planned development with common area amenities. Spaces for mobile homes may be rented, leased, or owned through a subdivision, cooperative, condominium or other form of resident ownership. Mobile home parks are permitted in the RM-1, RM-2, and RM-3 Zones, with a conditional use permit, on a minimum gross site area of 10 acres.⁵⁰

Residential Care Facilities

Residential care facilities licensed or supervised by a Federal, State, or local health/welfare agency provide 24-hour non-medical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Pursuant to State law, licensed residential care facilities serving six or fewer persons are considered a regular residential use. The City's Zoning Ordinance permits residential care facilities serving more

⁴⁸ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

⁴⁹ Housable. "Porterville ADU's."

<https://www.housable.com/city/porterville-ca-845812>

⁵⁰ City of Porterville. "Porterville Development Ordinance."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/PortervilleDevelopmentOrdinance.cfm>

than six persons in the RM-1, RM-2, RM-3, DRM-2, and DRM-3 districts with a conditional use permit. Residential care facilities serving six or fewer persons are permitted in all residential zones.⁵¹

Emergency Shelters, Transitional Housing, Supportive Housing

Local jurisdictions are expected to identify sites in which emergency and transitional housing shelters can be developed. Emergency shelters are housing options with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer by a homeless person. State law (SB 2) mandates that local jurisdictions permit emergency shelters in at least one zoning district to adequately accommodate for at least one year-long emergency shelter.⁵² The City permits social service facilities, including emergency shelters, in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts via a conditional use permit.⁵³ Further, social service facilities are allowed by right in the CR and CG zone districts.

Additionally, AB 2634 mandates that local jurisdictions address the need for transitional and supportive housing.⁵⁴ Transitional housing refers to temporary rental housing of six months or longer that is re-circulated after the period of stay of each individual or family is up. Supportive housing is a type of permanent housing which combines housing with supportive services, such as health care and case management, to those living in such units as a cost-efficient method of helping individuals to achieve stability. Under supportive housing, tenants must have access to supportive services to help them reach independence and self-sufficiency. The City permits transitional and supportive housing in all zoning districts that allow residential uses, subject only to the restrictions that would apply to a residential use of the same type. Section 301.22 of the City's Development Ordinance clarifies this accommodation.⁵⁵

Table 5.5 provides a comprehensive list of the transitional and permanent supportive housing opportunities serving individuals in need of this type of housing in the City.

Table 5.5: Homeless Housing Inventory in the City

Type	Agency	Program(s)	Description
Emergency Shelter	Central California Family Crisis Center	Porterville Women's Shelter	Serves single women, women with children, and victims of domestic violence.
Transitional Housing	Central California Family Crisis Center	Transitional Housing Program	Serves women with children who are victims of domestic violence.

⁵¹ City of Porterville. "Housing Element."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/20150925Draft5thCycleHousingElement.pdf>

⁵² Porterville Development Ordinance

<http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/DevelopmentOrdinancePublicReviewDraft.pdf>

⁵³ Porterville Municipal Code

https://www.sterlingcodifiers.com/codebook/index.php?book_id=679

⁵⁴ City of Porterville. "Housing Element."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/20150925Draft5thCycleHousingElement.pdf>

⁵⁵ City of Porterville. "Housing Element."

<http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/20151216HousingElementFinal.pdf>

Permanent Supportive Housing	Central California Family Crisis Center	Homeless Permanent Supportive Housing	Serves the chronically homeless and is a non-time-limited affordable housing assistance program.
Transitional Housing	EMQ Families First Inc.	Crossroads TAY Housing	Serves transitioning age youth ages 18-24.

Source: Kings/Tulare Continuum of Care on Homelessness Homeless Housing Inventory, 2020; Tulare County, 211.
<https://www.211tularecounty.org/supportive-housing>

Community Representation and Participation

The City has several committees and commissions that facilitate public participation. While the committees and commissions do not establish official policy, they serve to advise City Council in the determination of City policies and procedures. The City of Porterville offers the following committees and commissions:

- *Animal Control Commission:* The commission serves in an advisory capacity to the City Council on any matters concerning animal control, and is comprised of five members with staggered four year terms.
- *Arts Commission:* The Arts Commission serves in an advisory capacity to the City Council regarding the development and promotion of practices and policies pertaining to the Arts. The Arts Commission consists of five members, plus one youth member. The term of office shall be three (3) years with terms staggered to prevent concurrent expiration of terms with the exception of the youth representative. Those members represent four areas of arts: 1) theatrical/ performing arts; 2) visual/graphic; 3) music; and 4) youth. The Arts Commission holds meetings as determined by the Commission and shall designate the time and place thereof.
- *Community Development Block Grant Advisory And Housing Committee:* The Community Development Block Grant Advisory and Housing Committee functions in an advisory capacity to the City Council regarding the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The committee consists of seven residents of the City, appointed annually by the City Council.
- *Internal City Audit Committee:* The Internal City Audit Committee manages the work of the independent auditor, reviewing both the annual audit and the comprehensive annual financial report (CAFR) prior to submission to the City Council. The Audit Committee also manages special studies when assigned by the City Council. The Committee consists of one member of the City Council and one member of the public, the City Manager, the City Attorney and the Finance Director.
- *Library and Literacy Commission:* The Library and Literacy Commission consists of seven (7) members who are residents of the city of Porterville. The commission serves in an advisory capacity to the City Council and are appointed by the City Council.
- *Oversight Board to the Successor Agency of The Porterville Redevelopment Agency:* The Oversight Board was formed under AB 1 X26 to administer the enforceable obligations and otherwise unwind the former affairs of the former Porterville Redevelopment

Agency, all subject to the review and approval by a seven-member Oversight Board. Until June 30, 2018, each successor agency had a local oversight board that served this purpose. As of July 1, 2018, all local oversight boards have been replaced by consolidated county-wide oversight boards as part of the streamlining and wind-down of redevelopment affairs in accordance with Health and Safety Code §34179(j).

- *Parks and Leisure Services Commission:* The Parks and Leisure Services Commission is composed of eight members who are residents of the city of Porterville. It meets monthly to advise the City Council and the Director of Parks and Leisure Services on the management and control of parks, parkways, public grounds, and leisure services.
- *Porterville Youth Commission:* The Porterville Youth Commission serves as representatives of youth throughout the community to promote youth ideas, input, involvement, diversity, communication, and success.
- *Project Review Committee:* The Project Review Committee provides developers and applicants with a preliminary meeting to evaluate proposed projects. The Project Review Committee consists of the Zoning Administrator, City Planner, City Engineer, Chief Building Official, and Fire Chief or their designees.
- *Transaction and Use Tax Oversight Committee:* The transaction and Use Tax Oversight Committee is an independent citizen's oversight committee established by the City Council and charged with monitoring the expenditure of General Fund revenues derived from the Transactions and Use Tax for public Safety, Police and Fire Protection and the Transactions and Use Tax for Public Safety and Essential City Services. The committee consists of ten members who are appointed by the City Council to four-year terms.

VI. Fair Housing Profile

This chapter provides an evaluation and analysis of overt and inherent fair housing practices in the City as they relate to services, complaints, violations, and testing to determine the extent to which fair housing choice is limited for residents of the City. This chapter reviews fair housing practices in the ownership and rental housing markets and identifies barriers and opportunities that may exist within these industries. Further, it provides a discussion of fair housing education and outreach efforts within the City and data associated with fair housing complaints, cases of discrimination, and race and familial status testing.

Fair Housing Practices: Ownership Market

For many generations, household ownership has been considered the American Dream in the United States. However, in recent years, many Americans have perceived the American Dream to be more and more out of reach as a result of the high cost of housing, the complexity of the process, the time and effort required to purchase a home, and the responsibilities associated with being a household owner.

Household Ownership Process

Porterville residents have access to Community Services and Employment Training (CSET). CSET provides pre-purchase and mortgage default and delinquency counseling services.

National Association of Realtors

The National Association of Realtors (NAR) Code of Ethics' adoption in 1974 highlights the NAR's commitment to equal housing opportunities. Since its adoption, the Code has been amended 37 times to protect buyers, sellers, landlords and tenants. Article 10 of the Code begins:

“REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. (Amended 1/14)

REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. (Amended 1/14)”⁵⁶

⁵⁶ National Association of Realtors®. *Code of Ethics and Standards of Practice of the National Association of REALTORS®*. June 2020. <https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/2020-code-of-ethics-standards-of-practice>

- Standard of Practice 10-1

When involved in the sale or lease of a residence, REALTORS® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood nor shall they engage in any activity which may result in panic selling, however, REALTORS® may provide other demographic information. *(Adopted 1/94, Amended 1/06)*

- Standard of Practice 10-2

When not involved in the sale or lease of a residence, REALTORS® may provide demographic information related to a property, transaction or professional assignment to a party if such demographic information is (a) deemed by the REALTOR® to be needed to assist with or complete, in a manner consistent with Article 10, a real estate transaction or professional assignment and (b) is obtained or derived from a recognized, reliable, independent, and impartial source. The source of such information and any additions, deletions, modifications, interpretations, or other changes shall be disclosed in reasonable detail. *(Adopted 1/05, Renumbered 1/06)*

- Standard of Practice 10-3

REALTORS® shall not print, display or circulate any statement or advertisement with respect to selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. *(Adopted 1/94, Renumbered 1/05 and 1/06, Amended 1/14)*

- Standard of Practice 10-4

As used in Article 10 “real estate employment practices” relates to employees and independent contractors providing real estate-related services and the administrative and clerical staff directly supporting those individuals. *(Adopted 1/00, Renumbered 1/05 and 1/06)*

All NAR members are required to complete Code training as per its Fair Housing Partnership with HUD. The Fair Housing Partnership replaces the Voluntary Affirmative Marketing Agreement. Further, “Agents in a real estate transaction are prohibited by law from discriminating on the basis of race, color, religion, sex, handicap, familial status, or national origin. A request from the home seller or landlord to act in a discriminatory manner in the sale, lease or rental cannot legally be fulfilled by the real estate professional.”⁵⁷ NAR links consumers

⁵⁷ National Association of Realtors®. “What Everyone Should Know About Equal Opportunity Housing.” <http://www.realtor.org/programs/fair-housing-program/what-everyone-should-know-about-equal-opportunity-housing>

to ethics complaints and arbitration requests at <http://www.realtor.org/code-of-ethics/ethics-complaints-arbitration-requests-and-relatedinformation>, as well as directs them to HUD.

The California Association of Realtors adheres to the same Code, as does the Tulare County Association of Realtors.

California Department of Consumer Affairs Bureau of Real Estate

The regulation of licenses is within the purview of the California Bureau of Real Estate (Bureau). The Bureau requires real estate salespersons to undergo Ethics and Fair Housing training at three hours per course as well as a minimum 18 hours of consumer protection courses.

The Bureau links consumers to all enforcement agencies for compliance, questions or complaints to include HUD and the Federal Reserve board at www.dre.ca.gov/consumers/WhoDoYouCall.html.

Fair Housing Practices: Rental Housing Market

Ensuring that landlords adhere to Fair Housing laws is more difficult in the rental housing market than the ownership market as renting is a far less complicated process and licensing and certification are not required. Many landlords do not have property managers or associations to ensure they are educated about the law. Landlords can conveniently outreach to potential rentals via social media and may purchase lease agreements from their local Office Depot.

But to be clear, no landlord may discriminate against anyone based on any protected class at any time during the rental process.

California Apartment Association

The California Apartment Association (CAA) is the nation's largest statewide organization representing the rental housing industry. Since 1941, CAA has served apartment owners and managers. CAA provides education for all landlords and property manager members but also created a California Certified Residential Manager (CCRM) credential. This credential enables landlords to comply with the law and includes mandatory ethics and fair housing courses at 3.5 hours each. CAA Greater Fresno serves Fresno, Madera, Kings, Inyo, Mono, and Tulare Counties.

Fair Housing Services

Education and Outreach Efforts

The City is involved in a number of efforts to inform the public and housing providers on housing counseling and services.

- *City of Porterville Website:* The City's website provides links to housing services and resources, such as a link to the fair housing service provider, a link to the Fannie Mae Foundation that offers free guides and resources for first time home buyers in English, Spanish and other languages, the State Department of Fair Employment and Housing,

California Association of Realtors, the U.S. Department of Fair Employment and Housing, and the U.S. Department of Housing and Urban Development (local office of Civil Rights Monitoring).

- *First Time Homebuyer Education:* The City's First Time Homebuyer Education classes are eight to nine hours of classroom instruction given once a month alternating between English and Spanish and are offered to income eligible persons. The program is advertised at public counters, on the City website, in the City newsletter, and at informational booths at fairs and special events. Other marketing techniques used are presentations at mortgage lenders offices as well as presentations to realtors during Tulare County Association of Realtors meetings and luncheons.

Fair Housing Statistics

Federal Complaint Process

If individuals feel that their fair housing rights have been violated, they have the right to file a fair housing complaint to the HUD. The complaint process involves the following eight steps:

1. *Intake:* An individual or community group (referred to as the complainant) files a fair housing complaint to HUD for free by phone, mail, or online. Once a complaint has been filed, a HUD specialist contacts the complainant for an interview to gather information about the alleged discrimination. If the HUD specialist finds that the allegations made are not under HUD's jurisdiction, HUD closes the case.
2. *Filing:* If the housing complaint is accepted, the investigator sends the complainant a formal HUD complaint that must be signed and mailed back to HUD. Once HUD receives the signed complaint back from the complainant, the department sends the respondent a notice about the complaint that has been filed. The respondent must respond to HUD's notice within 10 days of receipt of the notice.
3. *Investigation:* During the investigation period, HUD collects pertinent documents or conducts onsite visits, and/or interviews the complainant, respondent, and witnesses, as applicable.
4. *Conciliation:* As a requirement of the Fair Housing Act, HUD must bring the complainant and respondent together in efforts to conciliate every fair housing complaint. However, both parties have the option to opt out of the conciliation process. If both parties come to an agreement, HUD terminates the investigation and closes the case. If either party breaks the agreement, the U.S. Department of Justice (DOJ) files a suit to apply the agreement under a recommendation from HUD.
5. *No Cause Determination:* If the results of the investigation indicate that there is no reasonable cause to think that housing discrimination occurred, it will issue a determination of no reasonable cause and close the case.
6. *Cause Determination and Charge:* If the results of the investigation indicate that there is reasonable cause to think that discrimination has occurred, it will issue a determination of "reasonable cause" and file charges against the respondent for violating the law. Once a charge has been issued, a HUD Administrative Law Judge (ALJ) will hear the case, unless the complainant or the respondent opts to send the case to federal civil court for hearing.

7. *Hearing in a U.S. District Court:* If the complainant or the respondent chooses to send the case to federal civil court for hearing, DOJ will begin a civil action on behalf of the aggrieved party. If the court determines that discrimination has occurred, it can provide financial assistance for punitive damages and attorney fees.
8. *Hearing before a HUD ALJ:* If neither the respondent nor the complainant chooses to send the case to federal civil court, HUD ALJ will hear the case and issue a decision on the case. If HUD ALJ determines that housing discrimination has occurred, it can grant up to \$16,000 per violation for the first offense and additional assistance for the complainant. If either party is negatively affected by ALJ's decision, the party can petition to have the case sent to the HUD Secretary for review. The HUD Secretary has the authority to "affirm, modify, or set aside the ALJ's initial decision, or remand the initial decision for further proceedings" within 30 days. If the HUD Secretary does not take action within 30 days, the Department must issue a final decision. If any party is negatively affected by the Department's final decision, it has the opportunity to appeal the case in the applicable court of appeals.⁵⁸

Fair Housing Complaints

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, Central California Fair Housing Council, and State Department of Fair Employment and Housing. The City will explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region. Specifically, the City will encourage the fair housing provider to provide a "renters" workshop to discuss fair housing issues for tenants and landlords, ways to improve credit, and rights and responsibilities.⁵⁹

There were two fair housing complaints filed in the City of Porterville from 2010 to 2013:

Table 6.1: Fair Housing Complaints Filed for City of Porterville 2010 – 2013

Base	Act	File Date	Close Date	Closing Category
Mental Disability	Unequal Terms	4/28/2010	2/28/2011	No probable cause to prove a violation of the statute
Race	Harassment	11/3/2010	10/26/2011	No probable cause to prove a violation of the statute

Source: Department of Fair Employment and Housing

⁵⁸ U.S. Department of Housing and Urban Development. "HUD's Title VIII Fair Housing Complaint Process." http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

⁵⁹ City of Porterville. "2013/14 Draft Consolidated Annual Performance And Evaluation Report." <http://www.ci.porterville.ca.us/documents/CAPER2014DRAFTPUBLIC.pdf>

*Most up to date report.

Discrimination Issues

As part of the Housing Element update conducted in 2015, a housing survey was distributed to residents to identify housing needs, funding priorities, housing policies and programs, and fair housing issues. The survey was made available from June to August 2015 in both English and Spanish and advertised on the City's webpage; through flyers, via email, and Facebook; at public counters, and distributed to service providers and workshop attendees. A total of 146 surveys were returned and the following provides an overview of the data gathered from the housing needs survey.⁶⁰

- Eighty four percent were residents of Porterville and 16 percent were not.
- Sixty-eight percent of those who live in Porterville rent and 32 percent own their homes.
- More than half (52 percent) of respondents work in Porterville and 48 percent indicated that they do not.
- Most respondents (85 percent) live in a single-family unit, followed by those who live in an apartment (7 percent) and duplex (3 percent). Three respondents live in a mobile home and one lives in a condominium.
- More than half (64 percent) of respondents think that the housing options available in the City meet their needs. Twenty-percent indicated that the options available do not meet their needs.
- Respondents most frequently identified low-rent apartments, senior housing, and emergency shelters and transitional housing as the types of affordable housing that are most needed in Porterville.
- When asked what the City can do to help make housing more affordable in Porterville, respondents most frequently identified the following:
 - Provide financial assistance to low-income households
 - Provide technical assistance to private loan applications
 - Promote development of affordable housing

The following highlights the responses survey respondents provided regarding the priority level of specific programs:

- More than half of respondents indicated that first time homebuyer assistance programs and homeless shelters are of high priority.
- Transitional housing, single-family housing rehabilitation, multifamily housing rehabilitation, increased development density were identified as being of moderate priority.

Fair Housing Testing

The Fair Housing Act authorizes the Department of Justice to pursue suit in instances in which illegal housing discrimination patterns or practices are identified. The Civil Rights Division of the Department of Justice created the Fair Housing Testing Program to conduct fair housing

⁶⁰ City of Porterville. "2015-2023 Housing Element."

<http://www.ci.porterville.ca.us/depts/communitydevelopment/documents/20150925Draft5thCycleHousingElement.pdf>

testing investigations to help local jurisdictions determine if landlords, property managers, real estate agents, mortgage lenders, and property insurers are granting equal treatment and services to the protected classes under fair housing law. Fair Housing Testing is a method to evaluate the extent to which a protected class is provided different treatment and/or information in the process of renting or purchasing a home.⁶¹

HUD Review

In February 2013, The Office of Fair Housing and Equal Opportunity completed a review of the Neighborhood Stabilization Program (NSP), CDBG, and HOME programs administered by the City. The purpose of the compliance and on-site review was to determine whether these programs are administered in compliance with the nondiscrimination provisions of Section 109, Title VI, Title VIII, and Section 504, which prohibit discrimination on any basis, in any activity or program receiving federal financial assistance. Since the HUD Review, the City has undertaken comprehensive measures to improve access to fair housing and because it was administered over seven years ago, most of the challenges described in the Review are outdated. The report is included in its entirety, but it is important to note that most of the concerns have been addressed by the City. The following section, ‘City Action’, details how the City has continued to meliorate fair housing access for its residents.

Citizen Participation

The City had a telecommunication device for deaf persons (TDD) to communicate with persons with hearing or speech impairments. However, it was found to be not easily accessible to the reception staff, who were not trained in its operation and did not routinely retrieve messages or respond to calls. In addition, the TDD number did not appear in advertising for upcoming public meetings, flyers, press releases, brochures, the City website, or City newsletters. Additionally, in developing the previous AIs, surveys in English and Spanish were distributed to gather input from citizens and persons with limited English proficiency (LEP) on housing needs, spending on housing programs, and housing discrimination. However, the surveys did not focus on identifying and prioritizing community development and service needs or the funding of programs to address those needs. Further, affirmative outreach efforts were not expanded to encourage members of protected classes to participate, such as sign and oral interpreter services or the translation of, and provision of alternative formats to, vital documents. While affirmative outreach was strengthened after CDBG funding decisions were made, the City did not expand outreach efforts to increase participation by racial and ethnic minorities and persons with LEP living in areas of low- and moderate-income.

Benefits, Services, and Methods of Administration

Although demographic data was collected for a majority of the federally funded programs, the City and sub-recipients did not conduct an analysis of application and participation rates by race, ethnicity, disability, and female-headed householders to determine if any under-representation exists. Subrecipients managing the HOME-funded developments did not analyze applicant and

⁶¹ U.S. Department of Justice. “Fair Housing Testing Program.” http://www.justice.gov/crt/about/hce/housing_testing.php

tenant demographics to determine if there were any under-representations. Marketing strategies were not reviewed or modified to reach these under-represented groups.

An analysis of the demographics of program participants revealed significant under-representation of persons with disabilities in the NSP, First Time Home Buyer (FTHB) program, and Public Utilities Assistance Program (PUAP); Hispanics in the Business Assistance Loan programs and Shelter Plus Care Voucher program; and female-headed householders in the Business Assistance Loan, Youth Center, and Shelter Plus Care Voucher programs. Additionally, Hispanics and persons with disabilities were under-represented as residents at the HOME developments.

In addition to under-representation, the City administered housing programs without concrete guidelines for implementing waiting lists and preferences. Written information was not provided to prospective applicants about the waiting list preferences or the first-come/first-serve practice, while applications were available in English only. This may have had a disparate impact on LEP applicants and/or applicants with disabilities who may need more time to fill out applications.

Furthermore, sub-recipient agreements did not contain the assurance to comply with Title VI, FHA, Section 109, Section 504, and other federal civil rights laws. There were also no monitoring policies or procedures for assessing compliance, nor did the City consistently conduct periodic on-site monitoring visits to ensure sub-recipients were in compliance. The City also did not assess whether sub-recipients met obligations to affirmatively further fair housing, correctly collect and analyze data, or affirmatively market their programs.

There were also some concerns regarding Section 504 regulations to ensure persons with disabilities are not subjected to discriminatory treatment or limited in their participation. One, requests for reasonable accommodations were not tracked or recorded, written program materials did not include notification of the opportunity to request reasonable accommodations, and monitoring was not conducted to ensure sub-recipients were aware of the obligation to offer reasonable accommodations. Two, the NSP applications and marketing materials did not offer prospective homebuyers the opportunity to request reasonable modifications for homes rehabilitated and sold using federal funds. And third, in monitoring sub-recipients managing HOME funded housing units, the City did not ensure full compliance with Section 504 regulations regarding the occupancy of accessible dwelling units. For example, although leases contained clauses requiring tenants not needing the features to move, it was not confirmed whether tenants currently living in accessible units needed the features, nor if tenants who did not need the features were transferred to non-accessible units when there were applicants or tenants needing accessible units.

Finally, about three-fourths of the City's total affordable housing units are located in the three low-to moderate income census tracts (#38.01, #38.02, and #41.01) that are in or adjacent to the Hispanic concentrated census tract (#41.01), and over half of the total affordable housing units are located in the Hispanic concentrated census tract #41.01, thereby failing to afford low-income minority families a wide range of housing choices, while also potentially perpetuating and increasing segregation.

Affirmatively Furthering Fair Housing

The 2004 AI did not fully analyze disproportionate affordable housing needs of protected classes, particularly for persons with disabilities, families with children, and female-headed households. The 2004 AI also did not sufficiently analyze and identify impediments to fair housing choice, including potential reasons for the historical patterns of race or ethnicity concentrations, clustering of affordable housing units in the central area of the city, if there is a lack of affordable housing units of a certain unit size and/or occupancy type, if location is an impediment for individual racial or ethnic groups, if any protected class groups disproportionately relied on public transit, and if public transit was available near affordable housing or concentrated neighborhoods. Further, while the City solicited public participation through surveys to develop the 2004 AI, the surveys did not contain questions about impediments to fair housing choice.

Section 504 Program Requirement

The City has never completed a self-evaluation and transition plan to identify and remediate programmatic and physical barriers to accessibility. In 2011, the City committed to completing a self evaluation by 2020 and a transition plan by 2025. While the City acknowledged there are physical barriers at all its facilities, it had not yet developed a plan to ensure persons with physical impairments are currently able to access its facilities and programs. Further, the City did not inform applicants and participants in federally funded programs of their right to file a disability related grievance, nor were the grievance procedures displayed at any public location. The City also did not inform citizens, applicants, participants, and beneficiaries of its non-discrimination policy, nor was the nondiscrimination notice displayed in any public or reception area at City Hall. Finally, the two 504/ADA coordinators were not fully trained nor familiar and involved with efforts to ensure compliance with Section 504/ADA requirements. As a result, the City has not ensured that its programs, activities, and services were fully accessible to citizens, applicants, participants, and beneficiaries with disabilities.

Limited Physical Accessibility Analysis

The City did not assess whether locations where programs, services, and activities were administered were accessible to persons with physical impairments when selecting CDBG, HOME, and NSP subrecipients and when approving loans for applicants to the Small Business Revolving Loan (SBRL) program. Further, a limited survey of City Hall and the City library revealed barriers to physical accessibility that may restrict citizens utilizing wheelchairs from participating in federally funded programs and the public planning process.

Record-Keeping

HUD's "OMB Standards for Federal Data on Race and Ethnicity: HUD Policy Statement and Implementing Guidelines" specify the manner in which racial and ethnic characteristics are to be gathered, maintained, and submitted to HUD, which the City is required to utilize to collect data. However, the race and ethnicity data for program applicants and participants was not gathered using the OMB collection methods. The City did not correctly gather, maintain, or submit accurate records in accordance with these standards. As such, the City could not fully

assess whether minority racial and ethnic groups, persons with disabilities, and female-headed householders had meaningful access and participation in funded programs.

Additionally, the City's two 504/ADA coordinators were unfamiliar with the existence of the grievance procedures and were not involved in coordinating timely responses and/or monitoring the process to ensure resolution. Further, the number of disability grievances filed and their resolutions were not tracked.

City Action

The City has made considerable progress since this 2013 HUD Review and has addressed many of the housing shortcomings listed in the review. Primarily, the City has continued to expand affordable housing opportunities and widely share information regarding affordable housing opportunities through streamlined and equitable processes. To mitigate the existing equity barrier that bars low-income households from participating in the Housing Rehabilitation Loan Program, the City partners with housing counseling organizations to assist families with budgeting and loan applications. The City partners with CSET, a HUD Certified Housing Counseling Agency, to offer education and counseling services to people who want to purchase a home. Other agencies that offer education and counseling services can also receive support from the city. Further, the City is invested in addressing any and all fair housing issues and referrals can be made to Central California Fair Housing Council and Central California Legal Services (CCLS) when community members feel they have fair housing issues.

Secondly, the City continues to expand access to fair housing services and education to all Porterville residents. It provides first-time homebuyer workshops in additional languages and incorporates alternative formats and additional services for first-time homebuyer workshops. Classes for homebuyer workshops have been moved to weekends to increase access and allow working families to benefit from these workshops.

The City is dedicated to ensuring all are able to access public meetings and city hall related events. ADA improvements have been completed throughout City Hall and other locations where public meetings are held. The city also conducts annual analyses of the race, ethnicity, national origin, and disability data, as well as gender of head of householders, for applicants, beneficiaries, and participants in funded programs to determine if there are any under-represented protected class groups. If any under-representations exist, the City will amend affirmative marketing plans to target outreach to said under-represented group.

However, the city is not impervious to the housing shortages that are plaguing California and especially pronounced in the Southern California region. The city should continue to emphasize affordable housing and due to a confluence of factors, there is a considerable gap between the number of affordable housing units and the demand for affordable housing. There are only 315 renter units available at 30% AMI, but there are approximately, 1,475 renter households at 0-30% AMI. While the City has met the needs of those with an AMI between 30-50%, it needs to continue producing more affordable housing units to meet demand and increase its affordable

housing stock. If unable to build new affordable housing, the city should pursue alternative options, including the acquisition and preservation of units to add to its affordable housing portfolio.

VII. Fair Housing Progress Since 2015

This section summarizes the actions and recommendations outlined in the 2015 AI and the City's progress to date.

Table 7.1: Progress to Reduce Impediments to Fair Housing Choice Since 2010

Action	Description	Accomplishments
Goal 1 : Expanding Affordable Housing Opportunities		
1.1	Provide first-time homebuyer workshops in additional languages and/or make available oral and sign interpreter services to ensure the participation of persons with LEP and persons with hearing impairments.	All flyers and outreach material have been updated to offer accommodations to participate in the workshops, this includes interpreter services to accommodate LEP and persons with hearing impairments. In 2018 one request was for ASL and that accommodation was made.
1.2	Incorporate alternative formats and additional services for first-time homebuyer workshops, such as pre-taped videos and/or recordings, off-peak hours, and admittance of children to ensure the participation of female-headed households, persons with more than one job, and families with young children.	Classes were moved from weekdays to weekends to increase access. As a result the number of participants increased in all classes from 2016 to 2019.
1.3	Mitigate the existing barrier of lack of equity to help low income households participate in the Housing Rehabilitation Loan Program.	With the increase of house prices this barrier decreased, however the City of Porterville continued to refer to housing counseling to assist families with budgeting and assistance on best practices.
1.4	Modify program and marketing materials for federally funded programs intended to rehabilitate housing units to ensure that prospective applicants with disabilities are notified of the opportunity to request reasonable modifications to housing units offered for sale.	New flyers and marketing material were created, as well as a specific program that is targeted for people with need for ADA improvements to their homes.

Action	Description	Accomplishments
Goal 2: Expanding Access to Information		
2.1	Prominently display fair housing information in City owned and operated buildings, other public spaces such as libraries, recreation centers, and community centers, and other local media sources such as newspapers and websites.	Fair housing information is located at all public bulletin boards and the City's website as well as on all outreach material.

2.2	Develop a Language Access Plan and make available vital documents in Spanish, along with other languages if needed.	Staff is currently working on a Draft Language Access Plan
2.3	In reviewing applications for CDBG, HOME, and NSP funding, consider how sub-recipients will meet the language needs of persons with LEP. Monitor sub-recipients to ensure LEP procedures were implemented.	Subrecipients are monitored on an annual basis and actions to ensure language needs are reviewed at each visit.
2.4	Ensure City staff members are trained in the use of the TDD machine and are assigned to answering TDD calls. Include a TDD/TTY number or equally effective telecommunication method on the City website, on all written materials where a voice telephone number is displayed, and on all vital program-related documents.	This has been completed and currently all written materials have this information
Goal 3: Evaluate and Modify Fair Housing Policies		
3.1	Implement fair housing planning strategies as well as incorporate formal mechanisms for evaluating whether proposed developments will increase a range of housing choices, especially outside of areas of minority concentration and areas already concentrated with affordable housing, and avoid the perpetuation of areas of minority concentration.	Staff is currently evaluating appropriate modifications to encourage a variety of housing choice and densities.
3.2	Develop criteria used to assess CDBG applications for funding, particularly how the proposed project will address impediments to fair housing choice and/or affirmatively further fair housing. Request applicants to describe in written applications how the proposed project will address these factors.	The applications for CDBG funding include two additional questions to address this information.
3.3	Execute agreements that contain a civil rights clause with all sub-recipients in order to ensure compliance with Title VI, Fair Housing Act, Section 109, and Section 504. Conduct periodic monitoring of all sub-recipients for compliance with federal civil rights laws.	All agreements with subrecipients currently have this language.
3.4	Develop and/or modify guidelines detailing the implementation of waiting list practices and preferences for housing programs so as not to have a disparate impact on protected classes such as persons with LEP and persons with disabilities who may need longer to process applications. Process applications in the corresponding order that applicants appear on the waiting list.	There is no waitlist, but if there were there is a waitlist procedure included in each program procedure.
3.5	Amend applicable program and written materials to include a statement offering the opportunity to request reasonable accommodations. Maintain a record of requests for reasonable accommodations and ensure requests are responded to in a timely manner.	This procedure is currently in place.
Action	Description	Accomplishments
Goal 4: Affirmative Outreach to Applicants and Participants		

4.1	Analyze the race, ethnicity, national origin, and disability data, as well as gender of head of householders, for applicants, beneficiaries, and participants in funded programs to determine if there are any under-represented protected class groups. If any under-representations exist, amend affirmative marketing plans to target outreach to said under-represented group(s).	This is done on an annual basis to adjust outreach strategies.
4.2	Expand outreach efforts to increase participation by racial and ethnic minorities, persons with disabilities, persons with LEP, and female-headed households.	Outreach is done at community events and cultural events and information is provided in Spanish and English. Outreach to Farmworkers is also completed.
4.3	Notify citizens, applicants, beneficiaries, and participants that LEP services are available for public meetings, programs, and activities.	Outreach is done through agencies that serve LEP clients like Proteus Inc. and CSET. Information is provided in Spanish and English.
4.4	Remediate all physical barriers to ensure persons with mobility impairments have access to City Hall, the City library, and any other location where public meetings will be held or where programs will be administered or offered. Consult persons with disabilities and/or organizations representing persons with disabilities to review current policies, practices, and programs to ensure efficacy and breadth of scope.	ADA improvements have been completed throughout City Hall and other locations where public meetings are held.
4.5	In housing units constructed and/or rehabilitated with federal funding, conduct affirmative marketing to attract applicants who need accessible units, if there are few or no applicants who need accessible units on the waiting list.	There is no waitlist and the City does not construct housing units. Rehabilitation of housing units is only of owner-occupied units not of vacant units and there is no waiting list for that either.
Goal 5: Expand Fair Housing Services		
5.1	Ensure access to fair housing services and education to all Porterville residents by increasing dedicated eligible entitlement dollars (CDBG Admin or Public Service/HOME Admin and Planning) to fair housing services. • Support agencies that offer education and counselling services • Fund a fair housing agency • Fund an audit testing project to assess the magnitude of housing discrimination in the city.	The City of Porterville continues to partner with CSET to who is the local HUD Certified Housing Counseling Agency, to offer education and counseling services to people who want to purchase a home. Referrals are made to Central California Fair Housing Council and Central California Legal Services (CCLS) when community members feel they have fair housing issues.

VIII. Key Findings and Recommendations

Key Findings

As a minority-majority jurisdiction, and with nearly half of its households earning 80 percent AMI or less, the City elects “to affirmatively further the purposes and policies of the Fair Housing Act, . . . [and] to take steps proactively to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities for all”⁶² by undertaking the actions outlined in **Table 8.2** below and **Table 8.3** below.

Recommendations: Ongoing

Table 8.2 below repeats some of the recommendations from the City of Porterville’s 2015 Analysis of Impediments to Fair Housing Choice. As described in **Table 7.1** in the previous section, the City successfully met these recommendations -- however ongoing implementation is optimal for continuously affirmatively furthering fair housing.

Table 8.2: Ongoing Recommendations to Reduce Impediments to Fair Housing Choice

Action	Description
Goal 1 : Expanding Affordable Housing Opportunities	
1.1	Continue to provide homeownership opportunities in the community by promoting the First Time Low Income Homebuyer (FTHB) Program and Homebuyer Education classes.
1.2	Continue to focus outreach efforts towards lower income households, particularly to Hispanic households.
1.3	Continue to advertise the availability of home buyer assistance at public counters, the City website, and the newsletter.
1.4	Continue to provide first-time homebuyer workshops in both Spanish and English.
1.5	Continue expanded outreach efforts to low income neighborhoods for the Owner Occupied Housing Rehabilitation Program.
1.6	Continue to work cooperatively with developers to construct new affordable rental projects in the community.
Goal 2: Expanding Access to Information	
2.1	Continue to improve and update the housing services and resources information on the City’s website.
Goal 3: Evaluate Public Policies and Programs	
3.1	Continue to evaluate the zoning ordinance and general plan policies to ensure no undue hardship is created in the development of low- and moderate-income housing, as necessary.

⁶² U.S. Department of Housing and Urban Development. Proposed Rule 24 CFR Parts 5, 91, 92, 570, 574, 576, and 903.

Action	Description
3.2	Continue the First Time Low Income Home Buyers Assistance Program in order to mitigate one of the single largest barriers to affordable housing, namely the need for a substantial down payment.
3.3	Continue to pursue affordable housing development programs identified in the 2009-2014 Housing Element.
3.4	Facilitate the development of housing affordable to lower and moderate income households according to the Regional Housing Needs Analysis (RHNA) identified in the Housing Element.
Goal 4: Outreach to Lenders	
4.1	Continue to work with local lenders and government institutions to provide outreach to lower income residents about home purchase loans, particularly for first time home buyers.
4.2	Continue to ensure local lenders provide information in both English and Spanish and hold workshops in both languages.
Goal 5: Expand Fair Housing Services	
5.1	Continue to explore with Tulare County and nearby communities the feasibility of sponsoring a fair housing program to provide landlord/tenant mediation counseling for Porterville residents and residents in the region.

Recommendations: New

Table 8.3 below represents the new recommendations for the City of Porterville to affirmatively further fair housing and reduce and/or eliminate impediments to Fair Housing Choice. The implementation of the recommendations in **Table 8.3** will concurrently satisfy many of the ongoing recommendations in **Table 8.2** above.

Table 8.3: New Recommendations to Reduce Impediments to Fair Housing Choice

Action	Description
Goal 1 : Expanding Affordable Housing Opportunities	
1.1	Provide first-time homebuyer workshops in additional languages and/or make available oral and sign interpreter services to ensure the participation of persons with LEP and persons with hearing impairments.
Goal 2: Affirmative Outreach to Applicants and Participants	
2.1	Analyze the race, ethnicity, national origin, and disability data, as well as gender of head of householders, for applicants, beneficiaries, and participants in funded programs to determine if there are any under-represented protected class groups.

2.2	Expand outreach efforts to increase participation by racial and ethnic minorities, persons with disabilities, persons with LEP, and female-headed households.
2.3	Notify citizens, applicants, beneficiaries, and participants that LEP services are available for public meetings, programs, and activities.
2.4	Remediate all physical barriers to ensure persons with mobility impairments have access to any location where public meetings will be held or where programs will be administered or offered. Consult persons with disabilities and/or organizations representing persons with disabilities to review current policies, practices, and programs to ensure efficacy and breadth of scope.
2.5	In housing units constructed and/or rehabilitated with federal funding, conduct affirmative marketing to attract applicants who need accessible units, if there are few or no applicants who need accessible units on the waiting list.
Goal 3: Expand Fair Housing Services	
3.1	Continue identify a Fair Housing Agency to provide fair housing services, education and landlord /tenant mitigation for Porterville residents

Appendix A: Table of Acronyms

ACS	American Community Survey
ADA	Americans with Disabilities Act
AI	Analysis of Impediments to Fair Housing Choice
AIDS	Acquired Immune Deficiency Syndrome
AMI	Area Median Income
CDBG	Community Development Block Grant
CDFI	Community Development Financial Institution
Census	U.S. Census Bureau
CHAS	Comprehensive Housing Affordability Strategy
CRA	Community Reinvestment Act
CSET	Community Service Employment Training, Inc.
DFEH	Department of Fair Employment and Housing
EDC	Tulare County Economic Development Corporation
EDD	California Employment Development Department
FEHA	Fair Employment and Housing Act
FFIEC	Federal Financial Institutions Examination Council
FHCCC	Fair Housing Council of Central California
FHEA	Fair Housing and Equity Assessment
FTHB	First Time Home Buyer Program
GED	General Educational Development
GIS	Geographic Information System
HACT	Housing Authority of the County of Tulare
HCV	Housing Choice Voucher Program
HMDA	Home Mortgage Disclosure Act
HOME	HOME Investment Partnerships Program
HRLP	Housing Rehabilitation Loan Program
HUD	U.S. Department of Housing and Urban Development
LEP	Limited English Proficiency
LIHTC	Low Income Housing Tax Credits
LMI	Low- and Moderate-Income
MSA	Metropolitan Statistical Area
NSP	Neighborhood Stabilization Program
PIVET	Partners for Inclusion of Vocational Education Training
PUAP	Public Utilities Assistance Program
RHNA	Tulare County Regional Housing Needs Assessment
SBRL	Small Business Revolving Loan Program
Section 8	Section 8 Housing Choice Voucher Program
SHE	Self Help Enterprise
SRO	Single-Room Occupancy
TCAG	Tulare County Association of Governments
TDD	Telecommunication Device for Deaf Persons

Appendix B: Subsidized Housing Referral List

Appendix B: Subsidized Housing Referral List is a list of the affordable housing units that are not owned or managed by the HACT.

Facility Name	# of units
Date Avenue Duplex	1
Porterville Family Apartments	78
Glenwood Hotel	36
Sequoia Village at River's Edge Apartments	64
St. James Place	14
Villa Siena Apartments	70
Total	263

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, ADOPTING
THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

WHEREAS, the City Council of the City of Porterville, at its regular scheduled meeting of July 21, 2020, conducted a public hearing to receive comments on the Draft Analysis of Impediments to Fair Housing Choice; and

WHEREAS, the Fair Housing Act of 1968, provides for fair housing throughout the country and prohibits any person from discriminating in the sale, rental, or financing of housing; and

WHEREAS, the City of Porterville receives federal Community Development Block Grant funds from the U.S. Department of Housing and Urban Development; and

WHEREAS, the City has updated an Analysis of Impediments to Fair Housing that outlines the City's strategy to affirmatively promote equal housing opportunity and remove impediments to fair housing choice; and

WHEREAS, the City of Porterville has consistently supported the concept of the provision of fair housing for its residents without regard to race, color, religion, sex, national origin, handicap, or familial status; and

WHEREAS, the purpose of the Analysis of Impediments is to provide essential, specific, and detailed information and data to municipal officials, staff, policy makers, housing developers, lenders, and fair housing advocates, and to help build public support for fair housing efforts; and

WHEREAS, the report represents the City of Porterville's efforts in making an objective assessment of the nature and extent of fair housing concerns in the City as well as the potential impediments to making fair housing choice available to its residents.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve and adopt the Analysis of Impediments to Fair Housing Choice as provided in Exhibit "A."

PASSED, APPROVED AND ADOPTED this 21st day of July, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Establishing Lighting and Landscape Maintenance Districts and Tax Assessments for Parcels Within Nader Homes, Ranch Victoria, Riverview Estates, Summit Estates II Phase I, Summit Heritage Villas, Trooper Terrace and Windsor Court.

SOURCE: Parks and Leisure Services

COMMENT: New subdivisions within the City are required to petition for the formation of a Lighting and Landscape Maintenance Assessment District. The districts are formed to secure funding from parcels within the subdivisions for operational and maintenance expenses of public lighting and any public landscape areas. The City utilizes the authority governed by the 1972 Lighting and Landscape Assessment Act to create a district for each subdivision. Thereafter, every year a process must be followed of evaluating maintenance needs and establishing an assessment to be placed upon the tax rolls for every parcel within each district.

The attached Resolutions are necessary to initiate the process of creating new districts for seven subdivisions. The first Resolution is to order the formation of the new districts, appoint the City Engineer as the Engineer of Work, and order the preparation of Engineer's Reports. The Engineer's Reports accompany this staff report. The second Resolution is provided to give preliminary approval to the reports as the basis for creation of proposed assessments. The last Resolution declares the intent to form the districts, and levy and collect tax assessments.

RECOMMENDATION: That the City Council:

1. Conduct the Public Hearing to receive public comment on establishing Landscape and Lighting Maintenance District Numbers 48, 49, 50, 51, 52, 53 and 54;
2. Adopt the draft Resolution approving the Engineer's Report and assessment method.

ATTACHMENTS:

1. LMD Formation Reports for Districts 48-54
2. Final Map for Districts 48-54
3. Draft Resolution for Districts 48-54

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 48

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. 115-2007. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Nader Homes Subdivision into the Landscape and Lighting Maintenance District No. 48. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision. The landscaping includes 508 feet of masonry wall along State Hwy 65 on the East side of the subdivision as well as a landscaped area along State Hwy 65. The landscape and wall maintenance includes: irrigation, mowing, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside amount for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 11. Total landscaped area to be maintained is 508 lineal feet of masonry wall, and 8,450 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No. 48 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Nader Homes Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Maintenance	8,450 sq.ft, of landscaping area, 508 lineal feet of masonry wall		
Lighting	11 ea. @ 5,800 lumens		
Project Management	43 lots		
Fund Balance	\$ -		
Landscape	8,450 sq. ft. @ \$0.350	= \$	2,957.50
Graffiti Maintenance	8,450 sq. ft. @ \$0.010	= \$	84.50
Tree Maintenance	8,450 sq. ft. @ \$0.025	= \$	211.25
Postage/Printing	8,450 sq. ft. @ \$0.012	= \$	101.40
Utilities	8,450 sq. ft. @ \$0.140	= \$	1.183.00

Repair/Maintenance	8,450 sq. ft. @ \$0.025	=	\$ 211.25
Total Maintenance	\$0.562	=	\$ 4,748.90
Maintenance	8,450 sq.ft. \$0.562	=	\$ 4,748.90
Administrative Fee	\$ 4,478.90 \$0.10	=	\$ 474.89
County Fee	43 lots @ \$ 1.00 per lot	=	\$ 43.00
Reserves 15% of total cost of maintenance		=	\$ 712.34
Estimated Cost Per Year	\$ 5,979.13/43	=	\$ 139.05

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

After the 2020-2021 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2021-2022 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year , such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 48 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 48. The establishment and maintenance of the improvements is a vital part of the development of Nader Homes Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Nader Homes Subdivision, it should become Landscape and Lighting Maintenance District No. 48. The subdivision consists of 43 Lots. The Landscape area, which benefits the 43 lots, is located along the easterly boundary of the subdivision along State Hwy 65.

Landscape and Lighting Maintenance District No. 48 will consist of an area comprising approximately 8.80 acres. A total of 43 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

$$\text{Assessment (A)} = \frac{\$ 5,979.13}{\text{Number of Lots (L)}}$$

$$A = \frac{\$ 5,979.13}{43} = \$139.04 \text{ per lot for Nader Homes Subdivision}$$

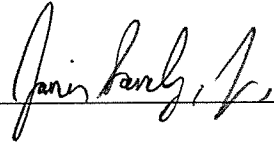
Total Assessment for 2020-2021 = \$ 5,979.13

Total developed lot count is 43 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 48 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 48.
5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 49

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No.136-2004. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Ranch Victoria (Phases 2, 3 & 4) Subdivision into the Landscape and Lighting Maintenance District No. 49. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision. The landscaping includes a landscaped area along the frontage of the drainage reservoir on Cleveland Avenue. The landscape and wall maintenance includes: irrigation, mowing, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside amount for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 13. Total landscaped area to be maintained is 1,535 square feet.

Maintenance activities within the Landscape and Lighting Maintenance District No. 49 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Ranch Victoria (Phases 2, 3 & 4) Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Maintenance	1,535 sq.ft, of landscaping area,		
Lighting	12 ea. @ 5,800 lumens, 1 @ 16,000		
Project Management	44 lots		
Fund Balance	\$ -		
Landscape	1,535 sq. ft. @ \$0.450	= \$	690.75
Graffiti Maintenance	1,535 sq. ft. @ \$0.090	= \$	138.15
Tree Maintenance	1,535 sq. ft. @ \$0.150	= \$	230.25
Postage/Printing	1,535 sq. ft. @ \$0.070	= \$	107.45
Utilities	1,535 sq. ft. @ \$0.150	= \$	230.25
Repair/Maintenance	1,535 sq. ft. @ \$0.150	= \$	230.25
	\$ 1.06	= \$	1,627.10

Maintenance	1,535 sq.ft. \$1.06	= \$ 1,627.10
Administrative Fee	\$1,627.10 x \$0.10	= \$ 162.71
County Fee	44 lots @ \$ 1.00 per lot	= \$ 44.00
Reserves 15% of total cost of Maintenance		= <u>\$ 244.06</u>
		= \$ 2,077.87

Estimated Cost Per Year \$ \$ 2,077.87/44 = \$ 47.22

Total 2020-2021 Initial Assessment

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

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

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 49 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 49. The establishment and maintenance of the improvements is a vital part of the development of Ranch Victoria Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Ranch Victoria (Phases 2, 3 & 4) Subdivision, it should become Landscape and Lighting Maintenance District No. 49. The subdivision consists of 44 Lots. The Landscape area, which benefits the 44 lots, is located along the drainage basin frontage on Cleveland Avenue.

Landscape and Lighting Maintenance District No. 49 will consist of an area comprising approximately 10.10 acres. A total of 44 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

$$\text{Assessment (A)} = \frac{\$ 2,077.87}{44}.$$

$$A = \frac{\$ 2,077.87}{44} = \$ 47.22 \text{ per lot for Ranch Victoria Subdivision}$$

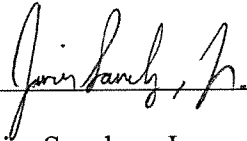
Total Assessment for 2020-2021 = \$ 2,077.87

Total developed lot count is 44 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 49 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 49.
5. Every year between April and June the Engineer of Work file a report with the City Council.

6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 50

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No.81-2013. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Riverview Estates Phase 5 Subdivision into the Landscape and Lighting Maintenance District No. 50. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision. The landscaping includes a landscaped area along the 3 drainage basin parcels located on Parkwest Street. The landscape maintenance includes: irrigation, mowing, pruning, vegetation and rodent control, and a set amount aside for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 7. Total landscaped area to be maintained is 2,190 square feet.

Maintenance activities within the Landscape and Lighting Maintenance District No. 50 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Riverview Estates Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Maintenance	2,190 sq.ft, of landscaping area,		
Lighting	7 ea. @ 5,800 lumens, 1 @ 16,000		
Project Management	33 lots		
Fund Balance	\$ -		
Landscape	2,190 sq. ft. @ \$0.450	= \$	985.50
Graffiti Maintenance	2,190 sq. ft. @ \$0.090	= \$	197.10
Tree Maintenance	2,190 sq. ft. @ \$0.150	= \$	328.50
Postage/Printing	2,190 sq. ft. @ \$0.070	= \$	153.30
Utilities	2,190 sq. ft. @ \$0.150	= \$	328.50
Repair/Maintenance	2,190 sq. ft. @ \$0.150	= \$	328.50
	\$ 1.06	= \$	2,321.40

Maintenance	2,190 sq.ft.	\$1.06	=	\$ 2,321.40
Administrative Fee	\$2,321.40	x \$0.10	=	\$ 232.14
County Fee	33 lots @	\$ 1.00 per lot	=	\$ 33.00
Reserves 15% of total cost of	Maintenance		=	\$ 348.21
Estimated Cost Per Year	\$ \$ 2,934.75/33		=	\$ 88.93

Total 2020-2021 Initial Assessment

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

After the 2020-2021 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2021-2022 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 50 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 50. The establishment and maintenance of the improvements is a vital part of the development of Riverview Estates Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Riverview Estates (Phase 5) Subdivision, it should become Landscape and Lighting Maintenance District No. 50. The subdivision consists of 33 Lots. The Landscape area, which benefits the 33 lots, is located along the drainage basin frontage on Parkwest Street.

Landscape and Lighting Maintenance District No. 50 will consist of an area comprising approximately 7.47 acres. A total of 33 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

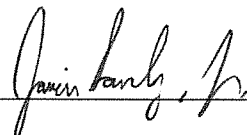
$$\text{Assessment (A)} = \frac{\$ 2,934.75}{33}$$

$$A = \frac{\$ 2,934.75}{33} = \$ 88.92 \text{ per lot for River Estates Phase 5 Subdivision}$$

Total Assessment for 2020-2021 = \$ 2,934.75
Total developed lot count is 33 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 50 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 50.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 51

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. 56-2016. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Summit Estates Two, Phase One Subdivision into the Landscape and Lighting Maintenance District No. 51. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 24.

Maintenance activities within the Landscape and Lighting Maintenance District No. 51 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Summit Estates Two, Phase One.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Lighting	24 @ 5,800 lumens		
Project Management	74 lots		
Fund Balance	\$ -		
Postage/Printing	74 x \$ 1.00	=	\$74.00
Utilities	24 @ \$ 52.08	=	<u>\$ 1,249.92</u>
Total Maintenance		=	\$ 1,323.92
Maintenance		=	\$ 1,323.92
Administrative Fee	\$ 1,323.92 x \$0.10	=	\$ 132.39
County Fee	74 x \$ 1.00	=	\$ 74.00
Reserves 15% of total cost of maintenance		=	<u>\$ 198.58</u>
		=	\$ 1,728.89
Estimated Cost Per Year	\$ \$ 1,728.89/74	=	\$ 23.36

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

After the 2020-2021 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2021-2022 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 51 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 51. The establishment and maintenance of the improvements is a vital part of the development of Summit Estates Two, Phase One Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Summit Estates Two, Phase One Subdivision, it should become Landscape and Lighting Maintenance District No. 51. The subdivision consists of 74 Lots.

Landscape and Lighting Maintenance District No. 51 will consist of an area comprising approximately 17.90 acres. A total of 74 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

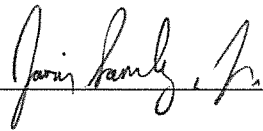
$$\text{Assessment (A)} = \frac{\$ 1,728.89}{74}$$

$$A = \frac{\$ 1,728.89}{74} = \$ 23.36 \text{ per lot for Summit Estates Two Phase One}$$

Total Assessment for 2020-2021 = \$ 1,728.89
Total developed lot count is 74 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 51 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 51.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 52

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No.103-2012. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Summit Heritage Villas Subdivision into the Landscape and Lighting Maintenance District No. 52. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision. The landscaping includes a landscaped area along all property frontages along Lombardi Street and Clare Avenue. The landscape and wall maintenance includes: irrigation, mowing, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 4. Total landscaped area to be maintained is 1,782 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No. 52 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Summit Heritage Villas Subdivision.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Maintenance	1,782 sq.ft, of landscaping area,		
Lighting	4 @ 5,800 lumens		
Project Management	16 lots		
Fund Balance	\$ -		
Landscape	1,782 sq. ft. @ \$0.20	= \$	356.40
Graffiti Maintenance	1,782 sq. ft. @ \$ -	= \$	-
Tree Maintenance	1,782 sq. ft. @ \$0.150	= \$	267.30
Postage/Printing	1,782 sq. ft. @ \$0.020	= \$	35.64
Utilities	1,782 sq. ft. @ \$0.150	= \$	267.30
Repair/Maintenance	1,782 sq. ft. @ <u>\$0.150</u>	= \$	<u>267.30</u>
	\$ 0.67	= \$	1,193.94

Maintenance	1,782 sq.ft.	\$0.77	=	\$ 1,193.94
Administrative Fee	\$1,372.14 x	\$0.10	=	\$ 119.39
County Fee	16 lots @	\$ 1.00 per lot	=	\$ 16.00
Reserves 15% total cost of	Maintenance		=	<u>\$ 179.09</u>
				\$ 1,508.42
Estimated Cost Per Year	\$ 1,508.42/16	=	\$ 94.27	

Total 2020-2021 Initial Assessment

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

After the 2020-2021 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2021-2022 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 52 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed Landscape and Lighting Maintenance District No. 52. The establishment and maintenance of the improvements is a vital part of the development of Summit Heritage Villas Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Summit Heritage Villas Subdivision, it should become Landscape and Lighting Maintenance District No. 52. The subdivision consists of 16 Lots. The Landscape area, which benefits the 16 lots, is located along the parcel frontages on Lombardi Street and Clare Avenue.

Landscape and Lighting Maintenance District No. 52 will consist of an area comprising approximately 3.03 acres. A total of 16 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

$$\text{Assessment (A)} = \frac{\$1,508.42}{16}$$

$$A = \frac{\$ 1,508.42}{16} = \$ 94.26 \text{ per lot for Summit Heritage Villas Subdivision}$$

Total Assessment for 2020-2021 = \$ 1,508.42

Total developed lot count is 16 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 52 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 52.

5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 53

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No.27-2017. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Trooper Terrace Subdivision into the Landscape and Lighting Maintenance District No. 53. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all streets within the subdivision. The landscaping includes 284 feet of masonry wall along Westwood Street on the west side of the subdivision as well as a landscaped area along all street frontages. The landscape and wall maintenance includes: irrigation, mowing, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 4. Total landscaped area to be maintained is 284 lineal feet of masonry wall, and 4,414 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No.

53 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Trooper Terrace.

SECTION 5. Estimated Costs

The construction cost will be borne by the developer and will not be assessed. The subdivision map has been filed for record and the improvements have been installed and certain maintenance on the areas will be necessary during fiscal year 2020-2021. It is appropriate that the assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. In this District assessments will be made during the 2020-2021 Fiscal Year.

Estimated Assessment 2020-2021

Maintenance	4,414 sq.ft. of landscaping area, 287 l.f. of masonry wall		
Lighting	3 ea. @ 5,800 lumens, 1 @ 16,000		
Project Management	17 lots		
Fund Balance	\$ -		
Landscape	4,414 sq. ft. @ \$0.200	= \$	882.80
Graffiti Maintenance	4,414 sq. ft. @ \$0.070	= \$	308.98
Postage/Printing	4,414 sq. ft. @ \$0.005	= \$	22.07
Utilities	4,414 sq. ft. @ \$0.100	= \$	441.40
Repair/Maintenance	4,414 sq. ft. @ <u>\$0.150</u>	= \$	<u>662.10</u>
	\$.525	= \$	2,317.35
Total Maintenance	4,414 sq.ft. \$.525	= \$	2,317.35

Administrative Fee	\$ 2,317.35 x \$0.10	= \$	231.74
County Fee	17 lots @ \$ 1.00 per lot	= \$	17.00
Reserves 15% of total cost of Maintenance		= \$	347.60
Estimated Cost Per Year	\$ 2,913.69/17	= \$	171.39

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

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

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 53 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed

Landscape and Lighting Maintenance District No. 53. The establishment and maintenance of the improvements is a vital part of the development of Trooper Terrace Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Trooper Terrace Subdivision, it should become Landscape and Lighting Maintenance District No. 53. The subdivision consists of 17 Lots. The Landscape area, which benefits the 17 lots, is located along the westerly boundary of the subdivision along Westwood Street.

Landscape and Lighting Maintenance District No. 53 will consist of an area comprising approximately 4.80 acres. A total of 17 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

$$\text{Assessment (A)} = \frac{\$2,913.69}{17}$$

$$A = \frac{\$2,913.69}{17} = \$171.38 \text{ per lot for Trooper Terrace Subdivision}$$

Total Assessment for 2020-2021 = \$ 2,913.69

Total developed lot count is 17 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 53 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 53.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

CITY OF PORTERVILLE
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 54

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. 32-2018. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to include landscaping and lighting at Windsor Court Subdivision into the Landscape and Lighting Maintenance District No. 54. The City Council has determined that the areas to be landscaped and lighted will have an effect upon all parcels within the proposed boundaries of the District. The areas for street lights are included on all the streets within the subdivision. The landscaping includes 676 feet of masonry wall along Henderson Avenue on the south side of the subdivision as well as a landscaped area along all street frontages. The landscape and wall maintenance includes: irrigation, mowing, pruning, cleaning, repairing, painting, vegetation and rodent control, and a set aside for replacement.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 27. Total landscaped area to be maintained is 676 lineal feet of masonry wall, and 33,256 square feet of landscaped area.

Maintenance activities within the Landscape and Lighting Maintenance District No.

54 are to include landscape and lighting maintenance.

SECTION 4. Improvements

Landscape and lighting improvements were made by the developer of Windsor Court Subdivision.

SECTION 5. Estimated Costs

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

Estimated Assessment 2020-2021

Maintenance	33,256 sq.ft, of landscaping area, 676 l.f. of masonry wall		
Lighting	24 @ 5,800 lumens, 3 @ 16,000 lumens		
Project Management	80 lots		
Fund Balance	\$ -		
Landscape	33,256 sq. ft. @ \$0.120	= \$	3,990.72
Graffiti Maintenance	33,256 sq. ft. @ \$0.025	= \$	831.40
Tree Maintenance	33,256 sq. ft. @ \$0.045	= \$	1,496.52
Postage/Printing	33,256 sq. ft. @ \$0.003	= \$	99.76
Utilities	33,256 sq. ft. @ \$0.060	= \$	1,995.36
Repair/Maintenance	33,256 sq. ft. @ \$0.050	= \$	1,662.80
	\$0.303	= \$	10,076.56
Maintenance	33,256sq.ft. \$0.303	=	\$ 10,076.56
Administrative Fee	\$10,076.56 x \$0.10	=	\$ 1,007.66

County Fee	80 lots @	\$ 1.00 per lot	=	\$ 80.00
Reserves 15% total cost of	Maintenance		=	<u>\$ 1,511.48</u>
				\$ 12,675.70
Estimated Cost Per Year	\$ 12,685.70/80	=	\$ 158.44	

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

After the 2020-2021 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2019/2020 will refer back to the prior year's CPI. In the event that the costs of services provided do not increase to exceed the full amount of CPI from one year , such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District No. 54 is attached to this report and by reference is made part thereof.

SECTION 7. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed

Landscape and Lighting Maintenance District No. 54. The establishment and maintenance of the improvements is a vital part of the development of Windsor Court Subdivision. The City Council of Porterville has determined that to insure satisfactory levels of maintenance for the landscape and lighting at Windsor Court Subdivision, it should become Landscape and Lighting Maintenance District No. 54. The subdivision consists of 80 Lots. The Landscape area, which benefits the 80 lots, is located along all street frontages included in the subdivision.

Landscape and Lighting Maintenance District No. 54 will consist of an area comprising approximately 16.77 acres. A total of 80 lots are proposed to be developed. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for the protection or safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the landscaping and street lighting.

The determination of benefits takes into consideration the following facts:

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

Estimated 2020-2021 Assessment

Assessment (A) = \$ 12,685.70.

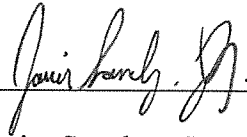
$$A = \frac{\$ 12,685.70}{80} = \$ 158.44 \text{ per lot for Windsor Court Subdivision}$$

Total Assessment for 2020-2021 = \$ 12,685.70

Total developed lot count is 80 lots.

SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and Orders Engineer's Report.
2. City Council Adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 54 and determines the district.
4. City Council adopts Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 54.
5. Every year between April and June the Engineer of Work file a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies the individual assessments.



Javier Sanchez, Jr.
Engineer of Work

BEING A SUBDIVISION OF A PORTION OF THE ROAD OF SUNSHINE ESTATES SIX, PHASE ONE IN THE CITY OF PORTERALE, COUNTY OF TULARE, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 37, PAGE 7 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 34, T.21S., R.27E., M.D.B.M.

CROSS AREA: 8.76 AC
Subdivider: NADER DEVELOPMENT, Inc.
Surveyor: JAMES WINTON & ASSOCIATES

SURVEYOR'S STATEMENT

REQUEST OF MARCH DEVELOPMENT ON AUGUST 20, 2011. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONTRIBUTES TO THE CONSISTENTLY APPROVED TOBACCO MAP, ALL ELEMENTS ARE OF AND OCCUPY THE PORTIONS REQUESTED AND ARE SUFFICIENT TO DEDICATE THE SURVEY TO THE UNDERSIGNED. NOT IT SET, MAY BE SET AS REQUIRED WHEN THE YEAR OF THE RECORDING OF THIS MAP.

DATE OF RECORDING: 2011

FILED THIS 20th DAY OF SEPTEMBER 2011

1

1 HERBERY STATE THAT A PRELIMINARY SOA REPORT WAS SUBMITTED BY ME ON DECEMBER 12 19 84
IN ACCORDANCE WITH THE PROVISIONS OF CODE CHAPTER 800 OF THE MUNICIPAL CODE OF THE CITY OF PORTSMOUTH
AND THAT SAID REPORT IS ON FILE IN THE CITY BUILDING INSPECTOR'S OFFICE.
DATED THIS 12 DAY OF FEBRUARY 1985

CITY ENGINEER'S STATEMENT

DATE THIS _____ DAY OF _____ 19____

CONING ADMINISTRATION'S STATEMENT

DAVID R. H. WHITE, Acting Community Development Director

CITY COUNCIL'S STATEMENT

THIS IS TO STATE THAT AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE HELD ON THE _____ DAY OF _____, 20____ AN ORDER WAS DULY AND REGULARLY MADE AND UNANIMOUSLY APPROVED THIS HAD AND SUBMISSION AND ACCEPTING AND SUBJECT TO IMPROVEMENTS OR DELAY

2004

CITY CLERK'S STATEMENT

I, JOHN LULL, CITY CLERK OF THE CITY OF PORTERVILLE, STATE OF CALIFORNIA, HEREBY STATE TO THE COURT THAT THE ABOVE NAMED DEFENDANT, JAMES EARL RAY, HAS BEEN ADVISED BY THE CITY CLERK OF THE COUNTY OF SACRAMENTO, AND IT WHEREFOREVER IT MAY CONCERN, THAT ALL THE PROVISIONS OF DIVISION 2, CHAPTER 1, ARTICLE 1, OF THE CALIFORNIA CONSTITUTION HAVE BEEN FULLY COMPLIED WITH.

BOARD OF SUPERVISORS' STATEMENT
L. ELM N. ROSS, CLERK, COUNTY ADMINISTRATIVE OFFICE, BOARD OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES

LESLIE A. RUSSELL, County Administrator, Director/Chairman of the Board of Supervisors

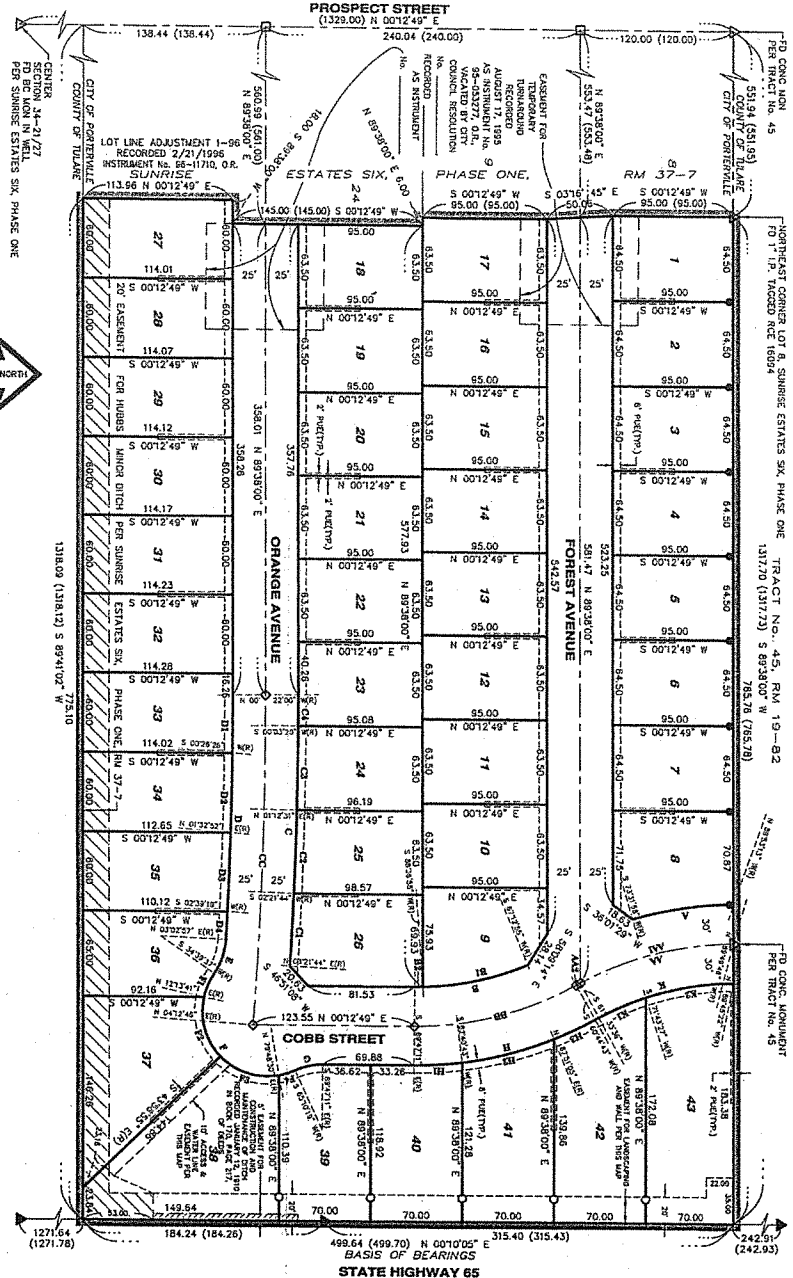
070
DENSITY

to good real property, and in contrast to the women shown with the felt fence units and without dedications.

ROBERT L. LAMBERT, JR., a clothing corporation
111 West 42nd Street
New York 36, New York
10018-1111

HOME SHEET ONLY

2505

[illegible]

☒ FD BC MON IN WELL
PER SUNRISE ESTATES SIX, PHASE ONE

SCALE: 1" = 60'



BASIS OF BEARING
THE WEST R/W OF HIGHWAY 65
PER SUNRISE ESTATES SIX, PHA.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS

CITY LIMITS

1. NAME _____

FOUND BC MONUMENT STA

STAMPED RCE 16094 - PLU

ON LOT LINE, 18.00 FEET W

ON SALE, 3.00 PER L.

DATE: _____

(R) RADIAL BEARING

ALONG SIDE LOT LINES ARE
FOR WAIVE OF THE LOT DE

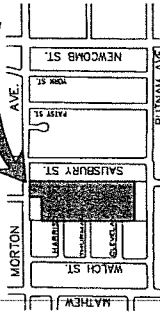
Copyright © 2004 John Wiley & Sons, Ltd.

[illegible][illegible]

NEIGHBORHOOD MAP



PROJECT SITE



SMEE BUILDERS, INC. OWNER "RANCH VICTORIA" PHASES 2, 3 & 4

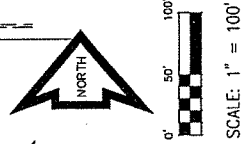
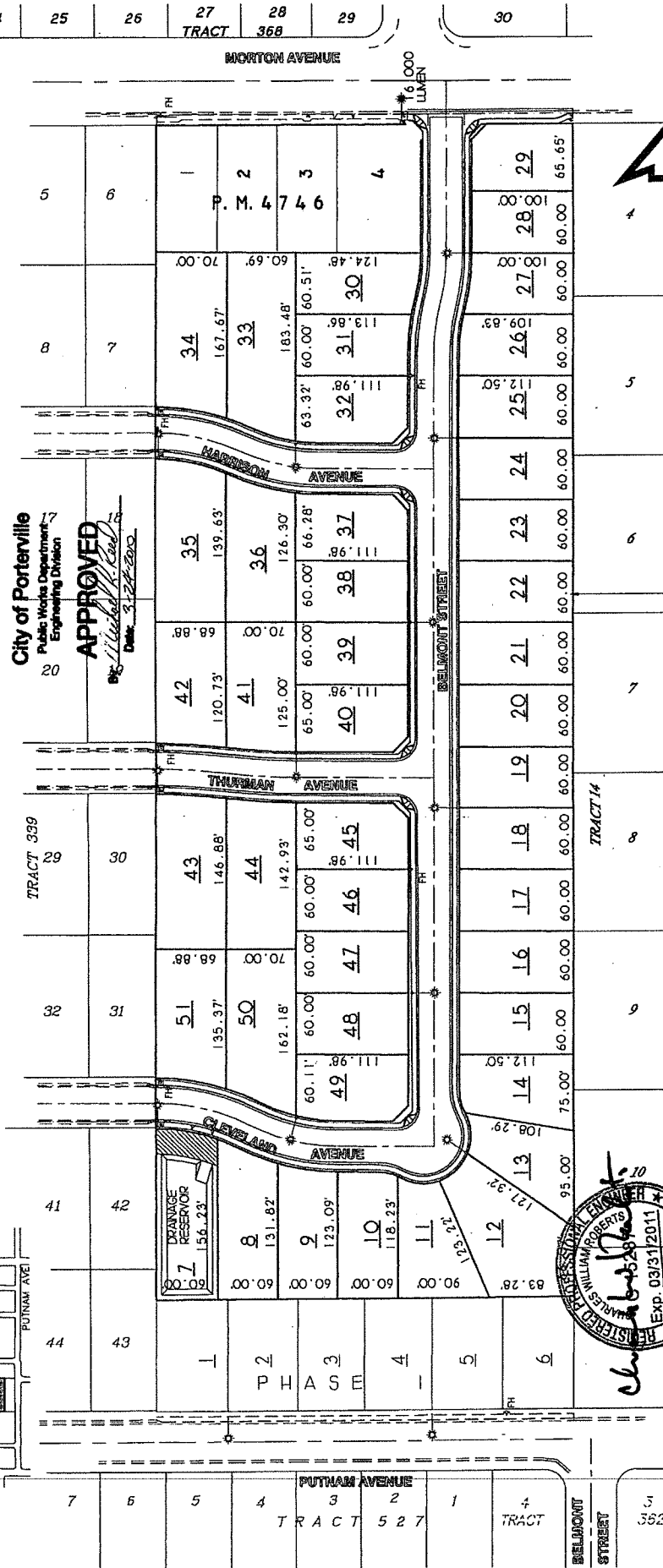
LANDSCAPE AND LIGHTING DISTRICT ANNEXATION MAP

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE CALIFORNIA.

City of Porterville
Public Works Department
Engineering Division

APPROVED

By: *[Signature]*
Date: 3/24/2010

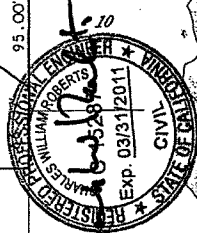


TYPICAL LOT LANDSCAPE NOTES
IRRIGATION SHALL BE DESIGNED AND INSTALLED BY THE OWNER AT THE TIME OF EACH LOT DEVELOPING
1 - 15 GALLON TREE AND AN ADDITIONAL TREE AT CORNER LOTS SHALL BE PLANTED (FROM CITY OF PORTERVILLE APPROVED TREE LIST) AT THE TIME OF EACH LOT DEVELOPING

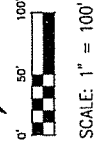
- 5800 LUMEN STREETLIGHT (12)
- 1600 LUMEN STREETLIGHT (1)
- LANDSCAPE AND IRRIGATION 1:335 SQ. FT.

LEGEND

P.O. BOX 908 349-A N. 2nd St.
PORTERVILLE, CALIFORNIA 93257
(559) 784-5325 FAX (559) 784-6338
www.robertsengineering.com



Roberts Engineering



SCALE: 1" = 100'

RIVERVIEW ESTATES No. 5

NOTE: A SUBDIVISION OF THE REMAINDER OF RIVERVIEW ESTATES, PHASE FOUR, UNIT NO. 2, AS SHOWN ON THE MAP OF THE CITY OF PORTLAND, OREGON, RECORDED IN BOOK 43, PAGE 43, OF THE PORTLAND CITY RECORDS.

GROSS AREA: 147 AC.

OWNER: JAMES WINTON & ASSOCIATES

SURVEYOR'S STATEMENT

SOIL ENGINEER'S STATEMENT

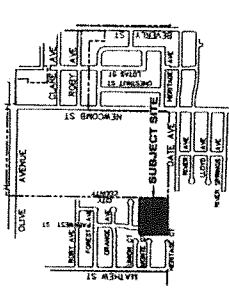
CITY ENGINEER'S STATEMENT

CITY PLANNER'S STATEMENT

CITY CLERK'S STATEMENT

BOARD OF SUPERVISORS' STATEMENT

OWNER'S STATEMENT



LOCATION MAP

LEGEND

- ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS
- PHASE FOUR UNLESS OTHERWISE NOTED
- SUBDIVISION BOUNDARY
- CITY LIMITS
- △ FOUND AND ACCEPTED AS DESCRIBED
- ▲ FOUND 3/4" UP, TAPPED RICE 16004
- SET 1" UP, TAPPED RICE 16004 AT ALL LOT CORNERS NOT OTHERWISE SHOWN
- SET BRASS CAP MONUMENT STAMPED RICE 16004 ON LOT LINE 2' FROM LOT CORNER
- (R) RADIAL BEARING
- E.P.U. EASIMENT FOR PUBLIC UTILITIES FOR HALF OF THE LOT DEPTH UNLESS OTHERWISE NOTED
- (000) RECORD DISTANCE PER RIVERVIEW ESTATES, PHASE FOUR, UNIT NO. 2, AS SHOWN ON THE MAP OF THE CITY OF PORTLAND, OREGON, RECORDED IN BOOK 43, PAGE 43, OF THE PORTLAND CITY RECORDS.

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

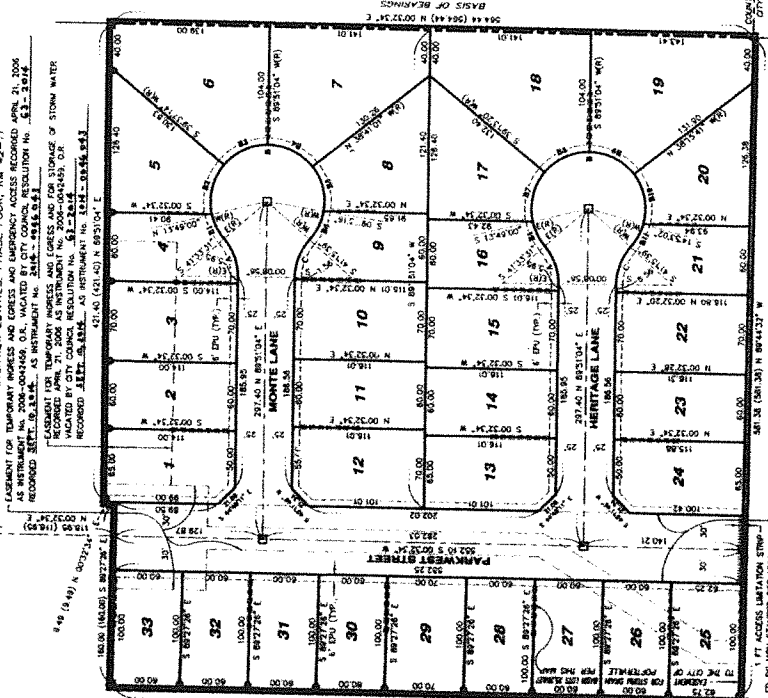
PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR



PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

CURVE DATA			
A	B	C	D
1	50.00	41.7435	38.14
2	50.00	29.7781	22.35
3	50.00	27.4331	24.31
4	50.00	30.7122	28.17
5	50.00	31.7265	28.43
6	50.00	31.7265	28.43
7	50.00	31.7265	28.43
8	50.00	31.7265	28.43
9	50.00	31.7265	28.43
10	50.00	31.7265	28.43
11	50.00	31.7265	28.43
12	50.00	31.7265	28.43
13	50.00	31.7265	28.43
14	50.00	31.7265	28.43
15	50.00	31.7265	28.43
16	50.00	31.7265	28.43
17	50.00	31.7265	28.43
18	50.00	31.7265	28.43
19	50.00	31.7265	28.43
20	50.00	31.7265	28.43
21	50.00	31.7265	28.43
22	50.00	31.7265	28.43
23	50.00	31.7265	28.43
24	50.00	31.7265	28.43
25	50.00	31.7265	28.43
26	50.00	31.7265	28.43
27	50.00	31.7265	28.43
28	50.00	31.7265	28.43
29	50.00	31.7265	28.43
30	50.00	31.7265	28.43
31	50.00	31.7265	28.43
32	50.00	31.7265	28.43
33	50.00	31.7265	28.43



SCALE: 1" = 60'

RIVERVIEW ESTATES UNIT NO. 2, PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

PHASE FOUR

SUMMIT ESTATES TWO, PHASE ONE

BEING A SUBDIVISION OF SUMMIT ESTATES, PHASE ONE, RECORDED IN BOOK 42, PAGE 48 OF MAPS, FOR LOCATED WITHIN THE NORTHWEST 1/4 OF T14N, R14E, S14E, M20.84N, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

GROSS AREA: 17.80 ACRES

Subdivider: **SMEE HOMES, Inc.**
Surveyor: **JAMES WINTON & ASSOCIATES**

SURVEYOR'S STATEMENT

I, JAMES WINTON, Surveyor, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

SOIL ENGINEER'S STATEMENT

I, JAMES WINTON, Soil Engineer, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

CITY SURVEYOR'S STATEMENT

I, JAMES WINTON, City Surveyor, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

ZONING ADMINISTRATOR'S STATEMENT

I, JAMES WINTON, Zoning Administrator, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

CITY COUNCIL'S STATEMENT

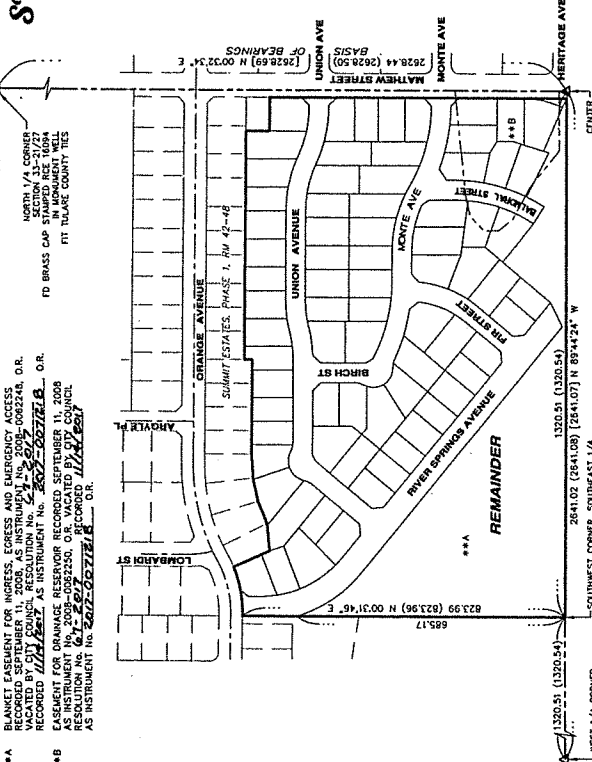
I, JAMES WINTON, City Council, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

CITY CLERK'S STATEMENT

I, JAMES WINTON, City Clerk, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

BOARD OF SUPERVISORS' STATEMENT

I, JAMES WINTON, Board of Supervisors, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.



OWNER'S STATEMENT

I, JAMES WINTON, Owner, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

RECORDER'S STATEMENT

I, JAMES WINTON, Recorder, do hereby certify that the foregoing map was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 16094.

LEGEND

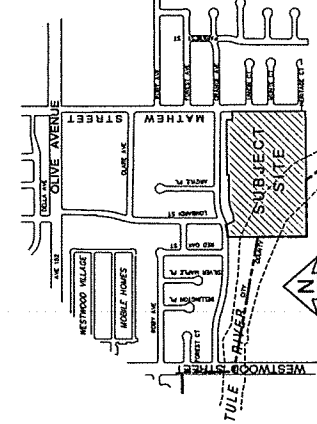
ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

TABLE OF BEARINGS

LINE	BEARING	DISTANCE
1	N 0° 00' 00" E	100.00
2	S 90° 00' 00" E	100.00
3	N 0° 00' 00" E	100.00
4	S 90° 00' 00" E	100.00

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT

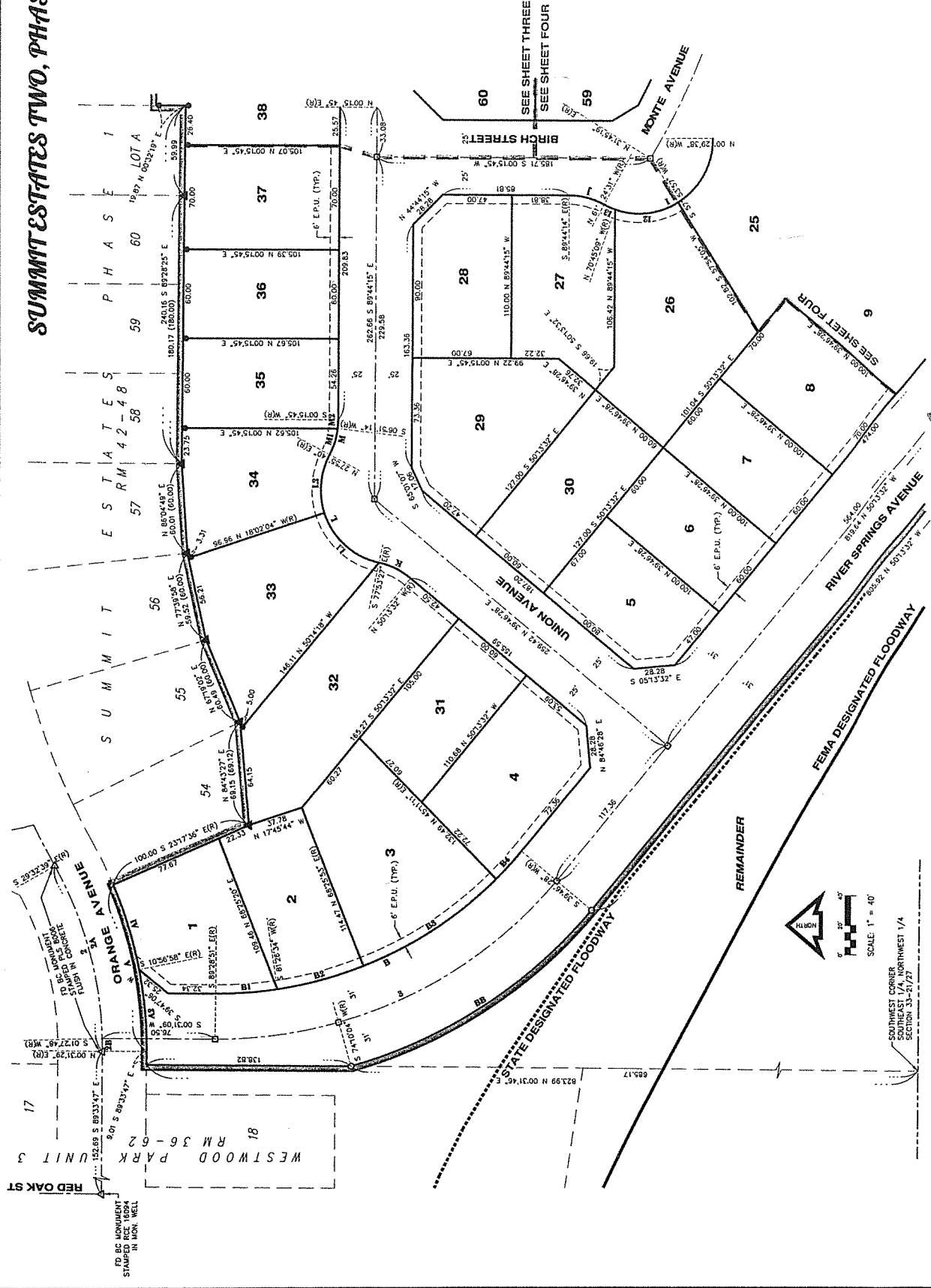
THIS SUBDIVISION IS SUBJECT TO A LANDSCAPE AND LIGHTING ACT ASSESSMENT DISTRICT WHICH WILL BE FORMED WITHIN 45 DAYS OF THE RECORDING OF THIS MAP.



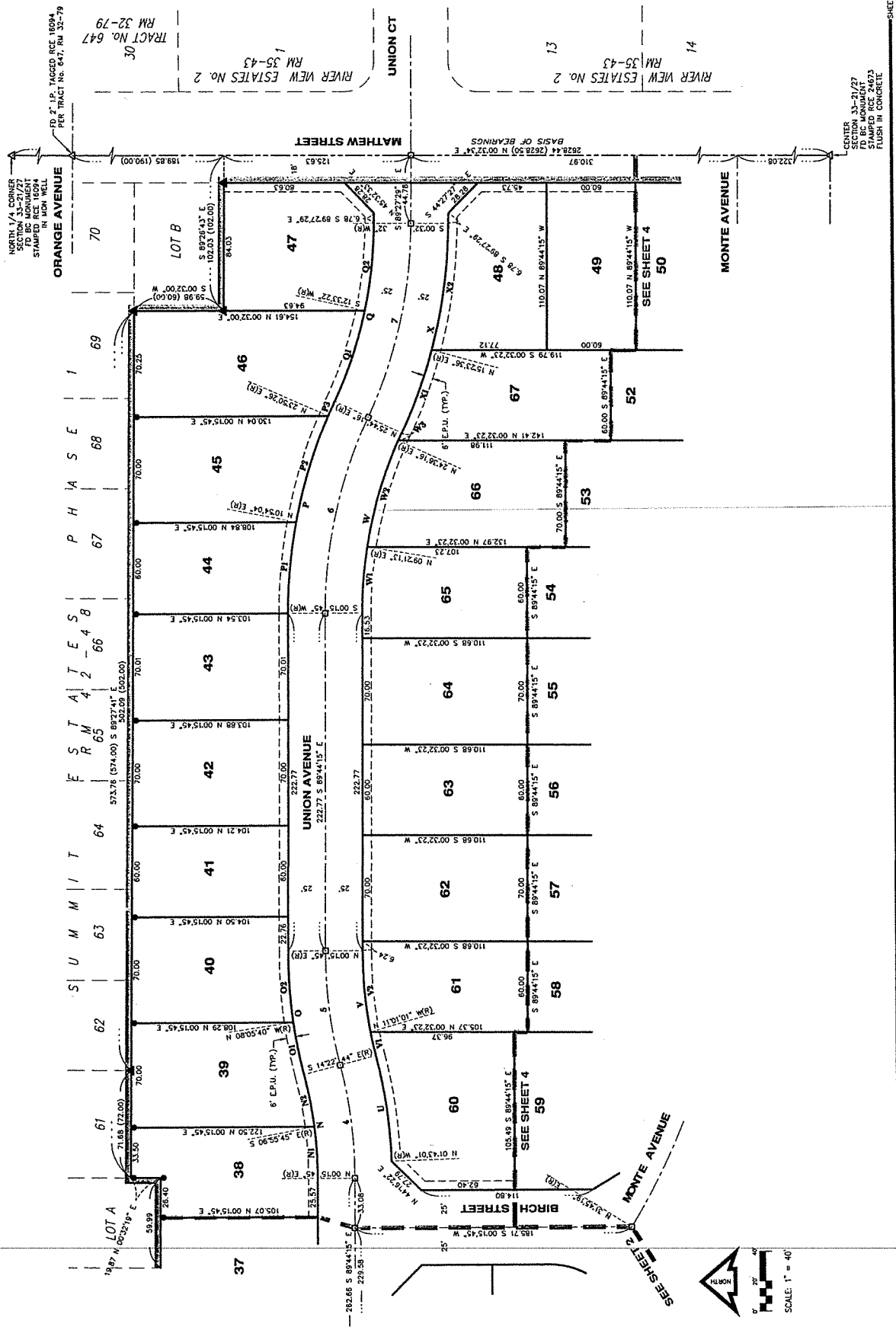
LOCATION MAP

CURVE DATA			
STATION	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
1	N 0° 00' 00" E	100.00	100.00
2	S 90° 00' 00" E	100.00	100.00
3	N 0° 00' 00" E	100.00	100.00
4	S 90° 00' 00" E	100.00	100.00
5	N 0° 00' 00" E	100.00	100.00
6	S 90° 00' 00" E	100.00	100.00
7	N 0° 00' 00" E	100.00	100.00
8	S 90° 00' 00" E	100.00	100.00
9	N 0° 00' 00" E	100.00	100.00
10	S 90° 00' 00" E	100.00	100.00
11	N 0° 00' 00" E	100.00	100.00
12	S 90° 00' 00" E	100.00	100.00
13	N 0° 00' 00" E	100.00	100.00
14	S 90° 00' 00" E	100.00	100.00
15	N 0° 00' 00" E	100.00	100.00
16	S 90° 00' 00" E	100.00	100.00
17	N 0° 00' 00" E	100.00	100.00
18	S 90° 00' 00" E	100.00	100.00
19	N 0° 00' 00" E	100.00	100.00
20	S 90° 00' 00" E	100.00	100.00
21	N 0° 00' 00" E	100.00	100.00
22	S 90° 00' 00" E	100.00	100.00
23	N 0° 00' 00" E	100.00	100.00
24	S 90° 00' 00" E	100.00	100.00
25	N 0° 00' 00" E	100.00	100.00
26	S 90° 00' 00" E	100.00	100.00
27	N 0° 00' 00" E	100.00	100.00
28	S 90° 00' 00" E	100.00	100.00
29	N 0° 00' 00" E	100.00	100.00
30	S 90° 00' 00" E	100.00	100.00
31	N 0° 00' 00" E	100.00	100.00
32	S 90° 00' 00" E	100.00	100.00
33	N 0° 00' 00" E	100.00	100.00
34	S 90° 00' 00" E	100.00	100.00
35	N 0° 00' 00" E	100.00	100.00
36	S 90° 00' 00" E	100.00	100.00
37	N 0° 00' 00" E	100.00	100.00
38	S 90° 00' 00" E	100.00	100.00
39	N 0° 00' 00" E	100.00	100.00
40	S 90° 00' 00" E	100.00	100.00
41	N 0° 00' 00" E	100.00	100.00
42	S 90° 00' 00" E	100.00	100.00
43	N 0° 00' 00" E	100.00	100.00
44	S 90° 00' 00" E	100.00	100.00
45	N 0° 00' 00" E	100.00	100.00
46	S 90° 00' 00" E	100.00	100.00
47	N 0° 00' 00" E	100.00	100.00
48	S 90° 00' 00" E	100.00	100.00
49	N 0° 00' 00" E	100.00	100.00
50	S 90° 00' 00" E	100.00	100.00
51	N 0° 00' 00" E	100.00	100.00
52	S 90° 00' 00" E	100.00	100.00
53	N 0° 00' 00" E	100.00	100.00
54	S 90° 00' 00" E	100.00	100.00
55	N 0° 00' 00" E	100.00	100.00
56	S 90° 00' 00" E	100.00	100.00
57	N 0° 00' 00" E	100.00	100.00
58	S 90° 00' 00" E	100.00	100.00
59	N 0° 00' 00" E	100.00	100.00
60	S 90° 00' 00" E	100.00	100.00
61	N 0° 00' 00" E	100.00	100.00
62	S 90° 00' 00" E	100.00	100.00
63	N 0° 00' 00" E	100.00	100.00
64	S 90° 00' 00" E	100.00	100.00
65	N 0° 00' 00" E	100.00	100.00
66	S 90° 00' 00" E	100.00	100.00
67	N 0° 00' 00" E	100.00	100.00
68	S 90° 00' 00" E	100.00	100.00
69	N 0° 00' 00" E	100.00	100.00
70	S 90° 00' 00" E	100.00	100.00
71	N 0° 00' 00" E	100.00	100.00
72	S 90° 00' 00" E	100.00	100.00
73	N 0° 00' 00" E	100.00	100.00
74	S 90° 00' 00" E	100.00	100.00
75	N 0° 00' 00" E	100.00	100.00
76	S 90° 00' 00" E	100.00	100.00
77	N 0° 00' 00" E	100.00	100.00
78	S 90° 00' 00" E	100.00	100.00
79	N 0° 00' 00" E	100.00	100.00
80	S 90° 00' 00" E	100.00	100.00
81	N 0° 00' 00" E	100.00	100.00
82	S 90° 00' 00" E	100.00	100.00
83	N 0° 00' 00" E	100.00	100.00
84	S 90° 00' 00" E	100.00	100.00
85	N 0° 00' 00" E	100.00	100.00
86	S 90° 00' 00" E	100.00	100.00
87	N 0° 00' 00" E	100.00	100.00
88	S 90° 00' 00" E	100.00	100.00
89	N 0° 00' 00" E	100.00	100.00
90	S 90° 00' 00" E	100.00	100.00
91	N 0° 00' 00" E	100.00	100.00
92	S 90° 00' 00" E	100.00	100.00
93	N 0° 00' 00" E	100.00	100.00
94	S 90° 00' 00" E	100.00	100.00
95	N 0° 00' 00" E	100.00	100.00
96	S 90° 00' 00" E	100.00	100.00
97	N 0° 00' 00" E	100.00	100.00
98	S 90° 00' 00" E	100.00	100.00
99	N 0° 00' 00" E	100.00	100.00
100	S 90° 00' 00" E	100.00	100.00

SUMMIT ESTATES TWO, PHASE ONE



SUMMIT ESTATES TWO, PHASE ONE



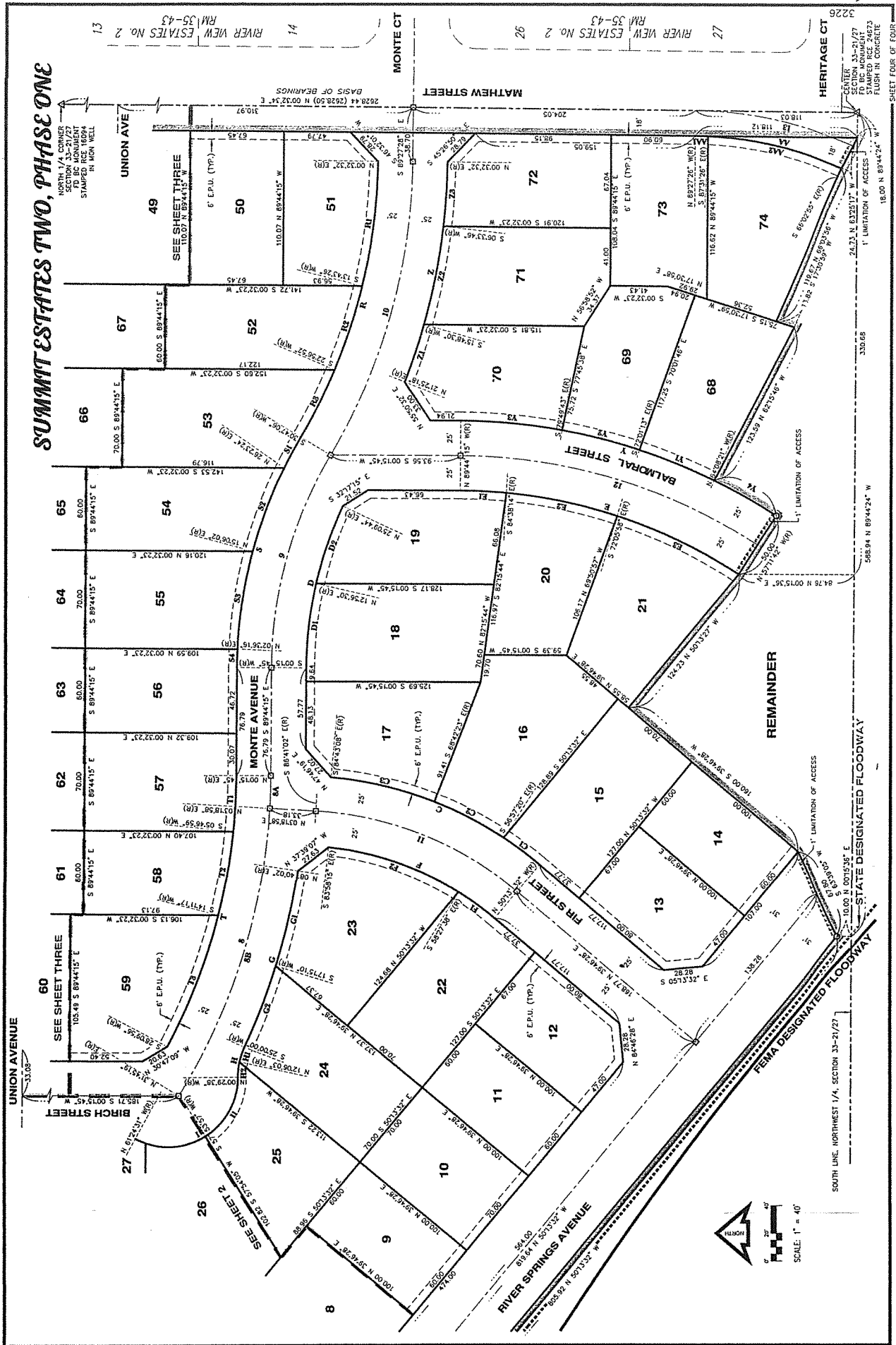
11-48-17

3226

SHEET THREE OF FOUR



SUMMIT ESTATES TWO, PHASE ONE



13 RIVER VIEW ESTATES No. 2 RM 35-43

26 RIVER VIEW ESTATES No. 2 RM 35-43

3226 HERITAGE CT SECTION 33-24/27

SUMMIT HERITAGE VILLAS

BEING A PORTION OF PARCEL 3 OF LOT LINE ADJUSTMENT 20-2007, DOCUMENT No. 2007-008407, LOCATED WITHIN THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, T15S, R12E, S4E, D.B.M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

GROSS AREA: 2.38 ACRES

Subdivider: NICHOLSON and SMEE
Surveyor: JAMES WINTON & ASSOCIATES

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY, TRUE AND COMPLETE AS SHOWN, IN COMPARISON WITH THE RECORDS OF THE SURVEYING OFFICE OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND THE RECORDS OF THE SURVEYING OFFICE OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND THE RECORDS OF THE SURVEYING OFFICE OF THE COUNTY OF TULARE, STATE OF CALIFORNIA.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

SOIL ENGINEER'S STATEMENT

I, JAMES WINTON, A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON APRIL 19, 2013, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE, AND THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

CITY ENGINEER'S STATEMENT

I, JAMES WINTON, A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON APRIL 19, 2013, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE, AND THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

CITY PLANNER'S STATEMENT

I, JAMES WINTON, A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON APRIL 19, 2013, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE, AND THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

CITY COUNCIL'S STATEMENT

THIS IS TO STATE THAT AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, HELD ON APRIL 23, 2013, AT 7:00 P.M., THE CITY COUNCIL HAS REVIEWED AND APPROVED THE SUBDIVISION MAP FOR THE SUMMIT HERITAGE VILLAS, AND HAS ORDERED THAT THE SAME BE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF TULARE, STATE OF CALIFORNIA.

DATED THIS 23rd DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

CITY CLERK'S STATEMENT

I, JAMES WINTON, A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON APRIL 19, 2013, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE, AND THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

BOARD OF SUPERVISORS' STATEMENT

I, JAMES WINTON, A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON APRIL 19, 2013, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE, AND THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 12, ARTICLE 1, SECTION 12000, OF THE CALIFORNIA CIVIL CODE.

DATED THIS 21st DAY OF APRIL, 2013.

JAMES WINTON, S.E. 1004

OWNER'S STATEMENT

I, DARYL C. NICHOLSON and VICTORIA M. NICHOLSON, TRUST, AGREE TO SELL THE SUMMIT HERITAGE VILLAS, BEING A PORTION OF PARCEL 3 OF LOT LINE ADJUSTMENT 20-2007, DOCUMENT No. 2007-008407, LOCATED WITHIN THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, T15S, R12E, S4E, D.B.M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

DATED THIS 21st DAY OF APRIL, 2013.

DARYL C. NICHOLSON and VICTORIA M. NICHOLSON, TRUST

STATE OF CALIFORNIA

COUNTY OF TULARE

on April 23, 2013, before me, Nancy L. Winton, a Notary Public

personally appeared Daryl C. Nicholson and Victoria M. Nicholson, who showed to me in the presence of the undersigned, a copy of the

DEED, which is a true and correct copy of the original, and which

DEED is in full compliance with the provisions of the California Civil Code, and which

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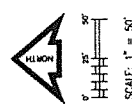
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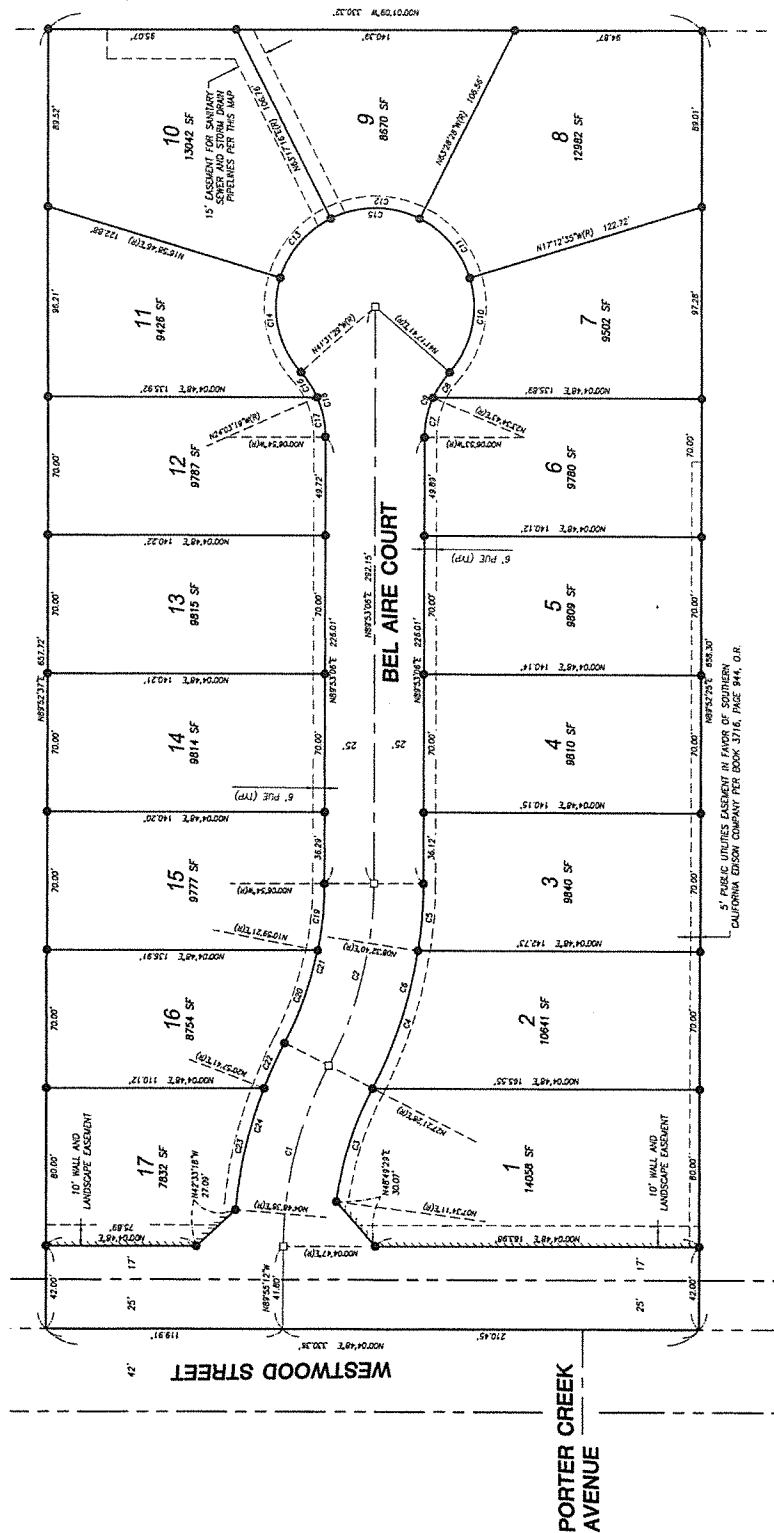
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BEING A DIVISION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT Diablo BASE AND MERIDIAN, IN
THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

JULY 2018



0' 40'

SCALE: 1" = 40'

SHEET 2 OF 2

LEGEND

- ▲ MONUMENT FOUND AND ACCEPTED AS DESCRIBED, UNLESS NOTED OTHERWISE.
 SET 3/4" FROM PIPE TACKED PLS #189
 □ SEE BRASS CAP MONUMENT STAMPED PLS #192, FLUSH PER CITY STANDARD W-22
 ○ RECORD DATA PER WILLIAMS BENCH PLOTTING, RECORDED IN BOOK 42 OF MAPS, AT
 LINE 25, TIE OF CALCULATED THEODOLITE
 () PICAL
 (P) LINE INDICATES SURVEYING BOUNDARY
 1" ACCESS LIMITATION STRIP
 666666

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	2716140"	20000'	95.23'	48.53'
C2	2728322"	20000'	90.44'	48.69'
C3	1947177"	125000'	60.44'	30.52'
C4	1648447"	225000'	73.80'	17.74'
C5	8250341"	225000'	34.01'	7.94'
C6	2728322"	225000'	107.89'	55.00'
C7	2244130"	50000'	20.68'	10.49'
C8	7142239"	50000'	15.46'	7.79'
C9	4127435"	50000'	36.14'	18.90'
C10	5630715"	50000'	51.00'	28.00'
C11	4615533"	50000'	40.37'	21.30'

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C13	4618.33°	50.00'	42.41'	21.35°
C14	50.35°	50.00'	51.05'	28.05°
C15	282.49°	50.00'	228.35'	56.65°
C16	1726.01°	50.00'	15.24'	7.60°
C17	2358.95°	50.00'	20.88'	10.80°
C18	474.35°	50.00'	36.14'	18.90°
C19	1150.16°	175.00'	33.89'	17.61°
C20	1622.02°	175.00'	43.82'	25.17°
C21	2728.27°	225.00'	83.91'	42.76°
C22	6243.97°	225.00'	26.12'	12.93°
C23	1608.05°	225.00'	63.43'	31.87°

WINDSOR COURT SUBDIVISION

BASIS OF BEARINGS
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T12N, R10E, S12E

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- 1. EASEMENT FOR PUBLIC UTILITY PURPOSES
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- 3. EASEMENT FOR PUBLIC UTILITY PURPOSES
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PREPARED BY:
4CREKS
304 S. SANTA FE ST., STE. A
DENVER, CO 80202
TEL: 559.802.8000
FAX: 559.802.8005

SHEET 2 OF 3

RESOLUTION NO. -2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA,
ESTABLISHING LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS 48-54,
APPROVING ENGINEER'S REPORT FOR SAID DISTRICT, AND
APPROVING THE METHOD AND LEVY OF ASSESSMENTS**

WHEREAS, the City Council of the City of Porterville did on the 7th day of July 2020, adopt Resolution No. 53-2020 declaring its intention to order the formation of Landscape and Lighting Maintenance District numbers 48-54; and

WHEREAS, the public hearing on the consolidation has been set on July 21, 2020, subject to the Landscape and Lighting Act of 1972; and

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

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

- (1) The public interest, convenience and necessity require the formation of Landscape and Lighting Maintenance District numbers 48-54, and that the Districts shall hereby be formed.
- (2) The Engineer's Reports and diagrams for Districts 48-54 are hereby approved, and the work as set forth therein is to be done.
- (3) That the method of assessment and the levy of assessments as indicated within said Engineer's Reports are hereby approved.

APPROVED AND ADOPTED THIS 21st DAY OF JULY 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Permanent Local Housing Allocation (PLHA) Entitlement Grant Application

SOURCE: Community Development

COMMENT: As presented to the City Council at its meeting on May 19, 2020, 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 Notice of Funding Allocation (NOFA). This NOFA is funded from monies deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2019.

The 2020 PLHA application is required to be submitted by July 27, 2020. This plan will allocate PLHA funding over the next five years, which is estimated to be approximately \$2,056,524. The first year funding for the City of Porterville has been set by the State Legislature at \$342,754.

On May 19, 2020, Council provided staff with direction for the development of the PLHA Five-Year Plan, detailing the manner in which allocated funds will be used for eligible activities. Additionally, staff reached out to community stakeholders, held a community meeting, published a survey to determine priorities and develop a five-year plan for submittal along with the application required to receive its portion of the PLHA available from the HCD. The 10-day public review and comment period began July 10, 2020 and concludes with tonight's scheduled Public Hearing.

Based on the input received, staff is recommending the use of this PLHA funding for eligible homeless projects and programs as detailed in the PLHA Proposed Plan, which includes the top suggested uses for the funds based on the outreach efforts to include: financial support of the navigation center, permanent supportive housing programs, rapid re-housing programs, and flexible funds to reduce financial hurdles for individuals 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.

Amounts for activities by percent can be found in attachments on Table 1 and by dollar amounts in Table 2. Years 2-5 of the five-year plan will fluctuate depending upon the number of real estate transactions conducted in any given year. The approved plan may be reallocated among eligible activities with minor amendments for changes of less than 10% of each activities allocation, or major amendments which will require proper notice, a Public Hearing and final

approval from the City Council and HCD.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing to receive public comment on the proposed allocation of funds;
2. Approve & Adopt the proposed draft Permanent Local Housing Allocation (PLHA) five-year Plan; and
3. Authorize the Mayor or designee to execute all documents pertaining to the PLHA program; and be authorized to make any augmentation, modification, addition or revision as may be necessary to conform to requirements imposed by the California Department of Housing and Community Development.
4. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development.

ATTACHMENTS:

1. Draft PLHA 5-Year Plan
2. Table 1 and 2 Proposed Budget
3. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

City of Porterville
Permanent Local Housing Allocation Program
Five-Year 2019-2023 Plan
DRAFT

§302(c)(4) Plan

Introduction: In 2017, Senate Bill 2 (the Building Homes and Jobs Act) created the Permanent Local Housing Allocation (PLHA) program. The California Department of Housing and Community Development (HCD) announced the availability of approximately \$195 million in funding for the PLHA program Entitlement and Non-entitlement Local government formula component Notice of Funding Availability (NOFA). This NOFA is funded from moneys 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 the Department to allocate 70 percent of moneys 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, ongoing source of funding to Local governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities.

Purpose: The City of Porterville is considered an Entitlement Local government, and is eligible for a 2019 formula allocation of PLHA funds in the amount of \$342,754. The approximate PLHA five-year formula allocation amount is \$2,056,524. 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 of Area Median Income (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. 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- Item No. 17. 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.

Requirements: In order to participate in the formula allocation, the City of Porterville is required to develop a five-year plan detailing the manner in which allocated funds will be used for eligible activities.

Plan: With City Council and the community's input, it is recommended that the City of Porterville utilize the funds in the following manner:

I. §302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.

- A. The City of Porterville plans to use PLHA funds for three (3) priorities, distributed over six (6) possible activities that assist persons who are experiencing homelessness or at risk of homelessness. *§301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, 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.*
- B. The City of Porterville Plans on opening an RFP to allow agencies to apply for funding. There are three priorities identified (not listed in order of priority, numbering is only for identification purposes):
 1. Provide operating costs for navigation centers
 2. Provide operating costs for emergency shelters and/or bridge housing programs.
 3. Support Permanent Housing Programs:
 - a. Provide operating costs for permanent supportive housing programs.

- b. Provide rapid-rehousing rental assistance & operating costs for RRH programs
- c. Establish a flexible fund program to cover expenses that other funding sources do not cover and are barriers to obtaining housing once a housing unit is located, i.e. arrearages, utility deposits, rent deposits.
- d. Provide Operating costs for Rapid-Rehousing Rental assistance program and Rental Assistance for those experiencing homelessness.

II. §302(c)(4)(B) Provide 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 Area Median Income (AMI).

- A. The City of Porterville will continue to prioritize investments that increase the supply of affordable housing for households under 60% AMI with PLHA funds. People experiencing homelessness, who are currently served by KTHA programs are typically under 30% Area Median Income (AMI); therefore, all the proposed priorities will serve households under 60% AMI.

III. §302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local government's Housing Element.

- A. The City permits social service facilities, including emergency shelters, in the RM-3, CMX, D-MX, DRM-2, and DRM-3 zoning districts via a conditional use permit. Further, social service facilities are allowed by right in the CR and CG zone districts.
- B. The City permits transitional and supportive housing in all zoning districts that allow residential uses, subject only to the restrictions that would apply to a residential use of the same type. Section 301.22 of the City's Development Ordinance clarifies this accommodation.
- C. Housing Element Goals consistent with the PLHA program priorities.
 - 1. Goal 2: Expand the City's low- and moderate-income housing opportunities.
 - Policy 2.5 - The City will pursue local, state, and federal funding assistance that is appropriate to Porterville's needs to expand affordable housing opportunities for low- and moderate-income households
 - 2. Goal 3: Address the housing needs of special populations, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families.

- Policy 3.1 - The City will maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, farmworkers, the homeless, and transitional persons.
- Policy 3.2 - The City will encourage the development and rehabilitation of housing that is accessible to persons with disabilities.
- Policy 3.3 - The City will pursue land use policies that allow small residential developments and individual housing units meeting special needs to be integrated into existing neighborhoods and new residential developments.
- Policy 3.4 - The City will work with surrounding jurisdictions to address the needs of transient homeless persons on a regional basis.
- Policy 3.5 - Continue to participate in the Kings/Tulare County Continuum of Care (“the Alliance”) and work with adjacent jurisdictions to develop additional shelter opportunities.

IV. Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))

§301(a)(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.

V. §302(c)(4)(E)(i) Provide a description of how allocated funds will be used for the proposed Activity.

A. *Priority 1: Navigation Center:*

1. Operating costs for a Navigation Center: PLHA funds would be used for operation costs associated with a new or existing Navigation Center. The Navigation Center would serve as a central location for people who are experiencing homelessness to connect to services to help them obtain housing or overcome barriers in obtaining housing.

B. *Priority 2: Emergency Shelter*

1. Operating costs for an Emergency Shelter: PLHA funds would be used for operating costs needed to run an emergency shelter. This will assist in ensuring that low barrier beds for people who have been identified by the local Continuum of Care on Homelessness, the Kings/Tulare Homeless Alliance (KTHA) continue to be available. KTHA currently uses a

vulnerability index to prioritize housing for people experiencing homelessness. Additionally, using a coordinated entry system, KTHA, is able to make referrals from one database, in order to have a streamlined application and referral system between agencies who serve people experiencing homelessness.

C. *Priority 3: Permanent Housing:*

1. The City would consider Operating costs for a bridge housing beds, leading to permanent housing: The City plans on working with eligible non-profits who provide bridge housing programs to help cover some gaps in operational financing, allowing them to continue providing housing to program participants that are currently working on permanent housing solutions.
2. The City would consider Operating costs for Permanent Supportive Housing (PSH) Programs: The City plans on working with eligible non-profits and/or affordable housing developers who provide services to existing PSH programs to help cover some gaps in operational financing/or provide required match for funding, allowing them to continue providing housing to program participants that are currently receiving PSH housing vouchers. This would include increasing the percentage of PLHA funds in years 4 and 5 to include operating expenses for Multi-family housing with units dedicated to people experiencing homelessness. This will assist in ensuring that PSH units created for people experiencing homelessness, have the necessary case management to provide PSH units with a connection to supportive services.
3. The City would consider creating a local flexible spending account to address needs that are not typically funded by other grants that assist people experiencing homelessness in obtaining housing. Examples of these include eligible expenses under the State CESH program i.e. security deposits, utility deposits, utility arrearages and other cost barriers that applicants have in securing permanent housing.
4. The City would consider Rapid-Rehousing Rental assistance for those experiencing homelessness: PLHA funds would be used for operations and rental assistance for a rapid rehousing program to assist in filling a service gap in the Porterville community. Many HUD funded programs that house people experiencing homelessness have restrictions to who can be served i.e. must have a disabling condition. However, that creates a barrier because a person may have a disabling condition, and has not been able to obtain the correct documentation to provide that proof, therefore they are not able to “qualify” for PSH housing vouchers. This program would close that gap, because a person could be housed with PLHA Rapid Rehousing funds; once

housed they would get assistance to obtain the proper documentation to be eligible for a PSH voucher.

Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).

Funding Allocation Year	2019	2019	2019	2020	2020	2020	2021	2021	2021	2022	2022	2022	2023	2023	
Type of Activity for Persons Experiencing or At Risk of Homelessness	Emergency Shelters	Navigation Centers	Permanent	Emergency Shelters	Navigation Centers	Permanent	Emergency Shelters	Navigation Centers	Permanent	Emergency Shelters	Navigation Centers	Permanent	Emergency Shelters	Permanent	
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	20%	25%	50%	20%	25%	50%	20%	25%	50%	20%	25%	50%	50%	50%	
§302(c)(4)(E)(ii) Area Median Income Level Served	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0
§302(c)(4)(E)(ii) Projected Number of Households Served	5	15	10	5	15	10	5	15	10	5	15	20	10	20	160
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

VI. §302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity.

Within 6 months after award is received:

- Create, publish and award and RFP offering an opportunity to fund an eligible entity to apply for PLHA funds to be used on one or more of the priorities identified in the plan.
- Enter into agreement (s) to execute each program

Monthly:

- Monitor progress
- Obtain monthly accomplishment data from subrecipients

Yearly:

- Complete yearly accomplishment report
- Apply for subsequent year funding to execute 5 year Plan

Table 1: Poposed PLHA Funding by Percentage

Allocation	2019	2020
Administration	5%	5%
Navigation Center	20%	20%
Emergency Housing & Bridge Housing	25%	25%
PSH Operations	10%	10%
Flex Fund-to support PSH & RR	10%	10%
Rapid-Rehousing Rental Assistance & Operations	30%	30%

Table 2: Proposed PLHA Funding by Percentage

Allocation	2019	2020*
Administration	\$ 17,137.70	\$ 21,422.13
Navigation Center	\$ 68,550.80	\$ 85,688.50
Emergency Housing & Bridge Housing	\$ 85,688.50	\$ 107,110.63
PSH Operations	\$ 34,275.40	\$ 42,844.25
Flex Fund-to support PSH & RR	\$ 34,275.40	\$ 42,844.25
Rapid-Rehousing Rental Assistance & Operations	\$ 102,826.20	\$ 128,532.75
Total	\$ 342,754.00	\$ 428,442.50

**Years 2-5 are estimated amounts that will vary based on actual number of real estate transact*

2021	2022	2023
5%	5%	5%
20%	20%	20%
25%	25%	25%
20%	20%	20%
-	-	-
30%	30%	30%

2021*	2022*	2023*	Total 5 yr Plan
\$ 21,422.13	\$ 21,422.13	\$ 21,422.13	\$ 2,056,524.00
\$ 85,688.50	\$ 85,688.50	\$ 85,688.50	\$ 102,826.20
\$ 107,110.63	\$ 107,110.63	\$ 107,110.63	\$ 411,304.80
\$ 85,688.50	\$ 85,688.50	\$ 85,688.50	\$ 514,131.00
\$ -	\$ -	\$ -	\$ 334,185.15
\$ 128,532.75	\$ 128,532.75	\$ 128,532.75	\$ 77,119.65
\$ 428,442.50	\$ 428,442.50	\$ 428,442.50	\$ 616,957.20

ions

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF SUBMITTING AN APPLICATION TO THE
STATE OF CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

The City Council of the City of Porterville, a municipality (“Applicant”) hereby consents to, adopts, and ratifies the following resolution:

WHEREAS, the City Council of the City of Porterville, at its regular scheduled meeting of July 21, 2020, conducted a public hearing to receive comments and to consider submitting an application to the State of California, Department of Housing and Community Development (HCD) for funding under the Permanent Local Housing Allocation (PLHA) Program; and

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) is authorized to provide up to \$195 million to Cities and Counties for assistance under Senate Bill 2 Permanent Local Housing Allocation Program Entitlement Jurisdiction Component from the Building Homes and Jobs Trust Fund (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2))); and

WHEREAS, the Department issued Permanent Local Housing Allocation Final Guidelines (“PLHA Program Guidelines”) in October 2019; and

WHEREAS, the Department issued a Notice of Funding Availability (“NOFA”) dated 02/26/2020 under the Permanent Local Housing Allocation (“PLHA”); and

WHEREAS, Applicant is a City or County eligible to submit an application for and administer Permanent Local Housing Allocation Funds; and

WHEREAS, the Department may approve funding allocations for the PLHA Program, subject to the terms and conditions of the PLHA Program Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients;

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby authorize staff to submit an application with the following parameters:

1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA \$2,056,524 in accordance with all applicable rules and laws.

3. Applicant hereby agrees to use the PLHA funds only for Eligible Activities as approved by the Department and in accordance with all Program requirements, PLHA Program Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement, its Application, and other contracts between the Applicant and the Department.
4. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines, and any other applicable SB 2 guidelines published by the Department.
5. The Mayor or her/his designee, is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED, APPROVED AND ADOPTED this 21st day of July, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of an Urgency Ordinance Requiring the Use of Face Coverings

SOURCE: City Manager's Office

COMMENT: Due to an increase in COVID-19 cases throughout the State of California, on June 18, 2020, the State issued guidance that all individuals wear face coverings when in public. At its meeting of July 7, 2020, the City Council took action under its Proclamation of Local Emergency, to direct staff to enforce the State's mandatory face covering requirements through aggressive education efforts and through the City's administrative citation provisions. The Council further directed staff to schedule a public hearing during which time the Council would consider a draft urgency ordinance requiring the use of face coverings consistent with the California Department of Public Health.

The draft Urgency Ordinance is provided herein for Council's consideration. As an urgency ordinance, it would require a 4/5 majority to pass, and would go into effect immediately.

RECOMMENDATION: That the City Council consider the draft Urgency Ordinance Requiring the Use of Face Coverings in Conformity with the Requirements Set by the California Department of Public Health, and provide direction to staff.

ATTACHMENTS:

1. Draft Urgency Ordinance_Face Coverings
2. Exhibit A-State Guidance re Face Coverings

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: Patrice Hildreth, Deputy City Manager

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE REQUIRING THE USE OF
FACE COVERINGS IN CONFORMITY WITH THE REQUIREMENTS SET
BY THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

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;

WHEREAS, COVID-19 has been found to be easily transmissible from person to person;

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;

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;

WHEREAS, on March 21, 2020, Tulare County declared an emergency, thus enabling the County to take extraordinary measures;

WHEREAS, on March 17, 2020, due the actions of the Federal and State Governments, and due to the presence of confirmed cases in Tulare County and the Porterville area, the Porterville City Council adopted Resolution No. 22-2020, a Resolution of the City Council of the City of Porterville to Proclaim the Existence of a Local Emergency;

WHEREAS, on June 18, 2020, the California Department of Public Health issued Guidance for the Use of Face Coverings, which mandates that face coverings be worn state-wide in certain settings and circumstances;

WHEREAS, as of July 7, 2020, Tulare County remains on the State of California Covid-19 “watch list,” due to continuing spread of the disease in the County, including in the Porterville area;

WHEREAS, on July 7, 2020, the Porterville City Council ordered that the face covering requirements of the State be enforced within the City via the City’s administrative citation regulations and through aggressive education efforts, and directed that an urgency ordinance be prepared consistent with the order;

WHEREAS, the City of Porterville is authorized to enforce the state-wide order concerning Face Coverings pursuant to the California Constitution, Porterville City Charter Section 4, and applicable State laws and City regulations; and

WHEREAS, substantial scientific evidence shows that when combined with physical distancing and other health and safety practices such as hand washing and the regular disinfection of surfaces, wearing Face Coverings will assist in allowing additional business and other activities

to be resumed in the safest way possible, and will help protect Porterville's community members and in particular those that are most vulnerable due to age or health conditions;

THE CITY COUNCIL OF THE CITY OF PORTERVILLE does ordain as follows:

Section 1. The provisions of this urgency ordinance are necessary for the immediate preservation of the health and safety of the public; will help protect all community members who live, work and are present in the City of Porterville; and will assist in state-wide efforts to mitigate the spread of Covid-19.

Section 2. Individuals, while in the City of Porterville, are required to comply with all guidance within the California Department of Public Health's "Guidance for the Use of Face Coverings," (hereinafter "Face Covering Requirements") as currently set forth and as may be further revised by the State of California. A copy of the Face Covering Requirements, released June 18, 2020, and revised on June 29, 2020, is attached hereto as Exhibit "A."

Section 3. Businesses operating in the City of Porterville are required to comply with all applicable Industry Guidance issued by the California Department of Public Health, which incorporate the Face Covering Requirements.

Section 4. The City is authorized to utilize education efforts in any effort to gain cooperation and compliance with the Face Covering Requirements;

Section 5. City staff is further authorized to engage in code enforcement efforts to remedy violations of the Face Covering Requirements. Violations of these requirements are punishable as permitted by State law. Furthermore, the City is hereby authorized to enforce violations of the requirements pursuant to its Administrative Citation regulations set forth in Chapter 2, Article 14, Sections 2-141 through 2-155 of the Porterville Municipal Code.

Section 6. This Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b) (4).

Section 7. This Ordinance shall take effect immediately upon adoption by at least a 4/5 vote of the all members of the Porterville City Council, pursuant to Section 13 of the Porterville City Charter.

THE FOREGOING ORDINANCE was approved by the City Council of the City of Porterville, State of California, on July _____, 2020 at a regular meeting of said Council duly and regularly convened.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis

Patrice Hildreth, Chief Deputy City Clerk



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health



GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings

² Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom 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.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of Membership in the Tulare County Economic Development Corporation

SOURCE: City Manager's Office

COMMENT: At its Special Meeting to consider the adoption of the fiscal year 2020-2021 interim budget, the City Council directed that the prior fiscal year allocation of \$27,590 for the Tulare Economic Development Corporation (TCEDC) remain in the interim budget, and that the City's continued membership be considered upon receipt of its annual membership invoice. On July 1, 2020, the TCEDC emailed the City its 2020-2021 membership invoice for Council's consideration, which reflects a reduction to \$25,000.

The City of Porterville was a founding member of the Tulare County Economic Corporation (TCEDC) in 1983, and has remained actively and consistently involved in its operation and funding since the organization's inception. The TCEDC was formed in 1983 by the County of Tulare and the county's eight incorporated cities for the express purpose of recruitment of new industry locating to Tulare County and to encourage development of new jobs through industrial promotion. Members of Council and staff have continued to emphasize the importance of collaborative economic development efforts across Tulare County, and especially to the benefit of the southeastern region of the county.

Through its historical participation and support of the TCEDC, the City has been successful in the location of several new industries to Porterville, including Walmart Distribution (1991) and ProDocument Solutions (2003). Through the TCEDC prospect selection process, the City was successful in 2007 in the location and sale of approximately 35-acres of vacant City industrial property to Southern California Edison (SCE) for the planned development of a customer service center and maintenance facility. SCE has developed the maintenance facility on approximately half of the property, but to date has not developed the customer service center nor has any current plans to do so.

Through its membership in the TCEDC, the City actively markets prospective industrial properties across the community and responds to potential industrial prospect inquiries, including currently vacant privately-owned facilities (e.g. former Beckman Coulter, Inc.) as well as vacant land (e.g. City 10-acre property at Jaye Street/Montgomery Avenue). Over the last several years the TCEDC has coordinated several initiatives to incentivize prospect consideration and selection of industrial property, including a Certified Sites program for development and federally-designated Opportunity Zones to eliminate or defer

federal capital gains taxes, which the City has robustly participated without recent success. In a strengths, weaknesses, opportunities and threat (SWOT) analysis conducted by the TCEDC in 2019, the TCEDC identified the lack of major highway access and limited vacant buildings to respond to prospect requests for vacant space. At the Council's request at its meeting of June 2, 2020, the TCEDC's presentation indicated that 36% of its active prospect portfolio (23 of 63) are considering one or more Porterville sites for location, which requirements for railroad service, proximity to interstate, and available buildings being the main obstacles for more prospects considering Porterville.

Given current financial challenges and consideration of economic development priorities during the current COVID-19 pandemic, both the Cities of Exeter and Farmersville have recently acted to discontinue its membership in the TCEDC this year, and the City of Lindsay is considering the same. The County of Tulare recently acted to continue its membership in the TCEDC, which the Cities of Dinuba, Tulare and Visalia will be considering the same at upcoming meetings over the next several weeks.

The TCEDC has indicated its goal and objective over the next couple of years is to not rely on the public sector agencies for financial support and encourage additional private sector support. Prior to July 1, 2020, the County and Cities comprised nine members of the 21-Member Board of Directors and contributed \$225,000 in annual revenue to the TCEDC, with the private sector contribution \$21,000. TCEDC's 2020-2021 budget reduces the County and public agencies contributions by \$52,500 to \$172,500, with the objective of the private sector contributing an additional \$129,000 for a total of \$150,000 and increasing private sector membership to the Board. Locally, Kevin McPhail (Bank of the Sierra) and Rob Taylor (Stafford's Chocolates) were recently appointed to the Board.

RECOMMENDATION: That the City Council consider the City's continued membership in the Tulare County Economic Development Corporation and invoice for \$25,000 for 2020-2021 public sector membership dues.

ATTACHMENTS:

1. TCEDC 2020-2021 Membership Invoice
2. TCEDC 2020-2021 Work Plan
3. TCEDC City Council Update - June 2 2020
4. TCEDC Public Sector Membership Formula
5. TCEDC 2019 Porterville SWOT Analysis

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager



Invoice

Date	Invoice #
7/1/2020	745

Bill To
The City of Porterville John Lollis 291 N. Main Street Porterville, CA. 93257

Description		Amount
Public Sector Membership 2020-21		25,000.00
Phone #		Total 25,000.00



TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION

2020-21 WORK PLAN

OVERVIEW

The 2020-21 Work Plan for the Economic Development Corporation outlines strategic activities of the EDC to accomplish its mission while leading the recovery and renewal of the local economy. Economic development is the intentional practice of improving a community's economic wellbeing and quality of life. The plan is transformational and recognizes that the operating conditions that existed prior to the global pandemic have changed the future of economic development.

STRATEGIC DIRECTION

OUR VISION

To be the premier location in California to live, work, learn and play.

OUR MISSION

To be the regional leader of economic development by attracting and supporting business and industry for the communities of Tulare County.

OUR GOALS

- To maximize opportunities for economic growth and job creation
- To create a globally competitive environment for businesses
- To maintain a high performance, nationally acclaimed economic development organization

OUR GUIDING PRINCIPLES

- Deliver high value and excellent service to clients in a timely manner
- Leverage resources to effectively meet business needs
- Provide clear knowledge and information
- Position the region and organization for short term success and long-term prosperity
- Serve as a trusted voice for local, regional and state economic development strategies

DEFINITIONS

The business plan refers to a number of terms that are defined below to ensure clarification.

PRODUCT: The EDC's product is the commercial, industrial, office, retail and service property located in the communities of Tulare County. Development of the product results in new jobs and new revenue for public and private sector.

BENEFICIARIES: The beneficiaries of the work of the EDC are the residents of Tulare County that are employed in the jobs the EDC helps to create.

INVESTORS: Investors are public jurisdictions and private companies who provide financial support for the organization to accomplish its mission.

CLIENTS: Clients are individuals who represent a company that has expressed an interest and have an active project considering a Tulare County location. Clients may sometimes be referred to as "prospects" and/or "customers".

PROJECTS: Projects are the specific building activity that the client is proposing. The project is reported as amount of acreage and/or square footage, capital investment and new jobs created.

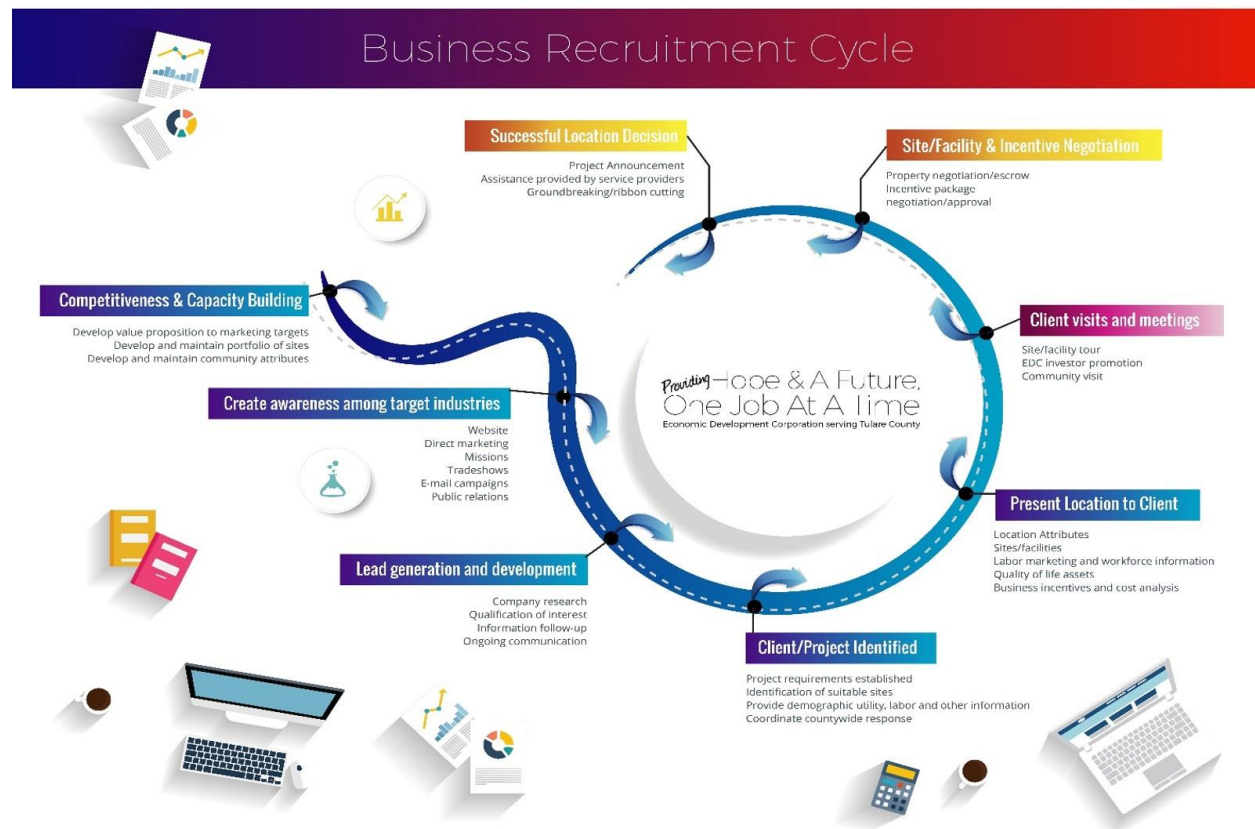
LEADS: These are individuals representing companies that are contacted through one of the EDC's marketing tactics and have viewed or utilized one or more of the EDC's information portals.

STRENGTHENING ECONOMIC DEVELOPMENT FOUNDATION

The work plan is built on the importance of strengthening the foundation for economic development through:

- Restore core economic development activities
- Energizing private sector support and involvement
- Leading the recovery and renewal of the post pandemic economy
- Innovating new practices in the economic development profession

MAXIMIZE OPPORTUNITIES FOR ECONOMIC GROWTH AND JOB CREATION



COMPETITIVENESS & CAPACITY BUILDING

- Maintain website that demonstrates value proposition
- Expand real estate sites database including all industrial, commercial, office and retail properties
- Expand community pages that highlight attributes and provide demographic and consumer retail information

CREATE AWARENESS AMONG TARGET INDUSTRIES

- Distribute direct e-mail campaign to target leads
- Generate leads/clients from corporate visitation mission
- Participate/conduct targeted industry trade shows (virtual)
- Generate media advisors and news items in target industry publications
- Generate retail trade demographic reports and assist communities in development of retail recruitment marketing opportunities

LEAD GENERATION & DEVELOPMENT

- Research and monitor target industry trends
- Research and monitor individual company activity from lead or are self-identified
- Communicate to leads via e-mail, phone or other means
- Provide follow-up information as requested
- Identify potential retailers based on trade area and space availability in the community

CLIENT/PROJECT IDENTIFICATION

- Convert leads to clients through project requirements identification
- Provide response to state generated requests for information
- Identify sites and coordinate response to client project requirements

PRESENTATION OF LOCATION TO CLIENT

- Prepare project proposal including suitable sites, location attributes, labor market, quality of life, summary of incentives and other topic areas as required by client
- Assist community in preparing for site visit by potential retail client including development of additional trade area demographic information.

FACILITATION OF CLIENT VISITS AND MEETINGS

- Organize and conduct virtual or actual site tour of sites chosen by the client
- Organize and conduct community tours
- Organize meetings with local jurisdictions, utilities, local businesses or others as required by client

SUPPORT LOCAL JURISDICTION DURING FINAL SITE SELECTION PROCESS

- Assist community in providing follow-up information when community has been short-listed
- Develop final; incentive/financing package for consideration
- Refer client to local real estate broker (EDC Investor Only) for due diligence assistance on sites

CREATE A GLOBALLY COMPETITIVE ENVIRONMENT FOR BUSINESS

BUSINESS RETENTION & EXPANSION

- Deploy early warning system and active monitoring of existing business industry and trends
- Establish (or re-establish) relationships with corporate level staff for major industrial employers
- Produce annual “State of Tulare County Businesses” report
- Produce Tulare County Relocation Guide to support local industry/business recruitment of employees

ENTREPRENEURSHIP & SMALL BUSINESS DEVELOPMENT

- Deploy BIZ 211 information program and website, link with regional program
- Hold 2020 Entrepreneurship Recognition Event (September 16) recognizing excellence in entrepreneurship and hall of fame inductees
- Conduct three (3) business training sessions with CSU Fresno Small Business University
- Publish Tulare County Business Assistance Guide

ADVANCING STRATEGIC PLAN – NEW INDUSTRIES

- Initiate recruitment of businesses and industry resulting from the outcome of the target industry sector analysis starting with the “Advance Bioeconomy” segment
- Position Tulare County as the “Center” for the advancement of the bioeconomy industries in the region and state

BUSINESS CAPITAL FUND

- Continued marketing of micro loans with \$100,000 set aside established by Board
- Expand limited restriction loan funds with capitalization of \$500,000
- Pursue grants that establish additional revolving loan funds \$500,000
- Complete establishment and initial capitalization of community investment fund

COMMUNITY COMPETITIVENESS

- Identify and apply for grant funds for the expansion of certified sites program
- Publish annual infrastructure needs and opportunities assessment
- Facilitate communication and support of expanded 4-year college opportunities
- Support initiatives, policies, regulations and actions that foster a pro-business environment within the County and State

MAINTAIN A HIGH-PERFORMANCE ECONOMIC DEVELOPMENT ORGANIZATION

GOVERNANCE & LEADERSHIP

- Facilitate Board leadership transition and new Board member orientation
- Board will implement Board member evaluation metrics and keep each other accountable for meeting attendance and participation
- Prepare and submit renewal application for Accredited Economic Development Organization (AEDO)
- Maintain Economic Developers Team monthly meeting to coordinate and communicate economic development activities and projects
- Fully implement Commercial Real Estate Committee to provide leadership on real estate sites marketing and client response management

INVESTOR RELATIONS & COMMUNICATIONS

- Develop and communicate public sector membership benefit plan
- Develop and communicate private sector membership benefit plan
- Continue creation of and investment in best technology practices, including process and communication automations
- E-mail communications will be sent to all investors, including all elected officials, highlighting news and activity on a monthly basis

FISCAL STEWARDSHIP

- Achieve income base of \$400,000 for fiscal year 2020-21
- New funding opportunities through program expansion, grants or other means will be identified and sought
- Fiscal operations will be maintained within approved budget
- Opportunities to replenish EDC reserve fund will be identified and implemented to return fund to 100%

PERFORMANCE METRICS

A trademark of the EDC's international status as an Accredited Economic Development Organization has been its long-term commitment to measuring and evaluating work activity using performance metrics. The EDC has served as a model to other economic development groups of how performance metrics can be used to evaluate activity and respond to changes resulting from unforeseen influences.

Client Services/Business Recruitment

Number of new clients (projects) generated in FY	30
Total number of clients (projects) assisted in FY	60
Total number of leads generated through marketing program	150
Percent of leads that are converted to new clients	20%
Number of searches conducted on real estate database	1,500
Number of custom demographic reports generated by users	250

Existing Business Assistance

Number of businesses receiving technical assistance, training and/or loan assistance	50
--	----

Organizational Management

Percentage of representatives attending Board Meeting	100%
Amount of total income received for FY	\$400,000

IDEAL OUTCOMES

The byproduct of the EDC's work plan activities is a company locating or expanding a facility within Tulare County. The EDC plays a support role in the final site selection process as the primary decision is made by the company, working in conjunction with the local jurisdiction whose site was selected by the company. An announced location brings new jobs, capital investment, real estate development, fiscal impact to local jurisdictions and economic impact throughout the community. Likewise, local company expansions provide similar economic impact in the communities when they add employees or additional equipment and facilities.

The Board has established the following as the ideal annual outcomes from the work the EDC does:

- Number of locates and/or assisted projects: 8
- Number of new jobs created: 200
- Fiscal impact of new jobs created: \$1.4 million
- Economic impact of new jobs created: \$6.3 million

Note: Fiscal and economic impact based on historic data of prior company locations and is an average across primary industries. A fiscal and economic impact analysis will be conducted on each located project.

Ideally, it is the desire of the EDC and local jurisdictions for each community to experience a new company location or expansion as a result of the EDC's business plan at least once in every five years. For some cities, this may include retail, commercial or another non-industrial project that is identified and assisted by the EDC.



CITY OF PORTERVILLE UPDATE JUNE 2, 2020

Tulare County Economic Development Corporation



*Providing hope and a future,
one job at a time*



PRESENTATION SUMMARY



Strategic
Direction



Governance &
Funding



Performance
Year to Date





STRATEGIC DIRECTION

OUR VISION

To be the premier location in California to live, work, learn and play

OUR MISSION

To be the regional leader of economic development by attracting and supporting business and industry for the communities of Tulare County.



BOARD OF DIRECTORS

Chairman

Colby Wells
SoCal Gas

Reggie Ellis
Sun Gazette News

Brian Poochigian
City of Visalia

Donnette Silva Carter
Tulare Chamber of
Commerce

Vice Chair/Treasurer

Scott Harness
Harness Realty Group

Tim Hire
Superintendent of Schools

Mike Porte, SIOR
Newmark Pearson
Commercial

Joseph Tanner
City of Lindsay

Secretary

Harroll Wiley
Workforce Investment Bd

Clayton Ipsen
Adventist Health

Terry Sayre
City of Tulare

Dr. Kuldip Thusu
City of Dinuba

Paul Boyer
City of Farmersville

Jey Lacey
Southern California Edison

Nick Seals
Seals Construction, Inc.

George Vasquez
Bank of the Sierra

Brent Calvin
College of Sequoias

Rudy Mendoza
City of Woodlake

Amy Shuklian
County of Tulare

Mary Waterman-Philpot
City of Exeter

Daniel Peñaloza
City of Porterville



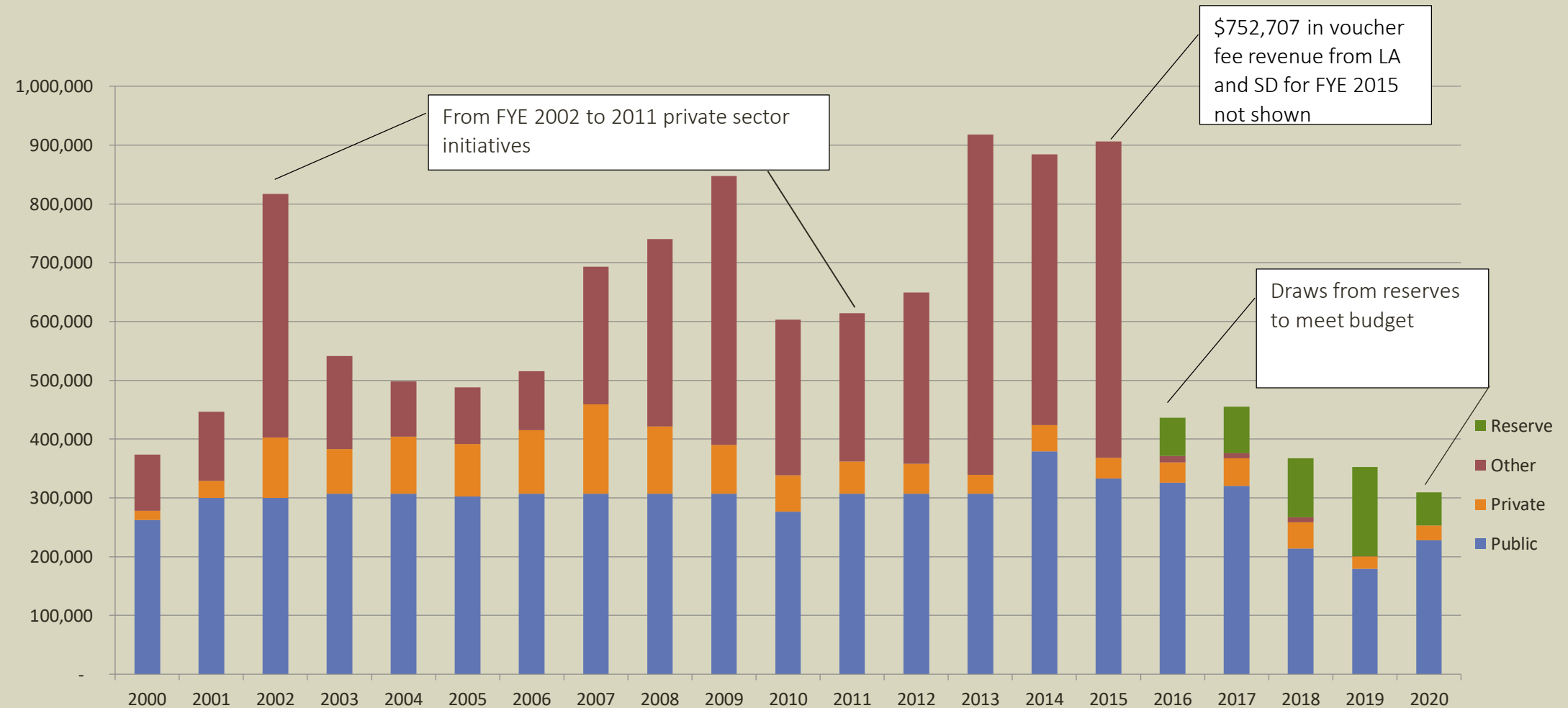
Providing Hope & A Future, One Job At A Time

Economic Development Corporation serving Tulare County

GOVERNANCE & FUNDING



EDC REVENUE HISTORY



Public Sector as Percent of Total Revenue



CHANGE TO BYLAWS

Article IX, Section 4:

*“Each public member **shall be assessed**, on an annual basis for the coming fiscal year, contribution levels sufficient to produce revenue in an amount to **cover expenditures** approved as part of the Corporation’s annual budget for the fiscal year. Each public member shall be responsible for its **pro-rata share of the total assessment** determined as established by the Board of Directors.”*



Current Year Contribution		Membership Level Approach based on Population	
\$ 12,066	Dinuba	\$ 15,000	↑
\$ 4,691	Exeter	\$ 2,500	↓
\$ 3,606	Farmersville	\$ 2,500	↓
\$ 4,211	Lindsay	\$ 2,500	↓
\$ 27,590	Porterville	\$ 25,000	↓
\$ 36,456	Tulare	\$ 25,000	↓
\$ 92,440	Visalia	\$ 50,000	↓
\$ 2,434	Woodlake	\$ 2,500	↑
\$ 44,212	County	\$ 50,000	↓
\$ 227,706	Total	\$ 175,000	



Providing Hope & A Future, One Job At A Time

Economic Development Corporation serving Tulare County

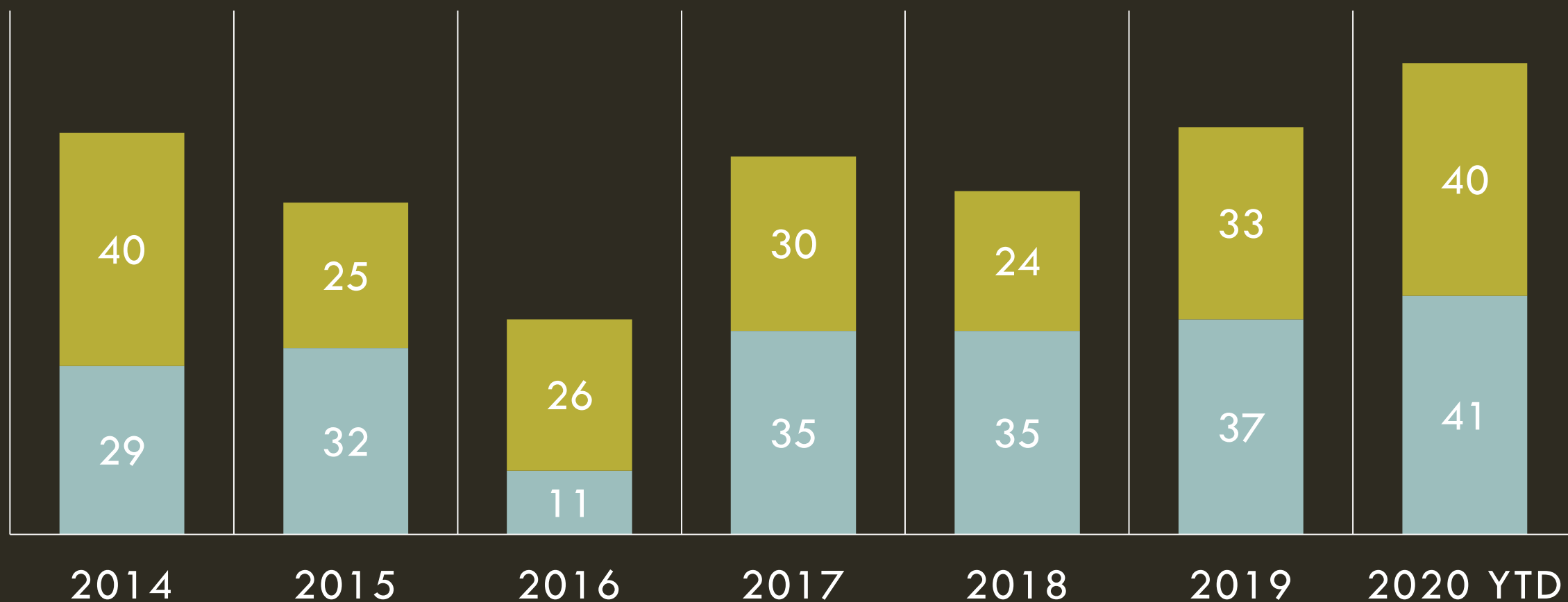
PERFORMANCE UPDATE





PROJECT/COMPANY ACTIVITY

■ Carry Forward ■ New



ACTIVE PROJECTS (61)

25% are state referrals which the EDC coordinates the countywide response

27% are based on existing relationships the EDC maintains as well as direct company contact

37% are from marketing activities the EDC participates.



SITES COMPETITIVENESS — CITY OF PORTERVILLE

36% of the active projects have one or more sites in City of Porterville under consideration. In several cases, more than one site has been proposed for these projects.

Factors for why sites are not under consideration include project requirements for rail, proximity to interstate, available buildings.

72% of active projects for which a City of Porterville site is under consideration are EDC exclusive projects resulting from marketing or direct contact.



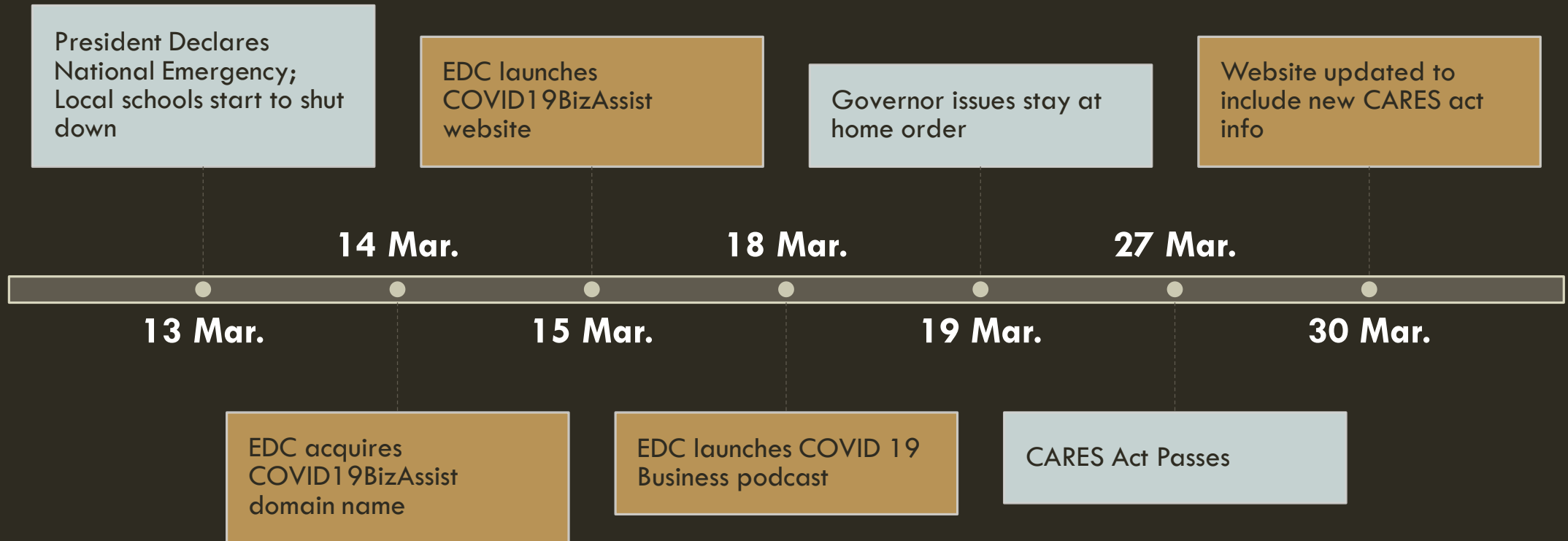
Located/Announced	Local Assists	Local Expansions	Short Listed
Ergostech (948-17) Biofuels production company approved for construction in Lindsay.	Assisted retail developer in Woodlake with marketing project for tenants (885-18A)	Food processor in Springville area assisting with business expansion (924-20E)	913-19 (Manufacturing) Sites in Tulare & Pixley on short list. Co. tour on 3/16/20
YS Industrial Project (858-17) 600,000 square feet includes opportunity zone project in Visalia.			
936-20 Manufacturing project approved in Woodlake.			

LOCATED OR FINALIST PROJECTS FOR 2019-20





EDC LAUNCHES PROACTIVE BUSINESS ASSISTANCE RESPONSE TO COVID 19



RECOVERY & RENEWAL TASK FORCE

Porterville Area Members

Rob Taylor, Stafford's Chocolates

Kevin McPhaill, Bank of the Sierra

Review of local industry impacts

Statement of optimism to local businesses

Support reopening guidelines & plan

Identification of supply chain needs
among business

Subsidized marketing program for small
businesses



STRATEGIC ADVANCE

“Perception is strong and sight weak. In strategy it is important to **see distant things** as if they were **close** and to take a distanced view of close things”

Miyamoto Musashi

“Strategy is about setting yourself apart from the competition. It’s not a matter of being better at what you do – it’s a matter of **being different** at what you do.”

Michael Porter

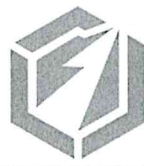




THANK YOU!

*Providing Hope & a Future
One Job at a Time*





Agenda Report – May 27, 2020

Current Year Contribution		Managers Recommendation Previously Adopted for 2020-21		Option A Redistribution of Farmersville & County		Option B Return to Original Population & Sales Tax Base Distribution		Option C Membership Level Approach based on Population	
\$ 12,066	Dinuba	\$ 16,075	↑	\$ 24,224	↑	\$ 24,784	↑	\$ 15,000	↑
\$ 4,691	Exeter	\$ 3,718	↓	\$ 6,818	↑	\$ 3,926	↓	\$ 2,500	↓
\$ 3,606	Farmersville	\$ 3,168	↓	\$ -		\$ 3,670	↑	\$ 2,500	↓
\$ 4,211	Lindsay	\$ 3,967	↓	\$ 6,739	↑	\$ 4,529	↑	\$ 2,500	↓
\$ 27,590	Porterville	\$ 20,290	↓	\$ 34,208	↑	\$ 23,710	↓	\$ 25,000	↓
\$ 36,456	Tulare	\$ 25,538	↓	\$ 45,835	↑	\$ 31,038	↓	\$ 25,000	↓
\$ 92,440	Visalia	\$ 61,941	↓	\$ 106,025	↑	\$ 79,983	↓	\$ 50,000	↓
\$ 2,434	Woodlake	\$ 2,298	↓	\$ 3,857	↑	\$ 2,524	↑	\$ 2,500	↑
\$ 44,212	County	\$ 90,712	↑	\$ -		\$ 53,542	↓	\$ 50,000	↓
\$ 227,706	Total	\$ 227,706		\$ 227,706		\$ 227,706		\$ 175,000	

EDC Countywide Responsibilities/Activities

The EDC is responsible for a number of countywide programs/activities as described that have routinely been funded through public sector contributions as well.

Recycling Market Development Zone: The EDC is the designated administrator for the Tulare County portion of the Greater South San Joaquin Valley Recycling Market Development Zone, a program that provides assistance to businesses that are involved in the use of or manufacturing of recycled materials. All cities and unincorporated areas are included in the RMDZ designation.

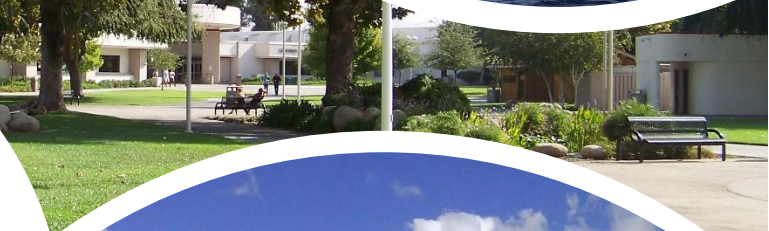
Comprehensive Economic Development Strategy (CEDS): The EDC has been responsible for the creation and management of the CEDS, which is developed and submitted to the Economic Development Administration for consideration of grant funds. The current CEDS was developed by the EDC for the five-year ending commencing in 2019 and expiring in 2024. The EDC maintains the annual updates of the CEDS.

Opportunity Zone Fund/Marketing: The Board has authorized the creation of an Opportunity Zone Fund to fund projects (either directly or through investment pass thru). Most of the communities in the County have an opportunity zone designation and therefore could benefit from any funds that are committed for opportunity zone fund investment.

The following programs were established by the EDC Board to support business recruitment and expansion efforts and will continue to operate since they are funded from non-public sector funds.



DRAFT SWOT Analysis



TULARE COUNTY ECONOMIC
DEVELOPMENT CORPORATION



Internal

STRENGTHS

- Porterville population grew by 2.2% from 2017 to 2018, highest in County and over twice the state average
- Labor force is diverse and mobile, with 4,822 working out of the County.
- Porterville is home to 14 career pathway projects, including areas of future growth such as energy, engineering, multimedia, health care and manufacturing.
- Business risk is low; retail locations strong, closures minimal.
- Labor costs are low compared to regional and state averages.

WEAKNESSES

- Market access and logistics is a challenge due to lack of highway access and/or access to four lane highway.
- Limited spec or vacant buildings limit the ability to respond to requests for existing space
- Service and supply providers located in other parts of County or in Kern County.
- Infrastructure may be an issue depending on demands of user. Water availability remains a slight perception issue.
- Potential to fully utilize airport infrastructure (i.e. Amazon Air)

OPPORTUNITIES

- The ability to “grow” local talent through Pathways and Community College programs provides opportunity to show labor potential.
- Porterville can define an industry sector and make a strategic effort to secure additional investments in that industry sector (bio products, clean energy, electric vehicles, etc.)
- Continued expansion of higher education opportunities enhances the locational attributes, particularly as they address growing industries and match with Pathways programs.

Positive

External



T

THREATS

- Energy costs, particularly electricity, are expected to rise and continue to be one of the most challenging location factors.
- The regulatory environment in California, particularly the challenge for large projects, remain a concern; CEQA changes will help alleviate.
- Incentives at the State level remain, as do new programs like Opportunity Zones; however most other communities have similar access.
- California's high tax structure influences a moderate percentage of projects.

Negative

External



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of a Nuisance Abatement Cost Recovery Amount and Special Assessment for 472 North Villa Street

SOURCE: Community Development

COMMENT: In 2015, the City Council directed staff to initiate efforts to mitigate a residence (472 N Villa Street), that through fire, abandonment, and lack of maintenance had become a public health hazard and nuisance.

After a series of negotiations related to the reimbursement of direct costs and attorney's fees incurred during this process, the City and the property owner have agreed to settle at the amount of \$30,000. In order to assure the collection of these funds and allow the property owner to proceed with their intended sale of the property, staff recommends the establishment of a special assessment. This mechanism will allow the property owner to proceed with the sale of the property and guarantee payment either in advance or through the sale of the property.

RECOMMENDATION: That the City Council direct the City Manager or his designee to levy a special assessment in the amount of \$30,000 on 472 N. Villa Street.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of Placement of Measure on the November 3, 2020, Ballot to Consider Cannabis-Related Excise Tax

SOURCE: City Manager's Office

COMMENT: In accordance with City Council direction, staff has developed a draft Ordinance enacting a Cannabis Business Tax, and a Resolution submitting a ballot measure to the voters of the City of Porterville.

If approved by the voters, the proposed measure would enact a maximum tax rate of \$25 per square foot (permitted to be annually adjusted by the applicable CPI) or 10% of annual gross receipts. The full text of the proposed Ordinance is attached to the Resolution.

Staff requests that the City Council review and consider for approval the draft Ordinance and Resolution for submission of the matter to the voters of the City of Porterville.

RECOMMENDATION: That the City Council review and provide any additional input concerning the draft Resolution, ballot measure language, and Ordinance No. _____; and approve Resolution No. _____ submitting the ballot measure and ordinance enacting a Cannabis Business Tax for consideration by the voters of the City of Porterville at the November 3, 2020 general election, and ordering the consolidation of the election with General Municipal Election held on that date.

ATTACHMENTS:

1. DraftfnlOrdinance - Cannabis Tax072120
2. 2020-07-21 Draft Reso_Cannabis

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: Patrice Hildreth, Deputy City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PORTERVILLE
ADDING ARTICLE VI TO CHAPTER 22 OF THE MUNICIPAL CODE OF THE
CITY OF PORTERVILLE ENACTING A CANNABIS BUSINESS TAX**

THE PEOPLE of the City of Porterville do ordain as follows:

Section 1. PURPOSE. The provisions of this ordinance are necessary for the safety of the public and for the preservation of city services for the residents of the City of Porterville ("City"). By adopting Resolution No. _____, the City Council authorized placing this ordinance before the voters of the City of Porterville at an election to be held on November 3, 2020.

Section 2. CODE ADOPTION. Article VI, Sections 22-60 through 22-91, is hereby added to Chapter 22 of the Municipal Code of the City of Porterville to read in its entirety as follows:

Chapter 22

Article VI CANNABIS BUSINESS TAX

22-60 Cannabis Business Tax

The cannabis business tax is an excise tax on the privilege of engaging in cannabis business activity in the City; it is not a sales or use tax. All of the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund and used for general governmental purposes.

22-61 Definitions

"Applicant" means a person who is required to file an application for a permit under this section. "Business Owner" means the owner(s) of the Cannabis Business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of 5% or more. For all other businesses other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of 20% or more in the commercial cannabis business.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means cannabis or marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Cannabis Initiative, and as defined by other applicable State law.

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

"Cannabis cultivation area" means the total aggregate area(s) of cannabis cultivation by a cannabis business as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, excluding non-production areas, as determined by the Community Development Director or his or her designee.

"Cannabis business tax" means the tax due pursuant to this Chapter for engaging in cannabis business in the City.

"Cannabis nursery" means a Person who produces Cannabis clones, immature plants, and/or seeds for wholesale distribution, used specifically for the planting, propagation, and Cultivation of Cannabis. In addition, and without limiting the foregoing, "nursery" includes "nursery" as defined in California Business and Professions Code Section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Cannabis product" means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in Section 11018.1 of the Health and Safety Code.

"Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether the areas are contiguous or noncontiguous. The plant canopy need not be contained to a single parcel of land in determining the total square footage that will be subject to tax under this Chapter. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

"City" means the City of Porterville, either the entity or its territorial limits, as the context requires.

"City Council" or "Council" means the City Council of the City of Porterville.

"City Permit" means any permit issued by the City to Person to authorize that Person to operate or engage in a Commercial Cannabis Business.

"Collector" means the City's Chief Financial Officer or his or her designee.

"Commercial cannabis cultivation" means cultivation conducted by, for, or as part of a cannabis business. Commercial cannabis cultivation does not include personal medical cannabis cultivation, or cultivation for personal recreational use as authorized under the "Control, Regulate and Tax Adult Use of Marijuana Act" approved by the State's voters on November 8, 2016, for which the individual receives no compensation whatsoever.

"Commercial Cannabis Business" or "Cannabis Business" or "Cannabis Operation" means any commercial marijuana activity allowed under State Law and the implementing regulations, as State Law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

"Cannabis production" means the processes associated with the processing, extraction, manufacturing, testing, distribution and transportation of medical and non-medical cannabis products.

"Commingling" means the physical aggregation of harvest batches or nonmanufactured cannabis products by a licensee.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. "Cultivation" also includes nurseries. In addition, and without limiting the foregoing, "cultivation" includes "cultivation" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted and amended from time to time.

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

"Delivery employee" means an individual employed by a licensed dispensary who delivers medical cannabis goods from the licensed dispensary premises to a medical cannabis patient or primary caregiver at a physical address.

"Dispensary" means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, "dispensary" includes "dispensary" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distributor" means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, "distributor" includes "distributor" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distribution" means the procurement, sale, and transport of cannabis or cannabis products between licensees, or the involvement in the procurement, sale, and/or transport of cannabis and cannabis products between two or more cannabis businesses.

"Employee" means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

"Gross Receipts," means the total amount or compensation received or receivable from all sales; the total amount or compensation actually received or receivable for the performance of any act or service, or whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends and gains realized from trading in stocks or bonds, however designated. Included in "Gross Receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction there from an account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

1. Cash discounts where allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
5. Receipts from investments where the holder of the investment received only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a Person's own account, not derived in the ordinary course of a business;
6. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
7. Cash value of sales, trades or transactions between departments or units of the sale business;

8. Wherever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
9. Transactions between a partnership and its partners;
10. Receipts from services or sales in transactions between affiliated corporations. An affiliated corporation is a corporation:
 1. The voting and non-voting stock of which is owned at least eighty percent (80%) of such other corporation with which such transaction is had; or
 2. Which owns at least eighty percent (80%) of the voting and non-voting stock of such other corporation; or
 3. At least eighty percent (80%) of the voting and nonvoting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had.
11. Transactions between a limited liability company and its member(s), provided the limited liability company has elected to file as a Subchapter K entity under the Internal Revenue Code and that such transaction(s) shall be treated the same as between a partnership and its partner(s) as specified in Subsection 9 above;
12. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar (\$1.00);
13. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Finance Department with the name and addresses of the others and amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

"Indoor cultivation" means the cultivation of cannabis within a structure using artificial light, at a rate greater than 25 watts per square foot.

"Manufacturer" means a person who conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or that packages or repackages cannabis or cannabis products or labels or re-labels its container. In addition, and without limiting the foregoing, "manufacturer" includes "manufacturer" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Mixed-light cultivation" means the cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, and/or the Cultivation of cannabis using any combination of natural and supplemental artificially lighting. Greenhouses, hoop houses, hot houses and similar structures or light deprivation systems are included in this category.

"Nursery" means a person who produces cannabis clones, immature plants, and/or seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of cannabis. In addition, and without limiting the foregoing, "nursery" includes "nursery" as defined in California Business and Professions Code section 193 00. 5 and any successor statute, as may be adopted or amended from time to time.

"Operator" means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Cannabis business operation.

"Person means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, syndicate tribe or any other group or combination acting as a unite and includes the plural as well as the singular member."

"Personal medical cannabis cultivation" means cultivation, by either a qualified patient who cultivates cannabis exclusively for his or her personal medical use or by a caregiver who cultivates cannabis exclusively for medical use by qualified patients and who is exempt from State licensing requirements under the State Medical Cannabis Regulation and Safety Act.

"Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous.

"Responsible Party" shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the cannabis businesses operations.

"Sale" means and includes any sale, exchange, or barter.

"Square Foot" or "Square Footage" means the maximum amount of Cannabis Cultivation Area for Commercial Cannabis Cultivation authorized by a City Permit issued to a person engaging in a Commercial Cannabis Business, or by a state license in the absence of a City permit or license, not deducting for unutilized square footage, and shall be the basis for the tax base for Cultivation.

"State" means the State of California.

"State Law" means all regulations and laws pertaining to Cannabis Business in the State of California.

"State license," means a State license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable State law.

"Testing means a laboratory, facility, or entity in the State, that offers or performs tests of cannabis or cannabis products and that is both of the following: 1) Accredited by an accrediting body that is independent from all other persons involved in commercial marijuana cannabis activity in the State. 2) Registered with Licensed by the State Department of Public Health.

"Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

"Transporter" means a person issued all required state and City permits to transport cannabis or cannabis products between permitted facilities.

22-62 Tax Authorization and Operative Date

Beginning January 1, 2021, a cannabis business tax is hereby imposed on every person who is engaged in cannabis business in the City as prescribed herein. It is unlawful for any person to transact or carry on any cannabis business in the City without paying, in accordance with this Chapter, the cannabis industry tax imposed by this section. The intent of this Article is to levy a tax on all cannabis businesses that operate in the City, regardless of whether such business would have been legal at the time the ordinance codified in this chapter was adopted. Nothing in this chapter or article shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken, including but not limited to the City's municipal code regulations. Nothing in this chapter or article shall be construed as to alter the City's regulatory requirements or conditions under which a cannabis business may operate in accordance with Article 7 of Chapter 15 and/or Article 11 of Chapter 18 of the Porterville Municipal Code, or the land use requirements and conditions set forth in the Porterville Development Code.

22-63 Tax Imposed

A. Tax on Commercial Cannabis Businesses

1. Every Person who is engaged in a Commercial Cannabis Business in the City shall pay an annual Commercial Cannabis Business tax at a rate established by resolution of the City Council which rate shall not exceed \$25 per square foot (with a permitted annual adjustment by the applicable Consumer Price Index) of Commercial Cannabis Business area or ten percent (10%) of annual gross receipts per fiscal year. The exact amount of the tax and the methodology of calculation shall be set by the City Council by resolution but shall not exceed the maximums approved by the voters of \$25 per square foot (with a permitted annual adjustment by the Consumer Price Index), or 10% of annual gross receipts. The City Council may lower and raise the tax rate without voter approval, subject to the maximum rates approved by the voters. Tax rates for various licenses may vary in rate and methodology between license types, but shall be consistent for all Persons who hold a particular type of license.

2. The taxable square footage calculation shall be determined by including all portions of the premises where the Commercial Cannabis Business operates deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the Commercial Cannabis Businesses.

3. If more than one cannabis business operates on the premises, each Person shall be responsible for paying the tax. This section shall not be construed to authorize the operation of more than one cannabis business on the premises, if otherwise prohibited by City regulation(s).

4. Persons subject to the tax imposed by this Section shall also register and pay all fees required by the City Council.

B. No further voter approval shall be required for the adoption or increase of a tax under the authority granted by this Section of this Chapter, it being the intent of the People of the City of Porterville to authorize such a tax up to and including the maximum rates set forth above whenever implemented by the City Council hereafter.

22-64 Registration of Cannabis Business

All persons engaging in a cannabis business, whether an existing, newly established or acquired business, shall, in addition to any other requirements prescribed by this Code, register with the Collector by the later of 30 days after commencing operation or January 1, 2021, and shall annually renew such registration as required by the Collector. Each Person shall be required to submit any information as deemed necessary by the Collector.

22-65 Reporting and Remittance of Tax

The cannabis business tax imposed by this Chapter shall be due and payable as follows:

A. Each person subject to tax under this chapter, except a cannabis tax based on a square footage, shall, on or before the last day of the month following the close of each calendar quarter, prepare and submit a tax return and remit to the Collector the tax due for that quarter. At the time the return is filed, the full amount of the tax due for the prior quarter shall be remitted to the Collector. At any time, a business may apply in writing to the Collector to have these tax returns and payments made less frequently or on a different schedule. Any determination resulting from this application will be at the sole discretion of the Collector and shall be provided in writing.

B. Each person subject to a cannabis tax based upon square footage shall, on or before the last day of the month following the close of each calendar quarter, prepare and submit a tax return and remit to the Collector the tax due for that quarter. The tax shall be calculated in accordance with rules and regulations established by the Collector pursuant to 22-72. The tax return may include a request for adjustment of the tax due to crop loss or periods without cultivation, along with evidence substantiating the crop loss or fallow periods. If the cultivation begins significantly after January 1 or terminates significantly before December 31 of the calendar year, a request to prorate the tax may be submitted with clear and convincing evidence supporting the timing of the cultivation. The decision to prorate or adjust the tax will be made at the sole discretion of the Collector. At the time the return is filed, the full amount of the tax due for the prior quarter shall be remitted to the Collector. At any time, a business may apply in writing to

the Collector to have these tax returns and payments made less frequently or on a different schedule. Any determination resulting from this application will be at the sole discretion of the Collector and shall be provided in writing.

C. All tax returns shall be completed on forms prescribed by the Collector.

D. Tax returns and payments for all outstanding taxes owed to the City under this Chapter are immediately due and payable to the City of Porterville upon cessation of business for any reason.

E. The Collector may, as part of administering the tax and in his or her discretion, modify the form of payment and take such other administrative actions as needed to facilitate the collection of the tax.

22-66 Payments and Communications - Timely Remittance

Whenever any payment, return, report, request or other communication is due under this Chapter, it must be received by the Collector on or before the due date. A carrier postmark will not be accepted as timely remittance. If the due date falls on Saturday, Sunday or a City holiday, the due date shall be the next regular business day on which the City is open to the public.

22-67 Payment - When Taxes Deemed Delinquent

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the City of Porterville on or before the due date as specified in Section 22-65.

22-68 Notice Not Required by City

The City of Porterville is not required to send a delinquency or other notice or bill to any person subject to this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty or interest due under this Chapter.

22-69 Waivers of Penalties

The Collector may waive the penalties imposed upon any person if:

A. The person provides evidence satisfactory to the Collector that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent cannabis industry tax and accrued interest owed the City before applying to the Collector for a waiver.

B. The waiver provisions specified in this subsection shall be granted only once during any twenty-four (24) month period.

22-70 Refunds

A. Whenever the amount of any Commercial Cannabis Business Tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Collector within one (1) year of the date the tax was originally due and payable. Prior to seeking judicial relief with respect to a dispute regarding the amount of any tax, penalty, or interest collected or received by the city under this article, an aggrieved taxpayer, fee payer, or any other person must comply with the provisions of Section 1-19 of this code.

B. The Collector, his or her deputies, or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Collector to do so. The Collector may collect a fee adopted by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Collector to make a determination on the claim for refund.

C. In the event that the Commercial Cannabis Business Tax was erroneously paid and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

22-71 Exemptions from the Tax

A. The provisions of this Chapter shall not apply to Personal Cannabis Cultivation.

B. The provisions of this Chapter shall not apply to Personal use of Cannabis that is specifically exempted from state licensing requirements, that meets the definition of Personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that Personal use.

22-72 Administration of the Tax

A. It shall be the duty of the Collector to collect the taxes, penalties and/or fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Collector may from time to time promulgate such administrative rules and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Collector may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all Commercial Cannabis Business taxpayers forms for the reporting of the tax;
2. Increase tax rates in accordance with this Chapter;
3. Provide information to any taxpayer concerning the provisions of this Chapter;
4. Receive and record all taxes remitted to the City as provided in this Chapter;
5. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
6. Assess penalties and interest to taxpayers pursuant to this Chapter;
7. Determine amounts owed and enforce collection pursuant to this Chapter; and
8. Adopt rules and regulations no inconsistent with the provisions of this Article as may be necessary or desirable to aid in the implementation and enforcement of the provisions of this Article.

22-73 Enforcement

A. Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any Person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any provisions of this Chapter.

B. In addition to any other remedies available under federal, state, or local law, if any amount required to be paid to the County under this Chapter is not paid when due, the Collector may, within three (3) years after the amount is due, record a certificate of lien specifying the amount of taxes, fees and penalties due, and the name and address of the Person as it appears on the records of the Collector. The lien shall also specify that the Collector has complied with all provisions of this Chapter in the determination of the amount required to be paid. From the time of the filing of the record, the amount required to be paid, together with penalties thereon, constitutes a lien upon all real property in the County owned by the Person, or subsequently acquired by the Person before the lien expires. The lien has the force, effect and priority of a judgment lien and shall continue for ten (10) years from the filing of the certificate unless sooner released or otherwise discharged. A fee may be adopted by the City Council and collected by the Collector to pay for the cost of recording and administering the lien.

C. At any time within three (3) years after any Person is delinquent in the payment of any amount herein required to be paid or within three (3) years after the last recording of a certificate of lien under Subsection B of this Section, the Collector may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the City under this Chapter. The warrant shall be directed to the Chief of Police and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and sale pursuant to a writ of execution. The Collector may pay or advance to the Chief of Police, the same fees, commissions and expenses for service

provided by law for similar services pursuant to a writ of execution. The Collector may approve the fees for publication in the newspaper.

D. At any time within three (3) years after recording a lien against any Person, if the lien is not discharged and released in full, the Collector may forthwith seize any asset or property, real or Personal (including but not limited to, bank account), of the Person and sell at public auction the asset or property, or a sufficient part of it to pay the amount due together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the Person subject to seizure and sale subject to this Chapter shall not include any assets or property which is exempt from execution under the provisions of the California Code of Civil Procedure.

22-74 Apportionment

If a cannabis business subject to a cannabis industry tax is operating both within and outside the City, it is the intent of the City to apply the cannabis industry tax so that the 7 measure of the tax fairly reflects the proportion of the taxed activity actually carried on within the City.

22-75 Construction

This tax is intended to be applied in a manner consistent with the~ United States and California Constitutions, State and local law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution, State or local law.

22-76 Audit and Examination of Records and Equipment

A. The Collector shall have the power to audit and examine all books and records of any person engaged in cannabis business in the City, including both State and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis business, and, where necessary, all equipment of any person engaged in cannabis business in the City, for the purpose of ascertaining the amount of cannabis business tax, if any, required to be paid under this Chapter, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to this Chapter. If such person, after written demand by the Collector, refuses to make available for audit, examination or verification such books, records or equipment as the Collector requests, the Collector may, after full consideration of all information within his or her knowledge concerning the cannabis business and activities of the person so refusing, make an assessment against the cannabis business of the taxes estimated to be due under this Chapter.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least five (5) years, all records as

may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Collector shall have the right to inspect at all reasonable times.

22-77 Other Licenses, Permits, Taxes, Fees, or Charges

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

22-78 Change of Ownership/Successor's and Assignee's Responsibility

A. If any Person, while liable for any amount under this Chapter, sells, assigns or otherwise transfers the Commercial Cannabis Business, whether voluntarily or involuntarily, the Person's successor, assignee or other transferee, or other Person or entity obtaining ownership or control of the business ("Transferee"), shall satisfy any tax liability owed to the City associated with the business when due hereunder. Failure to do so for the benefit of the City will result in being personally liable to the City for the full amount of the unpaid tax liability, interest and penalties. The Transferee shall notify the Collector of the date of transfer at least 30 days before the transfer date; or if the agreement to sell, transfer, or otherwise dispose of the business was made less than 30 days before the date of transfer, notice shall be provided immediately upon the existence of the agreement. All Transferees are required to meet each and every condition outlined in this chapter and have prior written approval of the City prior to the transfer.

B. The Transferee shall be deemed to have complied with the requirement of this section to satisfy the unpaid tax liability if the Transferee complied with the requirements of California Revenue and Taxation Code Section § 7283.5 by withholding from the purchase price, for the benefit of the City, an amount sufficient to cover the tax liability, or by otherwise paying the tax liability and obtaining from the Collector a "Tax Clearance Certificate" showing that all outstanding tax liability has been paid and stating that no amount is due through the date of transfer.

C. The Collector, within 90 days of receiving a written request from the Transferee, may issue a "Tax Clearance Certificate" stating either the amount of tax liability due and owing for the business, or stating that there is no tax liability due and owing for the business through a stated date. The Collector may also request financial records from the current or former owner or

operator of a Commercial Cannabis Business to audit the tax that may be due and owing. The Collector shall issue a "Tax Clearance Certificate" within 30 days of completing the audit, state the amount of the tax liability owed, if any, unless the Collector determines that the records provided in connection with the audit are insufficient to determine whether taxes are due and owed or in what amount. If the Collector determines that the records are insufficient, the Collector may rely on the facts and information available to estimate any tax liability. The Collector may issue a "Tax Clearance Certificate" stating the amount of the tax liability, if any, based on such facts and information available. Unless an appeal is filed in accordance with Section 22-84, the "Tax Clearance Certificate" shall serve as conclusive evidence of the tax liability associated with the property through the date stated on the "Tax Clearance Certificate."

22-79 Payment of Tax Does Not Authorize Unlawful Business

- A. The payment of a tax required by this Chapter, and its acceptance by the City, shall not entitle any person to engage in any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable State or local laws.
- B. No tax paid under this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any State or local laws.

22-80 Deficiency Determinations

If the Collector is not satisfied that any tax return or other statement filed as required under this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the facts contained in the tax return or statement or any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable, or such later date as allowable by law. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter, or such later date as allowable by law, as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given in accordance with this Code.

22-81 Failure to Report-Nonpayment

- A. Under any of the following circumstances and at any time, the Collector may make and give notice of an assessment of the amount of tax owed by a person under this Article:
 - 1. If the person has not filed a complete return or statement required under this Chapter;
 - 2. If the person has not timely paid any tax, fee, interest and/or penalties due under of this Chapter; or

3. If the person has not, after demand by the Collector, filed a corrected return or statement, or furnished to the Collector adequate substantiation of the information contained in a return or statement filed previously.

B. The notice of assessment shall separately set forth the amount of any tax, fee, interest and/or penalties known by the Collector to be due or estimated by the Collector, after consideration of all information within the Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter.

22-82 Tax Assessment - Notice Requirements

The notice of assessment shall be served upon the person liable for the tax under this Chapter either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Collector for such purpose, then to such person's last known address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

22-83 Tax Assessment – Hearing, Application, and Determination

Within ten (10) calendar days from the date of service, the Person may apply in writing to the Collector for a hearing on the assessment. If application for a hearing before the City is not made within the time here prescribed, the tax assessed by the Collector shall become final and conclusive. Within thirty (30) business days of the receipt of any such application for hearing, the Collector shall cause the matter to be set for hearing before him or her not later than thirty-five (35) business days after the receipt of the application, unless a later date is agreed to by the Collector and the Person requesting the hearing. Notice of such hearing shall be given by the Collector to the Person requesting such hearing not later than five (5) business days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Collector should not be confirmed and fixed as the tax due. After such hearing, the Collector shall determine and reassess the proper tax to be charged and shall give written notice to the Person in the manner prescribed in Section 22-82 for giving notice of assessment. The amount determined to be due shall be payable after thirty (30) calendar days of written notice unless it is appealed pursuant to the Appeal Procedure set forth in this Article.

22-84 Appeal Procedure

Any taxpayer aggrieved by any decision of the Collector with respect to the amount of tax, fee, interest and penalties, if any, due under this Chapter may appeal to the City Manager by filing a written appeal with the Clerk of the Porterville City Council within fifteen (15) calendar days of the mailing of the decision or determination. The Clerk shall schedule the appeal and give fifteen (15) business days' written notice to the appellant of the time and place of hearing by serving the

notice personally or by depositing in the United States Post Office in the City, postage prepaid, addressed as shown on the appeal papers or, if none, such other address as is known to the City or, absent any address, by publication in a newspaper of general circulation in the City. The City Manager or designee shall have authority to determine all questions rose on such appeal. No such determination shall conflict with any substantive provision of this Chapter. The finding of the City Manager shall be final and conclusive as to the City, but subject to judicial review under California Code of Procedure Section 1094.5 and shall be served upon appellant in the manner prescribed by this Article for service of notice of tax assessment hearing. Any amount found to be due shall be immediately due and payable upon service of the notice.

22-85 Conviction for Chapter Violation -Taxes not Waived

The conviction and punishment of any person for failure to pay a required tax, fee, penalty and/or interest under this Chapter shall not excuse or exempt such person from any civil action for the amounts due under this Chapter. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any State law requiring the payment of all taxes.

22-86 Violation Deemed Misdemeanor

Any person who violates any provision of this Article or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in this Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury.

22-87 Suspension of Collection

The City Council shall have authority to temporarily suspend collection of the tax imposed by this chapter by resolution unanimously approved by all members of the entire City Council. However, the authority to levy the tax imposed by this chapter shall not expire or otherwise terminate, unless terminated by a duly enacted Ordinance which is approved at a regular meeting of, and by unanimous vote of all of the seats on, the City Council.

22-88 Severability

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

22-89 Remedies Cumulative

All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

22-90 Amendment or Repeal

As provided in California Elections Code Section 9217, this Chapter may be repealed or amended by Ordinance of the Porterville City Council without a vote of the People except that, as required by Article XIIC of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter. The people of the City of Porterville additionally affirm that the following actions shall not constitute an increase of the rate of a tax:

1. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;
2. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
3. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax; or
4. The establishment of a class of Persons that is exempt or excepted from the tax or the discontinuation of any such exemption or exception (other than the discontinuation of an exemption or exception specifically set forth in this Chapter); or
5. The City Council's adoption of an Ordinance, as authorized by this Article, to raise the tax rate provided that the rate is not increased to a rate higher than the maximums established herein.

22-91 Penalties

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

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15060(c)(2), 15061(b)(3) and 15378(b)(2) and (4). The City Manager or his designee is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Porterville, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Porterville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more of other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Porterville Municipal Code as amended by this ordinance, if any, are substantially the same as provisions in the Porterville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. Pursuant to Elections Code § 9217, this ordinance shall be deemed adopted on the date when the final vote is declared by the City Council and this ordinance shall go into effect ten (10) days after that date, contingent upon approval by a majority of the voters voting on the measure in the November __, 2020 election.

THE FOREGOING ORDINANCE was approved by the City Council of the City of Porterville, State of California, on July ____, 2020 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

A YES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING BALLOT MEASURE TEXT TO BE SUBMITTED
TO THE VOTERS OF THE CITY IMPOSING A CANNABIS BUSINESS TAX;
REQUESTING THE ASSISTANCE OF THE COUNTY OF TULARE IN CONNECTION
WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION
WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, Sections 37101 and 37100.5 of the California Government Code authorize the City to levy a license tax, for revenue purposes, upon business transacted in the City; and

WHEREAS, as a result of recent voter-approved changes to state law, there has been a very strong interest by cannabis businesses to operate in the City; and

WHEREAS, cannabis businesses create demands upon City services that are not covered by the fees paid by such businesses for operating permits, and the City does not currently impose any taxes upon cannabis businesses, aside from generally applicable municipal taxes; and

WHEREAS, the City Council desires to seek to impose a business license tax upon cannabis businesses, to be known as the “Cannabis Business Tax”; and

WHEREAS, the Cannabis Business Tax cannot be imposed without voter approval; and

WHEREAS, the City Council desires to submit a Cannabis Business Tax measure to the voters of the City of Porterville at the General Municipal Election to be held on Tuesday, November 3, 2020, and to be consolidated with any other election to be held on that date; and

WHEREAS, the proposed Cannabis Business Tax is more completely described in the ordinance attached hereto as Attachment A and incorporated herein by reference (the “Tax Ordinance”).

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

SECTION 1. Findings: The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. Proposal. The City Council hereby proposes the Cannabis Business Tax.

SECTION 3. Election. The City Council hereby calls a General Municipal Election for Tuesday, November 3, 2020, (the “Election”) and orders, pursuant to Section 9222 of the Elections Code, that the Tax Ordinance be submitted to the voters at that election.

SECTION 4. Ballot Question. The question submitted by Section 3 of this Resolution shall appear on the ballot as follows:

Voters in California voted to impose state taxes on licensed cannabis businesses. Shall Ordinance No. ____ be enacted, imposing a local general tax on cannabis businesses at a rate not exceeding \$25 per square foot (annually adjusted by CPI) or 10% of gross receipts, to maintain public safety and general City services for Porterville residents; generating undetermined revenue until repealed?	YES	
	NO	

SECTION 5. Approval. Pursuant to Section 2(b) of Article XIII A of the Constitution, this measure requires approval by a majority of those casting ballots on the measure.

SECTION 6. Consolidation. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of Tulare County is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

SECTION 7. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

SECTION 8. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

SECTION 9. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Clerk and the Registrar of Voters.

SECTION 10. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk on or before August 7, 2020.

SECTION 11. Ballot Arguments. Pursuant to Elections Code Section 9286 et seq., August 7, 2020, at 5:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code Section 9287 shall control.

SECTION 12. Rebuttal Arguments. The provisions of Elections Code Section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 17, 2020, at 5:00 p.m.

SECTION 13. Effective Date. This Resolution shall be effective immediately upon adoption.

SECTION 14. The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this ____ day of July, 2020.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of Placement of Measure on the November 3, 2020, Ballot to Consider an Increase to the City's Transient Occupancy Tax

SOURCE: City Council

COMMENT: In accordance with City Council direction, staff has prepared a draft Resolution and Ordinance for the submission of a ballot measure increasing the City's Transient Occupancy Tax ("TOT") from 8% to 12%. The City Attorney's Office also undertook a more comprehensive review of the City's TOT regulations, in light of the fact that the regulations have been in place since 1965. Consequently additional changes have been made.

Some sections were reformatted or consolidated to stream line the regulations. For example, former penalties sections have been consolidated into one section, and the process for claiming refunds now expressly references with City's general claim procedures, consistent with applicable State law. A section has been added that addresses that modifications can be made or additional sections added to the regulations, so long as the tax is not increased beyond the rate approved by the voters.

The main new area addressed in addition to the proposed 4% increase is the added reference to "rental agents." New regulations add explicit requirements by rental agents concerning third party transactions. These are added to assist the City in assessing and recouping the full TOT owed by the transient, regardless of the arrangements made between transient, hotel operators and/or various third party rental agents and online travel companies.

RECOMMENDATION: That the City Council review and consider for approval Resolution No. _____ approving the submission of a ballot measure authorizing the adoption of Transient Occupancy Tax Ordinance increasing the tax amount by 4% and confirming equal treatment of online and traditional bookings, to the voters of the City of Porterville at the November 3, 2020 General Election, and consolidating the election with the City's General Municipal Election on that date.

ATTACHMENTS:

1. Draft Ordinance - TOTcleanfinal07162020
2. 2020-07-21 Draft Reso_TOT

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: Patrice Hildreth, Deputy City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESTATING, AMENDING AND RECODIFYING
CHAPTER 22, ARTICLE III
OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE
RELATED TO TRANSIENT OCCUPANCY TAX**

THE PEOPLE of the City of Porterville do ordain as follows:

Section 1. PURPOSE. The provisions of this ordinance are necessary for the safety of the public and for the preservation of city services for the residents of the City of Porterville ("City"). By adopting Resolution No. _____, the City Council authorized placing this ordinance before the voters of the City of Porterville at an election to be held on November 3, 2020.

Section 2. CODE ADOPTION. Chapter 22, Article III, is hereby amended, restated and recodified as follows:

22-10: TITLE

This article shall be known as the *UNIFORM TRANSIENT OCCUPANCY TAX LAW OF THE CITY OF PORTERVILLE*.

22-11: DEFINITIONS:

Except where the context otherwise requires, the definitions given in this section govern the construction of this article:

HOTEL: Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

OCCUPANCY: The use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

OPERATOR: The person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both.

PERSON: Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

RENT: The total consideration paid by a transient, for the occupancy of space in a hotel, whether or not received by the operator, including, without limitation, transaction service fees and any unrefunded advance reservation or other rental deposit. For purposes of this definition, rent shall be valued in money, whether it is received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

RENTAL AGENT: Any person other than an operator who collects rent from a transient for the transient's occupancy of a hotel.

TAX ADMINISTRATOR: The administrative services director or designee of the city of Porterville.

TRANSIENT: Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this article may be considered.

22-12: TAX IMPOSED

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve percent (12%) of the rent paid by the transient. Said tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator or to the city or to a rental agent pursuant to Section 22-26. The transient shall pay the tax to the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. Any unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator, such tax shall be paid directly to the tax administrator.

22-13: EXEMPTIONS

A. No tax shall be imposed upon:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;
2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty;

3. Any federal or state of California officer or employee on official business who shall pay rent by warrant of check drawn on the treasury of the United States of the state of California or provides written evidence of such official business on a form approved in advance by the tax administrator. Copies of the documentation for each exemption claims must be submitted to the supervisor of revenue collections with each return made pursuant to Section 22-16.

B. No exemption shall be granted under this section except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. Additionally, a copy of such warrant or check and a copy of such claim form shall be submitted with each return made pursuant to Section 22-16.

22-14: OPERATOR'S DUTIES

Each operator shall collect the tax imposed by this article to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

22-15: REGISTRATION

Within thirty (30) days after commencing business, each new or unregistered operator of any hotel renting occupancy to transients shall register said hotel with the tax administrator and obtain from him a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said registration shall be on a form provided by the tax administrator and shall require such information as the tax administrator deems necessary or convenient to the collection of the tax imposed by this article. The tax administrator may require updating of the registration or application information from time to time as he or she deems necessary or advisable. Registration under this section shall lapse with the certificate occupancy upon which it was issued.

The privilege of registration after the date of imposition of the tax provided in this article shall not relieve any person from the obligation of collection and payment of the tax on and after the date of imposition thereof, regardless of registration.

Said certificate shall certify as to the authority of registrant to collect tax from transients, and duplicates thereof for each additional place of business of such registrants shall also be issued. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon sale or transfer of the hotel. Said certificates shall contain the following information:

A. The name of the operator.

- B. The address of the hotel.
- C. The date upon which the certificate was issued.
- D. The following statement:

This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of Chapter 22, Article III of the Porterville Municipal Code by registering with the tax administrator for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including, but not limited to, those requiring a permit from any board commission, department or office of this city. This certificate does not constitute a permit.

- E. That said certificate is nonassignable and nontransferable.
- F. Such additional information as may be required by the tax administrator.

22-16: REPORTING AND REMITTING

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him or her, of the total rents charged to transients and the total rents paid by transients and the amount of tax collected for transient occupancies. If no tax was due or collected during the previous reporting period, the operator shall file a return so stating under penalty of perjury. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to ensure collection of the tax, and he or she may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this article shall be held in trust for the account of the city until payment thereof is made to the tax administrator.

22-17: REMITTANCE BY MAIL

If a remittance to cover a payment required by this article to be made to the tax administrator on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed to have been received by the tax administrator on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax administrator establishes that the mailing occurred on an earlier date. Nothing in this section shall be construed as constituting payment of any remittance required, unless such remittance is actually received by the tax administrator.

22-18: PENALTIES

A. Original Delinquency: Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency: Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the ten percent (10%) penalty first imposed.

C. Fraud or Misrepresentation: If the tax administrator, in his or her judgment, determines that the nonpayment of any remittance due under this article is due to intentional conduct, misrepresentation, or fraud, a penalty of twenty five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (A) and (B) of this section.

D. Additional Penalty: In addition to the penalties imposed under subsections (A) and (B) of this section, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one-half of one percent (0.5%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged with Tax: Every penalty imposed and such additional interest/penalties as accrue under the provisions of this section shall become a part of the tax herein required to be paid.

22-19: FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY TAX ADMINISTRATOR

If any operator fails or refuses to collect said tax and to make, within the time provided in this article, any report and remittance of said tax or any portion thereof required by this article, the tax administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this article. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by sending it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address.

Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five (5) days' written notice in the manner prescribed herein to the operator to show

cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest, and penalties should not be so fixed. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in section 22-21 of this article.

22-20: DEFICIENCY DETERMINATIONS

If the tax administrator is not satisfied with a return filed by an operator or the amount of the tax required to be paid to the city pursuant to a return, he or she may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information within his possession or that may come into his possession, one or more deficiency determination may be made of the amount due for any period. The tax administrator shall give to the operator written notice of his determination in the same manner as provided in section 22-19 of this article. The operator shall be entitled to apply for a hearing on the amount assessed to him pursuant to the procedure set forth in section 22-19 of this article and shall thereafter be entitled to appeal to the city council in accordance with the provisions of section 22-21 of this article. The penalties and interest provided by section 22-18 of this article shall be applicable to the amount of deficiency established pursuant to this section.

22-21: APPEAL

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

22-22: RECORDS

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this article to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times.

22-23: REFUNDS

A. Claim Required. Prior to seeking judicial relief with respect to a dispute regarding the amount of any tax, penalty, or interest collected or received by the city under this article, an

aggrieved taxpayer, fee payer, operator, transient or any other person must comply with the provisions of Section 1-19 of this code.

- B. Operators. An operator may claim as an overpayment any tax previously paid which was calculated on the basis of taxable consideration written off by the operator as a bad debt in accordance with generally accepted accounting principles and claimed as a deduction on a federal income tax return in accordance with provisions of the Internal Revenue Code, and regulations issued pursuant thereto. The bad debt claim may be taken as an adjustment to future taxes due the city after the operator's procedure and forms for adjustment of bad debt have been reviewed and approved by the tax administrator.
- C. Transients. A transient may only request a refund of taxes under this article when the transients, having paid the tax to the operator, establishes that the transient has been unable to obtain a refund from the operator who collected the tax.

22-24: ACTIONS TO COLLECT

Any tax required to be paid by any transient under the provisions of this article shall be deemed a debt owned by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owned by the operator to the city. Any person owing money to the city under the provisions of this article shall be liable to an action brought in the name of the city of Porterville for the recovery of such amount.

22-25: VIOLATIONS; MISDEMEANOR

Any operator or other person violating any of the provisions of this article or who fails or refuses to register as required herein, or to furnish any returns or other data required by the supervisor or revenue collections, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor and is punishable as provided in this Code.

22-26: THIRD PARTY RENTAL TRANSACTIONS

A. Any transient who pays rent to a rental agent instead of to an operator shall, at the time the rent is paid, pay the tax to the rental agent in the manner required by section 22-12. If for any reason the tax is not paid to the rental agent, it shall be paid to the operator before the transient has ceased occupancy in the hotel or paid directly to the supervisor of revenue collections pursuant to section 22-12. Any transient seeking a refund under section 22-23 of taxes paid to a rental agent must establish that the transient has been unable to obtain a refund from the rental agent who collected the tax.

B. Any rental agent who collects rent shall comply with all obligations of the operator set forth in sections 22-14 and 22-22 of this chapter. The rental agent shall remit all collected taxes to the operator before the deadline for the operator to remit the taxes to the supervisor of revenue collections under section 22-16, and the rental agent shall provide the operator with copies of all records required to be maintained by the operator pursuant to section 22-22 of this chapter, including records necessary for the operator to comply with its obligations under this chapter.

C. If the tax administrator determines that a rental agent has failed to collect, remit, or report any tax, the administrator may take any action against the rental agent that he or she may take against an operator under sections 22-18 and 22-19 of this article subject to the requirements of those sections. If the administrator assesses unremitted taxes and penalties against the rental agent, the rental agent shall be subject to the provisions of sections 22-19, 22-21, 22-23, and 22-24 of this chapter as if it were an operator. Nothing in this section shall prohibit the administrator from assessing the full amount of any unremitted taxes and penalties solely against the operator in lieu of assessing some or all of those taxes and penalties against the rental agent.

22-27: AMENDMENT OR REPEAL

A. As provided in California Elections Code Section 9217, this Chapter may be repealed or amended by Ordinance of the Porterville City Council without a vote of the People except that, as required by Article XIIC of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter.

B. The people of the City of Porterville additionally affirm that the following actions shall not constitute an increase of the rate of a tax:

1. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;
2. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
3. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax; or
4. The establishment of a class of Persons that is exempt or excepted from the tax or the discontinuation of any such exemption or exception (other than the discontinuation of an exemption or exception specifically set forth in this Chapter); or
5. The City Council's adoption of an Ordinance, as authorized by this Article, to raise the tax rate provided that the rate is not increased to a rate higher than the maximums established herein.

Section 3. EFFECTIVE DATE. Pursuant to Elections Code § 9217, this ordinance shall be deemed adopted on the date when the final vote is declared by the City Council and this ordinance shall go into effect ten (10) days after that date, contingent upon approval by a majority of the voters voting on the measure in the November 3, 2020 election.

THE FOREGOING ORDINANCE was approved by the City Council of the City of Porterville, State of California, on July _____, 2020 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE SUBMITTING A MEASURE TO THE VOTERS AT THE
GENERAL ELECTION OF NOVEMBER 3, 2020, TO ADOPT AN ORDINANCE TO
AMEND AND RECODIFY CHAPTER 22, ARTICLE III OF THE CITY OF PORTERVILLE
MUNICIPAL CODE TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX (TOT)
BY FOUR (4) PERCENTAGE POINTS

WHEREAS, pursuant to Chapter 22, Article III, of the Porterville Municipal Code, the City currently levies a Transient Occupancy Tax; and

WHEREAS, the City Council desires to amend the Porterville Municipal Code to increase the transient occupancy tax (commonly called the "TOT" or "hotel tax") which is currently charged on persons who occupy hotel or motel rooms in the City for 30 days or less, by four (4) percentage points, from eight percent (8%) to twelve percent (12%), and to ensure equal treatment of traditional and online bookings; and

WHEREAS, a proposed Ordinance attached hereto and incorporated herein by reference as Attachment "A" ("the Ordinance") would implement the proposed revisions to the tax along with some formatting changes and minor updates; and

WHEREAS, by its Resolution No. ____, adopted on ____, the City Council called a General Municipal Election for November 3, 2020 ("Election"); and

WHEREAS, pursuant to Government Code Section 53724 and Election Code Section 9222, the City Council desires to submit the Ordinance to the voters of the City.

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

SECTION 1. Findings: The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. General Tax Election. The City Council proposes to impose the general tax set forth in the Ordinance and to present this proposal to the voters on November 3, 2020.

SECTION 3. Measure. Pursuant to Elections Code Section 9222, the City Council hereby submits the Ordinance to the voters at the Election and orders the following question to be submitted to the voters at the Election:

"To provide funding that cannot be taken away by the State of California for general fund infrastructure and City services such as _____, shall a City Ordinance be adopted to increase the hotel/motel tax by four percent, update language and confirm equal treatment of traditional and online bookings?" Yes or No

This question requires the approval of a majority of those casting votes.

SECTION 4. Adoption of Measure. The measure to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated hereby by this reference.

SECTION 5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of election, in time, form and manner as required by law.

SECTION 6. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk on or before August 7, 2020.

SECTION 7. Ballot Arguments. Pursuant to Elections Code Section 9286 et seq., August 7, 2020, at 5:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code Section 9287 shall control.

SECTION 8. Rebuttal Arguments. The provisions of Elections Code Section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 17, 2020, at 5:00 p.m.

SECTION 9. Consolidation Request. The City Council of the City of Porterville requests that the governing body of any other political subdivision, or any officers otherwise authorized by law, to partially or completely consolidate such elections and the City Council consents to such consolidation. The Council requests the Board of Supervisors of Tulare County to include on the ballots and sample ballots, all qualified measures submitted by the City Council be ratified by the qualified electors of the City of Porterville. The Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

SECTION 10. Request for County Services. Pursuant to Section 10002 of the California Elections Code, the Council of the City of Porterville hereby requests the Board of Supervisors of Tulare County to permit the Registrar of Voters to render services to the City of Porterville relating to the conduct of Porterville's General Municipal Election and Special Elections which are called to be held on Tuesday, November 3, 2020. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots and opening and counting same, providing and distributing election supplies and furnishing voting machines.

SECTION 11. Transmittal of Resolution. The City Clerk is hereby directed to submit forthwith a certified copy of this resolution to the Tulare County Board of Supervisors and to the Registrar of Voters.

PASSED, APPROVED AND ADOPTED this ____ day of June, 2020.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Consideration of the Continued Sale of Safe and Sane Fireworks in the City

SOURCE: City Manager's Office

COMMENT: During Other Matters at its meeting of July 7, 2020, at the request of Council Member Gurrola, the City Council acted to consider the continued sale of Safe and Sane fireworks as a Scheduled Matter at its meeting of July 21, 2020.

California's State Fireworks Law (Health and Safety Code Section 12500 et seq.) classifies items that qualify as fireworks, specifies who may possess or sell them, and dictates when and where they may be discharged. Although the State law permits certain sales and uses of fireworks, cities and counties within the state may enact their own Ordinances in regards to fireworks.

In 2001, the City of Porterville adopted an Ordinance, allowing the sale and discharge of fireworks classified as "Safe and Sane" to the benefit of local non-profit organizations, and providing legal Safe and Sane fireworks to be sold and discharged each year in the city between June 28th and July 4th. Safe and Sane fireworks are examined by the State Fire Marshal and determined to come within the definition of Safe and Sane. Any fireworks not meeting the definition of Safe and Sane are subject to a City administrative citation which includes a fine.

In 2011, the City amended its Ordinance for the administrative citation fine for possessing, selling and/or discharging illegal fireworks in the city, increasing the fine from \$100 to \$1,500. Prior to the fine being increased, the annual average for administrative citations issued was approximately twenty (20) per year. In the five years subsequent to the fine being increased from 2011 to 2015, citations decreased to an average of nine per year. In contrast, the past five years from 2016 to 2020 have shown an increase to again twenty (20) citations on average, with a spike in 2020 that resulted in twenty-nine (29) citations. The 29 citations were the result of a coordinated effort between Porterville's Fire and Police Departments, consisting of four teams comprised of two members each patrolling the City and responding to reports of illegal fireworks.

Due to a variety of factors, conjectured to include societal affects from the current COVID-19 pandemic as well as potential organized crime distribution, jurisdictions across the state and nation saw a significant increase in illegal firework activity. The Police Department reports to have received approximately 150 calls for service this past July 4th Holiday weekend due to illegal fireworks, and the Fire Department responded to fourteen (14) firework-

related fires, including eight grass fires, three tree fires and three refuse dumpster fires. In addition, the Council has received public comment and information relating to the affects illegal (and some legal) fireworks have on military veterans and household pets.

RECOMMENDATION: That the City Council consider the continued sale of Safe and Sane fireworks in the city.

ATTACHMENTS: 1. Municipal Code 12-2: Fireworks

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

12-2.1: DEFINITIONS:

For the purposes of this article, definitions shall have the respective meaning ascribed to them in section 12500 et seq., of the Health And Safety Code of the state of California, and, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

CITY: The city of Porterville.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, section 12500 et seq., of the Health And Safety Code of the state and such other fireworks as may be determined to be dangerous by the state fire marshal.

ELIGIBLE ORGANIZATION: An organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this article (and which continues to do so thereafter):

- A. The organization must be a duly organized not for profit charitable, religious, civic, patriotic or community service organization;
- B. The organization must be headquartered within and clearly affiliated or identified with Porterville;
- C. The organization must be one which provides direct and regular community services and benefits to the citizens of the city; and
- D. The organization must hold its regularly scheduled meetings within the city;
- E. Must maintain a bona fide membership of at least twenty (20) members;
- F. The organization must have a tax exempt identification number assigned to them;
- G. One application per tax exempt ID number will be allowed; and
- H. One permit per tax exempt number will be allowed.

FIRE CHIEF: The fire chief or his/her duly authorized designee.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty five one-hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

SAFE AND SANE FIREWORKS: Any fireworks which do not fall within the definition of "dangerous fireworks" or "exempt fireworks" per Health And Safety Code section 12529. The California state fire marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the state fire marshal.

STAND: Any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued. (Ord. 1650 § 2, 4-6-2004; Ord. 1776, 4-5-2011; Ord. 1799, 11-5-2013)



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Three-Year Review of Galaxy 9 Theater Conditional Use Permit for Alcohol Sales

SOURCE: Community Development

COMMENT: The City of Porterville allows the sale of alcohol with review and approval of a Conditional Use Permit (CUP). On July 5, 2016, City Council approved the modification to CUP 1-97 (PRC 2016-041-M), to allow for a Type 41 On-Sale (beer and wine) alcohol license at Galaxy 9 Theatres, located at 631 N. Indiana Street. As this was a new business model, Council requested the item be brought for review after one year.

On July 18, 2017, Council reviewed the item where it was reported that no incidents of significance had occurred related to the sale of alcohol. Rather than have the item return one year later, Council requested the item be brought back for review in three years.

In compliance with Executive Order by Governor Newsom due to the current COVID-19 pandemic, the Galaxy 9 Theatre has been closed and staff was unable to receive a statement from the current manager; however, according to Chief Kroutil, in the three years since Council last reviewed the CUP, the Police Department reports there have been no incidents related to the sale of alcohol. Based on a review of the Resolution and conditions of approval, Galaxy 9 has been operating in compliance with the conditions set forth in Resolution 42-2016 since its approval four years ago.

RECOMMENDATION: That the City Council consider staff's report in the review of whether the applicant has met adequate measures to control alcohol consumption and customer activities inside the building.

ATTACHMENTS: 1. Resolution 42-2016

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 42-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT 1-97 (PRC 2016-014-M) TO ALLOW FOR A TYPE 41 ON-SALE (BEER AND WINE) LICENSE IN CONJUNCTION WITH AN EXISTING MOVIE THEATRE, AT GALAXY 9 PORTERVILLE LOCATED AT 631 N. INDIANA STREET

WHEREAS: On April 15, 1997, the City Council of the City of Porterville approved Conditional Use Permit 1-97 to allow the development of a 30,728 square foot, Cinema 8 Movie Theatre on a 3+/- acre site located within a 21.25+/- acre developed shopping center; and

WHEREAS: On February 2, 1999, the City Council of the City of Porterville approved Modification No. 1 to Conditional Use Permit 1-97 to allow a 6,635+/- square foot addition to accommodate an additional screen within an eight screen movie theatre; and

WHEREAS: On June 15, 2016, the Environmental Coordinator made a preliminary determination that the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301, Existing Facilities, Class 1; and

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

WHEREAS: The City Council made the following findings:

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

The site is consistent with the PD (Planned Development) zone and General Plan Land Use Designation of Commercial Mixed Use policies that promote a mix of uses easily accessible to serve both local and regional needs.

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

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol shall be exclusively confined to the interior of the building. Additionally the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is Categorical Exempt pursuant to CEQA Guidelines §15301, Existing Facilities, Class 1.

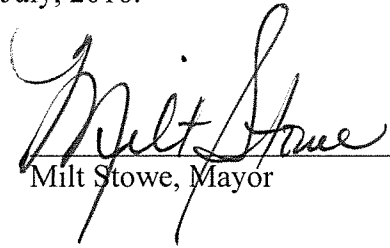
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 16 licenses for alcohol sales: ten on-sale and six off-sale. In Census Tract 37.00, four on-sale and five off-sale are permitted without being deemed over-concentrated.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification No. 2 to Conditional Use Permit 1-97 (PRC 2016-014-M) subject to the following conditions:

1. Census Tract 37 contains 16 licenses for alcohol sales; ten on-sale and six off-sale. The California Department of Alcoholic Beverage Control allows a specific number of licenses per census tract population. In Census Tract 37, four on-sale and five off-sale are allowed. Due to the over-concentration of on-sale licenses, a findings of public convenience or necessity will be required.
2. Upon approval of the conditional use permit, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.
3. Due to proximity of sensitive uses, no alcohol advertising shall be displayed and/or viewed from the outside of the building.
4. Any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol, may result in revocation of the Conditional Use Permit.
5. The elements of the conditional use permit approving on-site alcohol sales may be subject to modification if the State of California imposes sanctions on the on-sale license.
6. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.
7. This conditional use permit shall be reviewed 12 months from the date of approval at which time the City Council will review the application to determine whether the applicant has met adequate measures to control alcohol consumption and customer activities inside the building.
8. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the on-sale Type 41 (on-sale beer and wine for a bona fide public eating place) is not active or actively pursued. The City Council may approve a one year extension of any permit or approval granted under this ordinance upon receipt of a written application with the required fee before the permit expires.

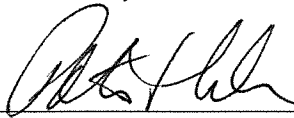
9. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
10. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
11. The hours of operation during which alcoholic beverages may be sold are 30 minutes before the first show time, and 30 minutes after the last show time.
12. The applicant/owner shall maintain all exterior lighting that illuminates the associated parking lot and surrounding service area during business hours of darkness. The maintenance of existing lighting or, if needed, the installation of additional security lighting on the exterior of the building and in the parking lot, must be sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department and shall comply with Section 306.07 (b), (Lighting and Glare) of the Porterville Development Ordinance.
13. All activities associated with the proposed use, specifically the sale and consumption of alcohol at the theatre, shall occur within the interior of the building. To assure this, an usher shall be present at the exterior exits five minutes before end of show.
14. The operational requirements provided by the applicant shall be used as policies and shall be kept on file once alcohol sales and consumption begins.
15. Building permits shall be required for any remodeling work.
16. After the applicant has acquired security personnel, the applicant shall schedule a meeting with Porterville Police Department to receive training on identifying and handling intoxicated and belligerent guests.

PASSED, APPROVED AND ADOPTED this 5th day of July, 2016.


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 a meeting of the Porterville City Council duly called and held on the 5th day of July, 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 M. Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Porterville Rescue Mission Bi-Annual Review

SOURCE: Community Development

COMMENT: At its meeting on June 18, 2019, the City Council adopted Resolution 43-2019, approving Conditional Use Permit (CUP) 2018-041-C for the New Porterville Rescue Mission (NPRM) to allow for a Social Services Facility located at 30 S. A Street. As outlined in Resolution 43-2019, Condition #1, and in compliance with Porterville Municipal Code Chapter 21, Section 301.09, “Social Services Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, restrooms and refuse containers; sufficient patron seating facilities for dining; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas.” To meet these requirements, NPRM was to continue to work on site improvements, and stay in touch with staff until all items had been completed.

At its meeting on February 4, 2020, staff presented to Council the bi-annual update as required in the CUP to update the status of improvements. The item was continued as additional information needed to be provided by NPRM in writing.

At its meeting on March 3, 2020, staff provided to Council the proposed Plan of Action that staff considered quite aggressive and reported that a realistic timeline would be three to six months before there would be an issuance of a building permit. Their construction project manager indicated that the physical interior improvements would take eight to ten weeks for the interior reconstruction. Staff proposed that the interior remodel permit should be ready for issuance by the July 21, 2020, Council update report. Council requested an informational item be brought back within sixty (60) days, which showed that NPRM was on track for the July 21st deadline.

NPRM has received their permit for the interior remodel and anticipates this phase of construction will be approximately three to four months to complete. It has been noted that NPRM is no longer working with the previously mentioned contractor and is considering improvements as the owner/builder, and is currently seeking additional board members to assist in performing the required improvements. After the interior work is complete, staff will continue to work with NPRM for the remaining exterior items.

At this time, NPRM is complying with the timeline provided to Council, and staff will provide Council the next bi-annual update at its meeting on January

Item No. 23.

19, 2021.

RECOMMENDATION: That the City Council receive staff's report and provide direction as necessary.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – JULY 21, 2020

SUBJECT: Adoption of Annual Appropriation Limit

SOURCE: Finance

COMMENT:

Article XIII-B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population of the City of Porterville as well as the percentage change in per capita personal income for the 2020-2021 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for the 2020-2021 fiscal year is \$77,790,030. With the proceeds of taxes estimated at \$27,783,751 for the adopted 2020-2021 fiscal year budget, the City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached Resolution adopting the appropriation limit of \$77,790,030 for the 2020-2021 Fiscal Year.

ATTACHMENTS:

1. Draft Resolution
2. GANN Calculation Worksheet

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SETTING THE APPROPRIATION LIMIT FOR THE
2020-2021 FISCAL YEAR

WHEREAS: Article XIII – B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year; and

WHEREAS: The State of California has presented the guidelines for the consumer price index, the per capita personal income and the population data for local governments to compute the appropriation limit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the appropriation limit of \$77,790,030 for the 2020-2021 fiscal year as computed on the attached worksheet.

PASSED, APPROVED AND ADOPTED this 21st day of July, 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

**CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2020-2021**

<u>PROCEEDS OF TAXES CALCULATION</u>				<u>APPROPRIATION LIMIT CALCULATION</u>			
	[1] PROCEEDS OF TAXES	PROCEEDS OTHER THAN TAXES	TOTAL ESTIMATED REVENUES	YEAR	[2] CALIFORNIA PCPI CHANGE	[3] POPULATION CHANGE	LIMIT
PROPERTY TAXES	\$ 7,484,000		\$ 7,484,000	1986-1987	BASE YEAR		\$ 10,422,371
SALES & USE TAXES	15,250,544		15,250,544	1987-1988	3.47%	1.75%	10,972,748
UTILITY USERS TAX	3,800,000		3,800,000	1988-1989	4.66%	2.27%	11,744,767
TRANSIENT OCCUPANCY TAX	250,000		250,000	1989-1990	5.19%	8.28%	13,377,258
BUSINESS LICENSE	450,000		450,000	1990-1991	4.21%	7.03%	14,920,454
OTHER TAXES	285,000		285,000	1991-1992	4.14%	3.79%	16,127,057
SPECIAL BENEFIT ASSESSMENTS		\$ 296,540	296,540	1992-1993	-0.64%	4.51%	16,746,519
FRANCHISE FEES		1,631,134	1,631,134	1993-1994	2.72%	4.26%	17,934,831
PERMITS		492,500	492,500	1994-1995	0.71%	3.63%	18,717,825
REVENUE FROM STATE				1995-1996	4.72%	2.40%	20,071,738
MOTOR VEHICLE IN LIEU	29,000		29,000	1996-1997	4.67%	2.85%	21,607,847
HOMEOWNERS RELIEF	24,000		24,000	1997-1998	4.67%	2.71%	23,229,852
OTHER REV FR STATE		26,109,377	26,109,377	1998-1999	4.53%	2.05%	24,779,949
OTHER INTERGOVTAL REV		21,709,665	21,709,665	1999-2000	4.91%	1.61%	26,415,190
USE OF MONEY & PROPERTY				2000-2001	7.82%	1.33%	28,859,653
INTEREST	211,207	760,043	971,250	2001-2002	-1.27%	2.07%	29,082,943
RENT		478,996	478,996	2002-2003	2.31%	2.56%	30,516,481
FINES & FORFIETURES		127,000	127,000	2003-2004	3.28%	2.43%	32,283,295
CHARGES FOR SERVICES		47,482,621	47,482,621	2004-2005	5.26%	2.45%	34,813,941
OTHER REVENUES		893,912	893,912	2005-2006	3.96%	2.18%	36,981,571
	<u>\$ 27,783,751</u>	<u>\$ 99,981,788</u>	<u>\$ 127,765,539</u>	2006-2007	4.42%	14.26%	44,122,820
				2007-2008	4.29%	1.99%	46,931,401
				2008-2009	0.62%	1.79%	48,067,656
				2010-2011	-2.54%	1.98%	47,774,303
				2011-2012	2.51%	1.47%	49,693,348
				2012-2013	3.77%	1.28%	52,226,842
				2013-2014	5.12%	0.92%	55,405,944
				2014-2015	-0.23%	0.75%	55,693,099
				2015-2016	3.82%	0.75%	58,254,230
				2016-2017	5.37%	5.39%	64,690,998
				2017-2018	3.69%	1.13%	67,836,078
				2018-2019	3.67%	1.14%	71,127,375
				2019-2020	3.85%	0.79%	74,449,319
				2020-2021	3.73%	0.73%	77,790,030
				PROCEEDS OF TAXES			<u>\$ 27,783,751</u>
				PROCEEDS OF TAXES UNDER APPROPRIATION LIMIT			<u>\$ 50,006,279.06</u>

[1] Per City of Porterville 2020-2021 Interim Annual Budget adopted by City Council on June 30, 2020.

[2] Per State Department of Finance (per capita personal income).

[3] Per State Department of Finance (population growth of City or County, whichever is greater).

CITY OF PORTERVILLE
APPROPRIATION LIMIT DOCUMENTATION
FISCAL YEAR 2020-2021

	GENERAL	MEAS H	MEAS I	SPECIAL GAS TAX	LTF	TRAFFIC SAFETY	ZALUD ESTATE	CDBG	TRANSIT	COPS	SEWER OPER	SOLID WASTE	AIRPORT	GOLF COURSE	WATER OPER	GEN GOV DEBT SERV
PROPERTY TAXES	7,480,000												4,000			
SALES & USE TAXES	5,604,000	3,557,000	6,089,544													
UTILITY USERS TAX	3,800,000															
TRANSIENT OCCUPANCY TAX	250,000															
BUSINESS LICENSE	450,000															
OTHER TAXES	285,000															
SPECIAL BENEFIT ASSESSMENTS											184,000					
FRANCHISE FEES	1,631,134															
PERMITS	492,500															
REVENUE FROM STATE																
VEHICLE LICENSE FEES IN EX	29,000															
HOMEOWNERS RELIEF	24,000															
OTHER REV FR STATE	50,000			3,121,882					2,517,356	150,000		20,000	10,000			
OTHER INTERGOVTAL REV				367,920	10,814,126			798,922	8,715,597							
USE OF MONEY & PROPERTY																
INTEREST	175,000	5,000	10,000	20,000	100,000	400	800	35,000		1,500	25,000		40,000		80,000	
RENT	180,000										112,596		171,400			
FINES & FORFIETURES	27,000					100,000										
CHARGES FOR SERVICES	5,781,000	1,000					6,500		601,000		6,716,000	5,907,500	1,251,000	172,000	12,099,100	600,000
OTHER REVENUES	75,000						500	500			105,000	95,000	400	1,500	290,000	
	26,333,634	3,563,000	6,099,544	3,509,802	10,914,126	100,400	7,800	834,422	11,833,953	151,500	7,142,596	6,022,500	1,476,800	173,500	12,469,100	600,000

	RISK MGMT	EQUIP MAINT	LMD	WATER REPLACE	SOLID WASTE RES	SEWER REVOLV	TRANSPORT IMPACT	PARK DEVEL	WWTP RESERVE	STORM DRAIN DEVELOP	BLDG CONSTR	GEN FUNC EQUIP REPL	AIRPORT REPL AND DEVEL	GOLF COURSE REPL	EQUIP MAINT REPL	TOTAL ESTIMATED REVENUES
PROPERTY TAXES																7,484,000
SALES & USE TAXES																15,250,544
UTILITY USERS TAX																3,800,000
TRANSIENT OCCUPANCY TAX																250,000
BUSINESS LICENSE																450,000
OTHER TAXES																285,000
SPECIAL BENEFIT ASSESSMENTS			112,540													296,540
FRANCHISE FEES																1,631,134
PERMITS																492,500
REVENUE FROM STATE																
MOTOR VEHICLE IN LIEU																29,000
HOMEOWNERS RELIEF																24,000
OTHER REV FR STATE				20,101,709								100,000	38,430			26,109,377
OTHER INTERGOVTAL REV					244,500								768,600			21,709,665
USE OF MONEY & PROPERTY																
INTEREST	12,000	6,000		100,000	50,000	70,000	15,000	50	80,000	25,000	5,000	100,000	6,000	1,500	8,000	971,250
RENT		15,000														478,996
FINES & FORFIETURES																127,000
CHARGES FOR SERVICES	7,104,916	3,610,000		543,580	845,067	230,968	200,000	50,000	378,804	100,000		1,000,000	84,186	50,000	150,000	47,482,621
OTHER REVENUES	850			155,162		45,000			125,000							893,912
	7,117,766	3,631,000	112,540	20,900,451	1,139,567	345,968	215,000	50,050	583,804	125,000	5,000	1,200,000	897,216	51,500	158,000	127,765,539

* Source:

City of Porterville 2020-2021 Annual Budget adopted by City Council on June 30, 2020.



CITY COUNCIL AGENDA – JULY 21, 2020

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

SOURCE: City Manager's Office

COMMENT: At its meeting of March 17, 2020, the City Council took action to approve a Resolution of Proclamation of Existence of a Local Emergency for the novel coronavirus (COVID-19), which staff also initiated a soft-opening of its Emergency Operations Center (EOC) on Friday, March 20, 2020. At its last meeting on July 7, 2020, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of Proclamation.

On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency, President Trump issued a Proclamation on Declaring a National Emergency on March 13, 2020, and the Tulare County Board of Supervisors adopted a Resolution of Proclamations of Local Emergencies on March 17, 2020. The Tule River Tribal Council also adopted a Resolution of Declaration of State of Emergency on March 13, 2020. Subsequent to his Proclamation, Governor Newsom has issued forty-five (45) 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 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. On June 5, 2020, the State announced guidelines for the opening of outdoor recreation, including public

swimming pools and aquatic venues, beginning June 12, 2020. At its meeting on June 16, 2020, the Council provided approval for the opening of the Murry Park swimming pool and Fallen Heroes Park splash pad consistent with the State's guidelines and necessary precautions and preparations. With continued limitations on team-oriented recreation activities, staff is preparing new individual outdoor recreation opportunities for the community. On June 5, 2020, the State also provided guidance on the opening of day camps beginning June 12, 2020, which staff is also preparing for opening consistent with the State's guidelines and necessary precautions and preparations.

Having already suffered the cancellation of the Iris Festival, Cinco de Mayo Parade, Porterville Fair, Military Banner Ceremony, KJUG Summer Concert Series and Freedom Fest among other community events to avoid mass gatherings, it is becoming apparent that the shelter-at-home Order could have continued affects 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 (Project Roomkey), which the County is working with two local hotels in the leasing of approximately thirty (30) rooms. At the time of this report, the County reports there are currently ninety-eight (98) homeless individuals participating in the Project Roomkey program across the county, one of which is COVID-19 positive. The County also reports that a Street Medicine event occurred in Porterville on June 29, 2020, during which twelve (12) individuals were tested for COVID-19 and all were negative. On July 1, 2020, Helping Hands of Porterville resumed its daily homeless lunch program, thus relieving the City and its staff of the deliver of this program.

The City's contract operator of the planned navigation center, TurningPoint of Central California, has been issued building permits and is currently making necessary improvements for anticipated opening in the month of July. Turning Point had previously indicated that due to the current pandemic, occupancy of the navigation center when opened would be at half-capacity to allow adequate physical distancing given group housing, but now believes the center can open with full capacity and meet State guidelines for healthy and safe operations.

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 reverberated throughout the state in clarifying essential businesses, which staff both responded to complaints and acted proactively in following the State's guidelines of essential businesses (attached). 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 met intermittently in review of local complaints and compliance with modified 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 (Variation Attestation) 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). At its meeting on May 19, 2020, the Board of Supervisors acted to modify its draft plan for reopening, including advancing immediately through the State's Stage 3, rescinding the County's Public Health Officer's Order, halting all local civil enforcement of stay-at-home Orders, directing County guidance for Stage 3 businesses, and direct County efforts from meeting State metrics to supporting problem areas and populations including the elderly and health compromised individuals, skilled nursing facilities, hospitals, and businesses or agencies with reported outbreaks. On May 26, 2020, the County submitted its Variance Attestation to the State, which was approved and posted by the State on May 27, 2020, allowing the county to proceed through the State's Stage 2.

On May 25, 2020, the State announced that places of worship (25% capacity) and in-store retail were allowed to proceed immediately statewide, and on May 26, 2020, the Governor announced that barber and hair salons could reopen immediately in counties with approved Variance Attestations, which as previously stated Tulare County's was approved by the State on May 27th. On June 5, 2020, the State announced that additional previous Stage 3 activities would be allowed to reopen with provided guidance effective June 12, 2020, including bars and wineries, campgrounds and RV parks, family entertainment centers (i.e. bowling alleys and movie theaters), fitness facilities, and museums/galleries/zoos/aquariums.

Due to increasing positive cases across the state, on June 18, 2020, the State issued guidance that all individuals wear face coverings when in public (attached). At its meeting on July 7, 2020, the Council acted to approve and Order under its Proclamation of Local Emergency authorizing the City to enforce the State's mandatory face covering requirements through the City's administrative citation regulations and aggressive education efforts, and directed City staff to prepare an emergency Ordinance requiring face coverings consistent with the State requirements, which is scheduled for Public Hearing and Council consideration at its meeting of July 21, 2020. Also due to increasing positive cases, testing positivity and COVID-19 hospitalizations, the State placed Tulare County on its monitoring list program for targeted engagement and potentially reinstituting community measures, which on June 28, 2020, the State directed all bars in Tulare County be closed again immediately by local health officer order. On July 1, 2020, the State further

directed the closing of indoor activities for at least the succeeding three weeks, including restaurants, bowling alleys, movie theaters, card rooms, museums, wineries and zoos. On Monday, July 14, 2020, the State directed the immediate closure of all bars in California and cease in-restaurant dining, as well as the immediate closure of indoor activities or industries including barbershops, fitness centers, hair salons, malls, offices for non-essential sectors, personal care services (e.g. esthetic salons, nails salons, tattoo parlors), protests and places of worship for counties on the State's monitoring list (including Tulare County), unless the activity or industry can be modified to operate indoors or by pick-up. The State Board of Barbering and Cosmetology clarified that barbershops and esthetic, hair and nails salons are required to operate indoors and may not operate outdoors and therefore must be closed.

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 accrued special leave for later utilization and/or payment, as well as employees that are working from home. Given the State's reopening guidelines, all City employees returned to work effective June 1, 2020, and the special leave program was discontinued effective May 31, 2020. Compounding the challenge for the City's workforce was the temporary closure of local non-profit contractor Promoting Self Worth (PSW) due to its workforce being considered highly vulnerable to COVID-19, thus necessitating 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. On May 29, 2020, Governor Newsom issued Executive Order N-66-20, extending the eviction moratorium through July 28, 2020. On June 30, 2020, the Governor issued Executive Order N-71-20, extending the eviction moratorium through September 30, 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 under-served 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 initiated a local messaging campaign for local residents to be tested, which precipitated improved community response beyond minimum State testing thresholds. City staff was recently notified by County staff that the Veterans Memorial administration has given notice to the State to terminate the testing at its facility effective July 31, 2020, so that it may again use the facility for other purposes. The State and County are looking for a replacement testing facility, which the local National Guard armory is being considered.

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, and took additional action at its meeting on June 2, 2020, which staff is still awaiting final approval from the Housing and Urban Development (HUD) Department to

begin providing local small business assistance. At its meeting of June 16, 2020, the Council took action to defer the collection of the biannual \$25 business license from July 2020 to January 2021 for local small businesses.

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.

As a component of its 2020-2021 budget adoption, the State appropriated \$500 million of CARES Act funding to cities that were not allocated CARES Act funding directly by the federal government, including \$275 million to cities with a population of less than 300,000, which based upon estimates the City would receive approximately \$740,000.

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 - Face Coverings: May 7, 2020
19. Tulare County Public Health Amended Order: May 8, 2020
20. Tulare County Public Health Draft Reopening Plan: May 12, 2020
21. Tulare County Public Health Amended Order: May 18, 2020
22. Tulare County Roadmap to Recovery - Stage 3: May 19, 2020
23. State of California Guidance for Face Coverings: June 18 2020

Appropriated/Funded:

Review By:

Department Director:

John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 22-2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

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

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the 17th day of March, 2020.

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

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

JOHN D. LOLLIS, City Clerk


By: Fernando Gabriel-Moraga, Deputy City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

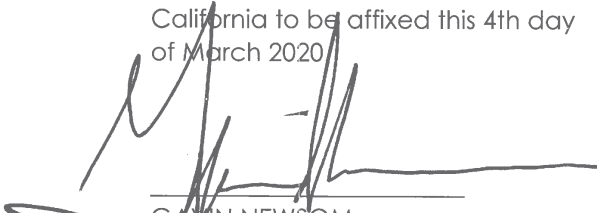
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.

14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**PROCLAMATIONS**

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

Issued on: March 13, 2020



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

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

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

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

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

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

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

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

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

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

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

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

DONALD J. TRUMP



Health & Human Services Agency COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: March 17, 2020

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

CONTACT PERSON: Andrew Lockman PHONE: 624-8000

SUBJECT: Ratify Proclamations of Emergency for COVID-19

REQUEST(S):

That the Board of Supervisors:

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

SUMMARY:

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

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

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

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

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

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

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

FISCAL IMPACT/FINANCING:

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

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

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

ADMINISTRATIVE SIGN-OFF:



Timothy W. Lutz
Agency Director

Cc: County Administrative Office

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

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

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

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

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

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

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

WHEREAS, the Director of Emergency Services hereby finds:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

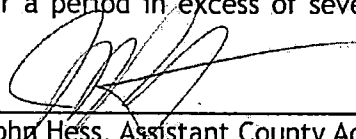
NOW THEREFORE, the Tulare County Coordinator of Emergency Services hereby:

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

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

Date: March 11, 2020

Time: 10:33 pm

By: 

John Hess, Assistant County Administrative Officer
and Emergency Services Coordinator

APPROVED AS TO FORM:
COUNTY COUNSEL

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

Jlk/03-11-2020/2020217/1444043

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

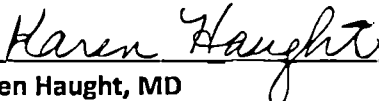
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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

Date: March 11, 2020

Time: 10:50 pm

Issued by:



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

Approved as to Form:
COUNTY COUNSEL

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

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



TULE RIVER INDIAN TRIBE OF CALIFORNIA

IN THE MATTER OF:

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

RESOLUTION NO. FY2020-100

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

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

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

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

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

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

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

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

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

Page 2.

Resolution No. FY2020-100

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

CERTIFICATION

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

AYES: 8

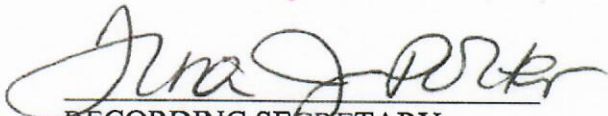
NOES: 0

ABSTAIN 0


NEIL PEYRON, CHAIRMAN
TULE RIVER TRIBAL COUNCIL


HEATHER TERAN, SECRETARY
TULE RIVER TRIBAL COUNCIL

ATTEST TO:


RECORDING SECRETARY

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-25-20

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

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

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

In particular, any otherwise-applicable requirements that

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

are hereby suspended, on the conditions that:

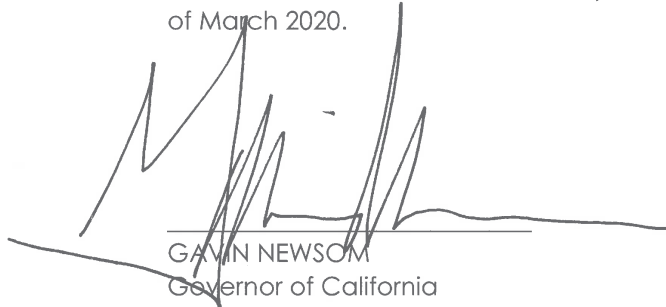
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice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

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

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

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

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

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

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

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

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

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-32-20

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

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

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

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

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

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

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

IT IS HEREBY ORDERED THAT:

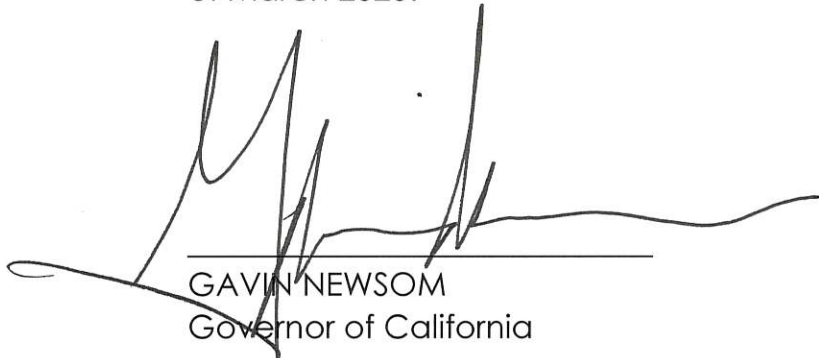
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing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

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

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

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

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



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

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

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

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

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

IT IS HEREBY ORDERED THAT:

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

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

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

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

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

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

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

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

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

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

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

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

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

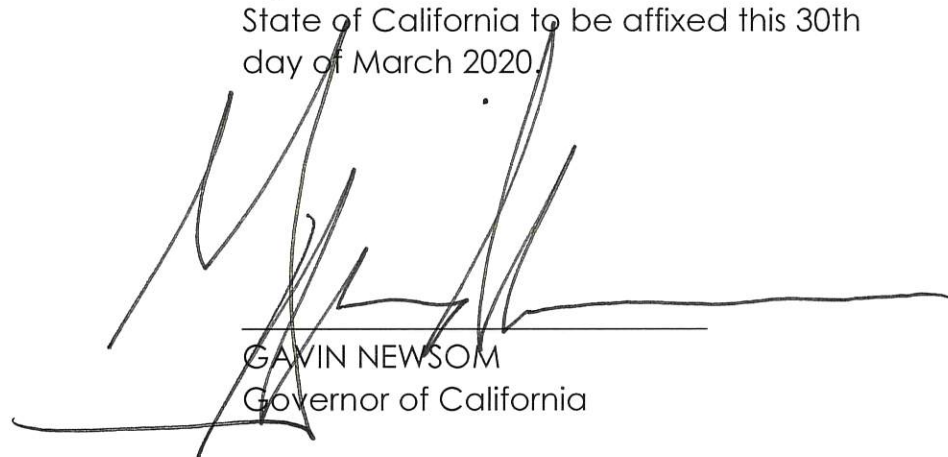
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 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.

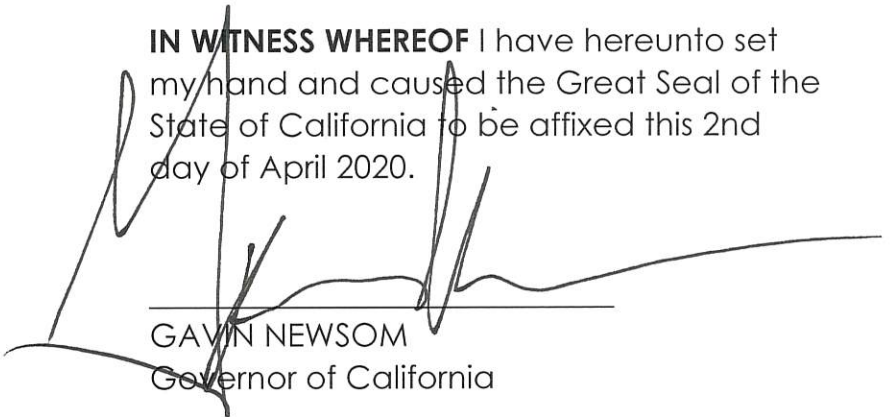
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

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

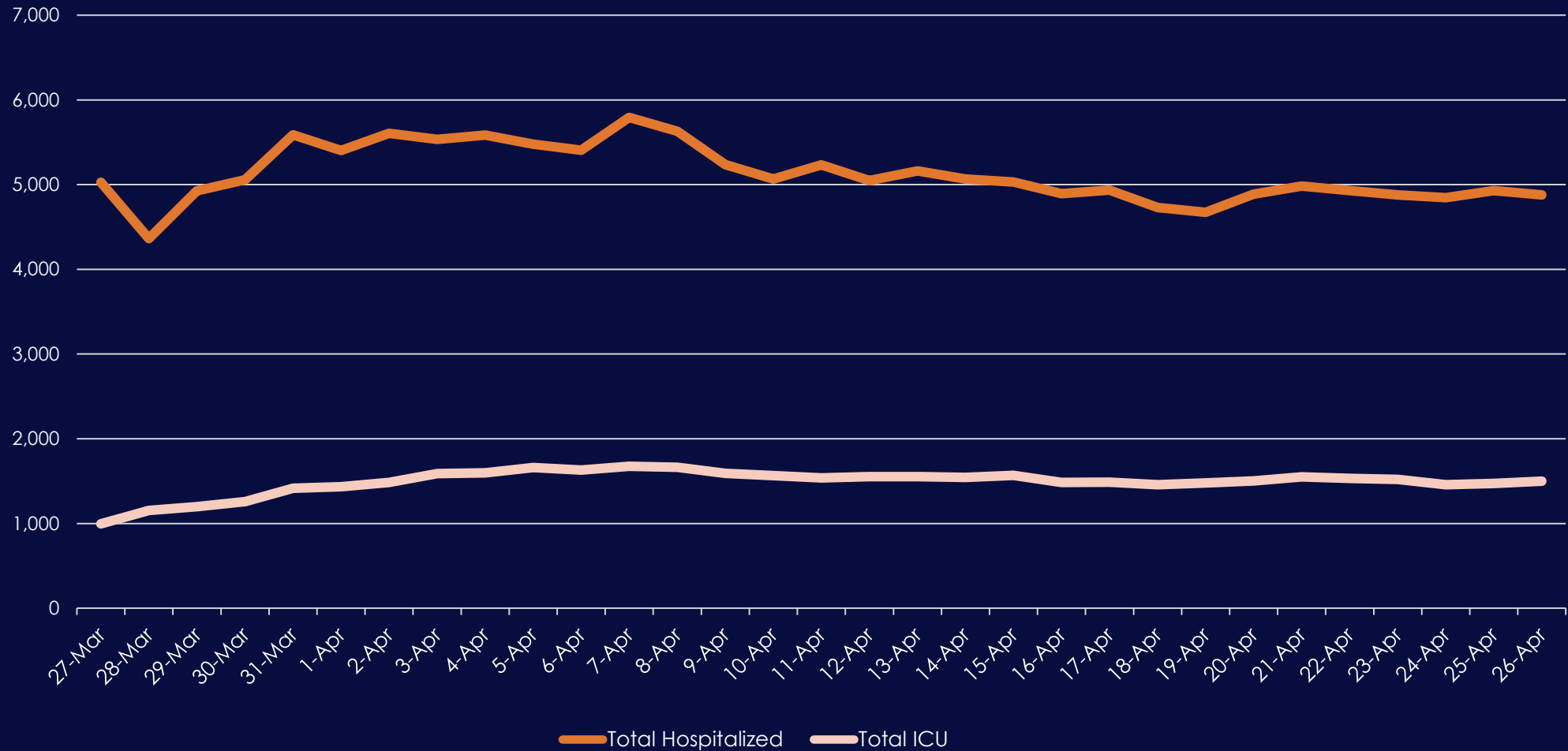


Update on California's Pandemic Roadmap

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.

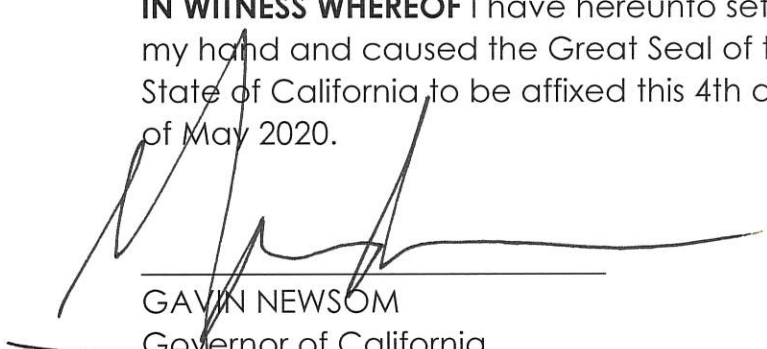
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect 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

JMS/5-07-2020/2020217/1465457.docx



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, Pubic 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.

**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**

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, in conjunction with the ORDER OF THE STATE PUBLIC HEALTH ORDER dated the same day, 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 "Emergency Order Amended May 5, 2020"); 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, compliance with the State criteria, procedures, and guidance for the stages of the Pandemic Roadmap is 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 Emergency Order Amended May 5, 2020** is hereby terminated. Any previous Public Health Orders, other than the Emergency Declaration dated March 11, 2020, not previously terminated by the Emergency Order Amended May 5, 2020, 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 they 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 current stage of the State's Pandemic Roadmap shall be allowed. The current stage of the Pandemic Roadmap and current guidance related to the Pandemic Roadmap can be found at: <https://covid19.tularecounty.ca.gov/covid-19-updates-and-situation-in-tulare-county/>.
4. **Bars, wineries, breweries and pubs** shall follow all restrictions, closures, and guidelines under the current stage of the State's Pandemic Roadmap.
5. **Restaurants** shall follow all restrictions, closures, and guidelines under the current stage of the State's Pandemic Roadmap.
6. **Food Trucks** shall follow all restrictions, closures, and guidelines under the current stage of the State's Pandemic Roadmap.
7. **Certified Farmers' Markets** shall follow all restrictions, closures, and guidelines under the current stage of the State's Pandemic Roadmap.
8. **Gambling venues** shall follow all restrictions, closures, and guidelines under the current stage of the State's 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 all restrictions, closures, and guidelines under the current stage of the State's Pandemic Roadmap.
10. **Gyms and health clubs** shall follow all restrictions, closures, and guidelines under the current stage of the State's 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 current stage of the State's 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 current stage of the State's Pandemic Roadmap.

13. For those businesses closed under the current stage of the State's Pandemic Roadmap, business owners, managers, and supervisory staff are allowed to be on site to conduct minimum basic operations, provided they follow all guidance from public health officials to reduce the spread of COVID-19, including social distancing and hand washing with soap and water for at least 20 seconds.
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 current stage of the State's 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. This Order may be enforced pursuant to California law, including, but not limited to Government Code sections 26602, 41601, and 8665 to prevent the spread of Covid-19.
17. Each incorporated city within Tulare County is permitted to take such actions, if any, as may be reasonably necessary to permit this Order to be fully enforced within its respective jurisdiction. 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 may enforce this Order within their respective jurisdictions to prevent the spread of COVID-19.
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 permitted to enforce this Order within their respective jurisdictions.
19. 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 may 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.
20. Pursuant to Tulare County Ordinance Code sections 4-01-1070 and 4-01-1315, violations of this Order may be considered a public nuisance.
21. Pursuant to Tulare County Ordinance Code sections 1-23-1000 and 1-23-1015 violations of this Order may be subject to an administrative fine or penalty.

22. 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.
23. 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.
24. 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/>.
25. All open businesses, facilities, retail food, and other 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, and remind employees of guidance from public health officials to reduce the spread of COVID-19, including washing their hands often with soap and water for at least 20 seconds and wearing appropriate face covering when necessary. Any business, facility, retail food, and other venue may create an individual policy restricting entry of patrons not wearing masks.

IT IS SO ORDERED.

Time: 8:00am
Date: May 18, 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

Roadmap to Recovery

STAGE ONE

- Stay at Home Order
- Planning for Recovery

STAGE TWO (Low Risk Businesses)

- Curbside retail:
 - Bookstores
 - Jewelry stores
 - Clothing stores
 - Shoe stores
 - Home furnishing
 - Sporting goods
 - Florists
- Car washes
- Pet grooming
- Landscape gardening
- Shopping malls
- Dine-in restaurants
- Schools
- Office-based businesses
- Childcare facilities
- Outdoor museums and open gallery spaces
- Outdoor recreational activities
 - Parks
 - Trails
 - Golf Courses
 - Lakes

STAGE THREE (High Risk Businesses)

- Personal services such as: nail salons, tattoo parlors, gyms and fitness studios
- Bars and lounges
- Indoor museums, gallery spaces, zoos, and libraries
- Community centers, public pools, playgrounds, and picnic areas
- Religious services and cultural ceremonies
- Hotels/lodging for leisure and tourism

STAGE FOUR (End of Stay at Home Order)

LATER

- Entertainment venues
- Large conventions
- Sporting and spectator events
- Concerts
- Convention Centers

For more information please visit
covid19.tularecounty.ca.gov and
covid19.ca.gov



HHSA
www.tchhsa.org
May 20, 2020



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency California Department of Public Health



GAVIN NEWSOM
Governor

June 18, 2020

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings (e.g., school or childcare center)

² Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons age two years or under. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom 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.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric