



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 20, 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 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, October 20, 2020, to participate in this meeting. Staff will periodically check for 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 at 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: 260-213-022. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and 50 West Olive LLC. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Management & Confidential Series; and Porterville Peace Officers Association.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Agustin Magana. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three 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 Vice Mayor Reyes

Invocation

PRESENTATIONS

Chamber of Commerce - Quarterly Report

ORAL COMMUNICATIONS

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

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. San Joaquin Valley Air Pollution Control District (SJVAPCD) Citizens Advisory Committee - October 6, 2020
2. Local Agency Formation Commission (LAFCO) - October 7, 2020
3. League of California Cities Virtual Conference - October 7-9, 2020
4. City Council Cannabis Ad Hoc Committee - October 8, 2020 and October 12, 2020
5. City Council COVID-19 Ad Hoc Committee Meeting - October 12, 2020
6. San Joaquin Valley Air Pollution Control District (SJVAPCD) Governing Board - October 15, 2020
7. Tulare County Association of Governments (TCAG)/Tulare County Transportation Authority (TCTA) - October 19, 2020

Staff Informational Reports

1. Water Conservation Phase III 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 Dell Precision 5820 Dispatch Computers.**
Re: Consider authorizing the purchase of six Dell Precision 5820 Dispatch Computers in an amount of \$20,464.62 for use in the Police Department's Communication Center.
2. **Authorization to Purchase Main Street Christmas Decor**
Re: Considering the purchase of Christmas garland decorations from Kaylor Landscape and Christmas Decor for Main Street in an amount not to exceed \$10,000.
3. **Authorization to Repair Refuse Truck Fuel Injection System**
Re: Consideration to authorize refuse truck repair by E.M. Tharp, Inc. - Golden State Peterbilt at a cost not to exceed \$20,379.92
4. **Consideration of Agreement with Central San Joaquin Valley Risk Management Authority (CSJVRMA) for Purchase of CordicoShield Wellness Application**
Re: Consideration of Agreement with the CSJVRMA for the purchase of the CordicoShield Wellness Application for the Police Department.
5. **Consideration of Approval to Apply for CalHome Grant**
Re: Consideration of Resolution to approve the submittal of a CalHome Program funding application for \$500,000 for the purposes of increasing homeownership programs for low- and very-low-income households.
6. **Reimbursement for the Construction of Water and Storm Drain Master Plan Improvements for the Summit Estates Two, Phase Two Subdivision - Smee Homes, Inc.**
Re: Consideration to accept the water and storm drain master plan improvements related to the new Summit Estates Two, Phase Two subdivision for maintenance; and approve reimbursement to Smee Homes, Inc. in the amount of \$153,246.85.
7. **Assignment of Airport Lease - Lot 6**
Re: Considering approval of a Lease Assignment for Lot No. 6 at the Municipal Airport from Tule River Aero Industries, Inc. to TREDK Real Estate.
8. **Assignment of Airport Lease - Lot 7**
Re: Considering approval of a Lease Assignment for Lot No. 7 at the Municipal Airport from

Tule River Aero Industries, Inc. to TREDC Real Estate.

9. Modification of Public Hearing Date - Vacation of Yowlumne Avenue, Yaudanchi Street, and Wukchumni Avenue east of West Street and west of the Airport

Re: Consideration to schedule a Public Hearing on November 3, 2020, to receive public comment concerning the intended vacation of City streets, including reservations, for Yowlumne Avenue, Yaudanchi Street, and Wukchumni Avenue east of West Street and west of the Airport.

10. 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

11. Request to Approve Modification No. 3 to the Pacific Rim Commercial Mixed-Use Project

Re: Consideration of a Resolution to approve a modification to the Conditional Use Permit to increase proposed residential units and decrease proposed commercial development in the mixed-use project on Henderson Avenue west of Newcomb Street.

12. Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding

Re: Considering acceptance of grant funds in the amount of \$100,000 to offset costs for personnel assigned to the Police Department's Patrol Division, including necessary training, equipment, and overtime costs.

SCHEDULED MATTERS

13. Citrus Blossom Subdivision Project - Continued Deliberation

Re: Consideration to adopt a draft Resolution for a Mitigated Negative Declaration of environmental impact; adopt a draft Resolution making application to Tulare LAFCO for consideration of a UDB/SOI amendment and annexation; adopt a draft Ordinance approving a change in zoning of the 11.47 acre site of the proposed subdivision; and adopt a draft Resolution approving the Citrus Blossom Tentative Subdivision Project.

14. Local Initiatives Navigation Center Committee

Re: Review the newly-forming Local Initiatives Navigation Center Committee and consider appointing a Member of Council to represent the City.

15. Status and Review of Proclamation of Local Emergency: COVID-19

Re: Considering approval of the continuation of the Proclamation of Local Emergency due to COVID-19.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

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

ADJOURNMENT - to the meeting of November 3, 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 – OCTOBER 20, 2020

SUBJECT: 1. Water Conservation Phase III 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 September 2020 show that a total of 18 Notice of Violations were issued for water wasting, and 2 Administrative Citations were issued.

Water production for September 2020 shows a 6% increase from the 5-year average. The production for the month of September 2020 was 414 million gallons, which when compared to the production for the month of September 2013 of 521 million gallons, equates to a 20.54% decrease. Residential consumption for September 2020 was 159.63 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 September 2020. Porterville's cumulative total production conservation through September 2020 is 19.88%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through September 2020. Porterville's cumulative total GPCD conservation through September 2020 is 26.2%.

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

Appropriated/Funded:

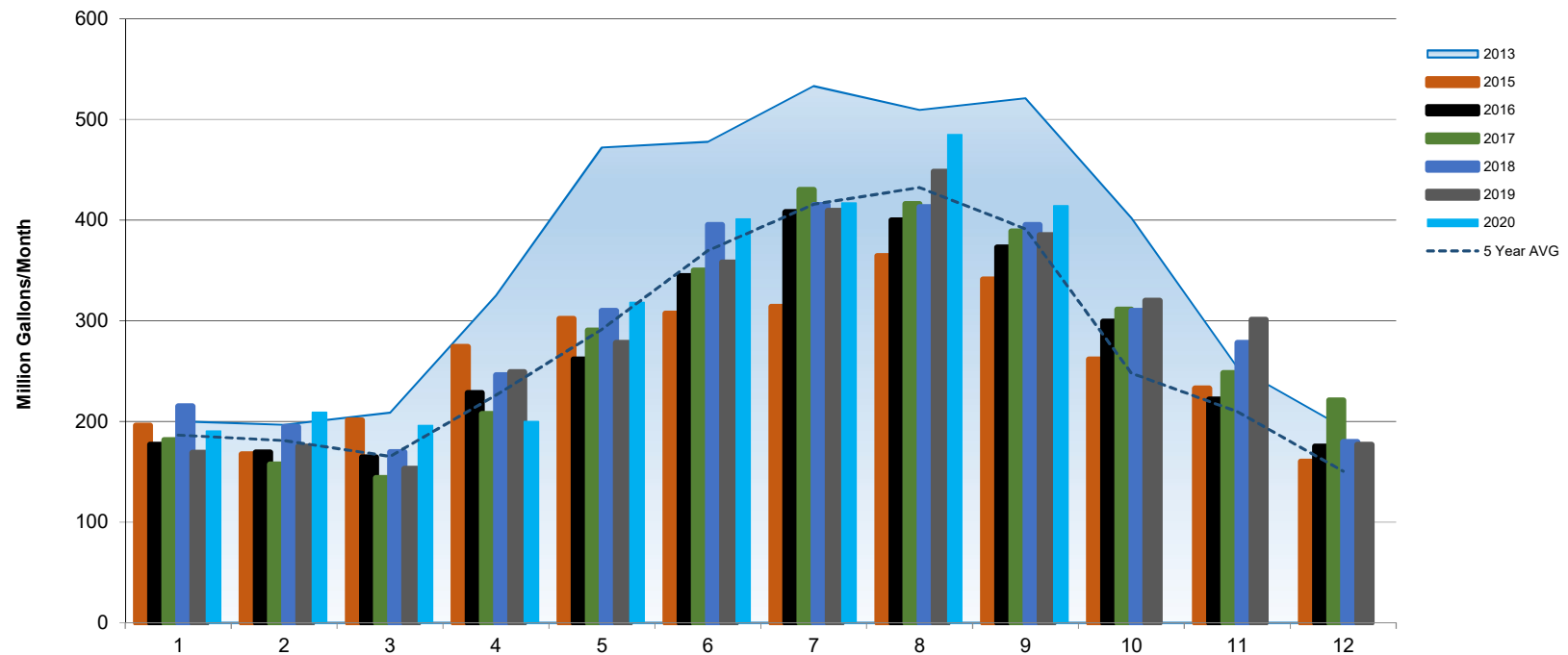
Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

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

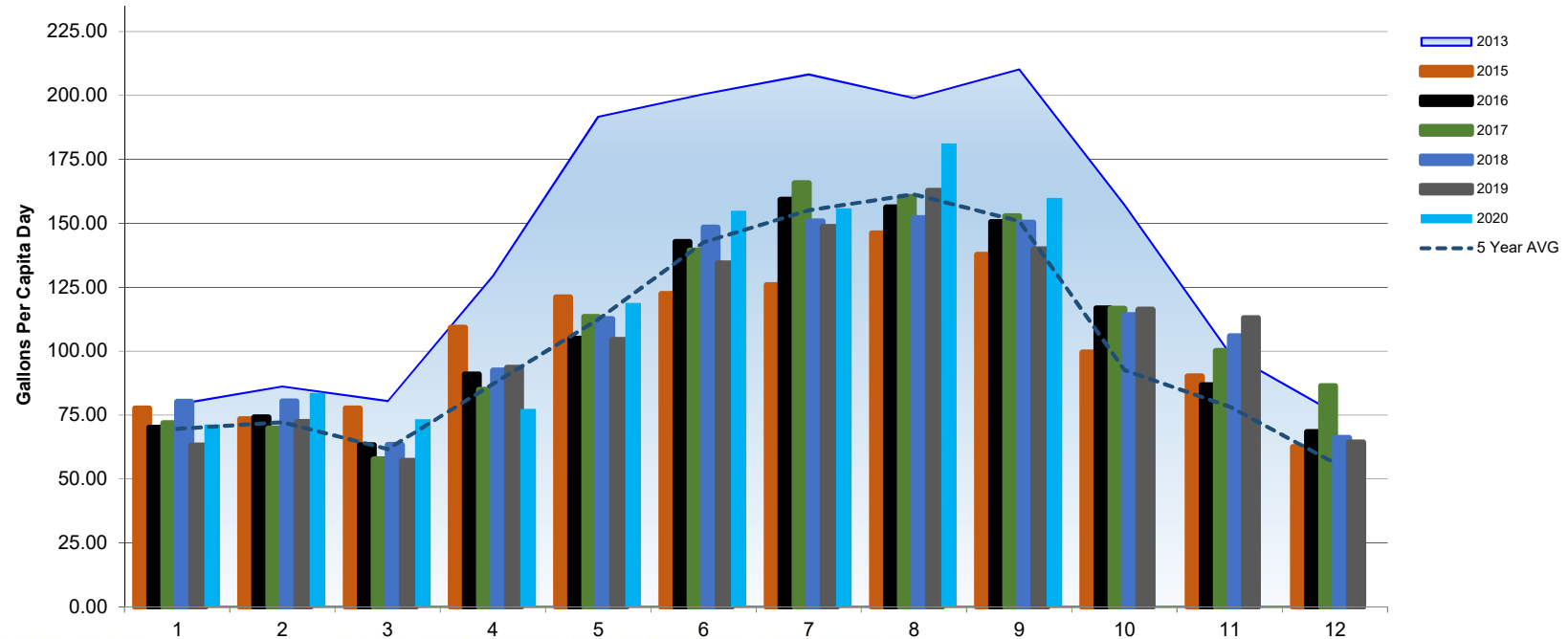


Production Cumulative Total 19.9%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	1%	-7%	-13%	-29%	-39%	-26%	-25%	-24%	-29%	-27%	7%	-13%
2019	-16%	-11%	-27%	-23%	-41%	-25%	-23%	-12%	-26%	-20%	19%	-9%
2020	-5%	6%	-6%	-38%	-33%	-16%	-22%	-5%	-21%			

Percent Comparison to 2013 Production

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



GPCD

Cumulative Total 26.2%

	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	-10%	-3%	-9%	-40%	-38%	-23%	-25%	-9%	-24%			

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 – OCTOBER 20, 2020

SUBJECT: Authorization to Purchase Dell Precision 5820 Dispatch Computers.

SOURCE: Police

COMMENT: The Police Department was allocated \$14,401 in Bureau of Justice Assistance FY2020 Edward Byrne Memorial Justice Assistance Grant funds. At its meeting on August 18th, 2020, the City Council authorized the use of these funds to purchase six new computers for the Department's Communications Center.

The Department is standardized with Dell, and continuing to acquire from the Dell line allows for a homogeneous network environment for smooth integration. Staff has obtained a quote from Dell for computers that would provide the necessary processing speed and power to be most efficient in running the new computer-aided dispatch/record management system (CAD/RMS) system within the Department. The cost was determined to be \$20,464.62.

Funding is available through FY2020 Edward Byrne Memorial Justice Assistance Grant and existing Department budgets.

RECOMMENDATION: That the City Council:

1. Authorize the purchase of six Dell Precision 5820 Dispatch Computers from Dell at a cost of \$20,464.62 plus the applicable sales tax and shipping costs; and
2. Authorize payment to the vendor upon receipt of listed equipment.

ATTACHMENTS: 1. Dell Quote

Appropriated/Funded: MB

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager



Savings	\$7,569.12
Subtotal (6)	\$20,464.62
Estimated Shipping	\$0.00
Total	\$20,464.62

✓ You've successfully saved a new eQuote - #3000069875132



Details

Dispatch Upgrade PC Final
Quote number # 3000069875132

Created September 29, 2020
Expires November 28, 2020
Created by
Sisch@ci.porterville.ca.us
Authorized buyer Ted Williams

Customer details

Billing

Order contact
Sarah Isch,
Dell Contract Code:
C000000181156
Customer agreement number:
MWNWC-108/7157034003
Phone number: (559) 782-7400
Additional::
Sisch@ci.porterville.ca.us

Billing information
ACCOUNTS PAYABLE, CITY OF
PORTERVILLE
291 N MAIN ST, PORTERVILLE,
CA, 93257-3737
Customer number: 4023319
Phone number: (559) 782-7454
Additional::
AGUSTUSON@CI.PORTERVILLE.CA.US

Tax exemption
I am tax exempt

Shipping

Shipping information
Sarah Isch, Porterville PD
350 N D St, Porterville, CA, 93257-3651
Phone number: (559) 782-7440
Additional::
sisch@ci.porterville.ca.us

Delivery method
FREE Standard Delivery

Trade compliance
No, I will not be exporting

Payment method

Items

Quantity

Unit Price

Item total



Precision 5820 Tower - Build Your Own

6

\$4,672.29

\$28,033.74

Discounted unit price: \$3,410.77

Estimated Ship Date

October 4, 2020 - October 6, 2020

Premier discount

-\$7,569.12

Catalog Number: 84 / xcto5820corexusr

Category	Description	Code	SKU	ID
Precision 5820 Tower	Precision 5820 Tower XCTO Base	T5820X	[210-ANJK]	1
Processor	Intel Core i9-10900X (3.7GHz, 4.7GHz Turbo, 10C, 19.25MB Cache, HT, (165W), DDR4-2666 Non-ECC)	G4QS7KC	[338-BUNV] [389-CGEV] [412-AALF]	146
Operating System	Windows 10 Pro, 64-bit, English	G2CMHGP	[619-ANUF]	11
Microsoft Office	No Microsoft Office License Included - 30 day Trial Offer Only	16MUI	[658-BCSB]	1002
Chassis Options	Precision 5820 Tower Core X 950W Chassis CL	GJAU2VE	[321-BFGJ]	116
Video Card	Dual NVIDIA Quadro P2200, 5GB, 4 DP	GJAJRJN	[490-BFOR]	6

Category	Description	Code	SKU	ID
Memory	64GB 4x16GB DDR4 2666MHz UDIMM Non-ECC Memory	GSJP9V3	[370-AEER]	3
Systems Management	No Out-of-Band Systems Management	NOVPRO	[631-ABML]	49
Operating System (Boot) Drive	SATA/SAS Hard Drive/Solid State Drive	BOOTHDD	[449-BBLT]	276
Hard Drive Controllers	Integrated Intel AHCI SATA chipset controller (8x 6.0Gb/s), SW RAID 0,1,5,10	CNTRL	[403-BBRL]	9
Hard Drive	3.5" 2TB 7200rpm SATA Hard Drive	2TB3572	[400-ASSO]	8
2nd Hard Drive	No Hard Drive	NOHDD	[400-AKZR]	637
3rd Hard Drive	No Hard Drive	NOHDD	[400-AKZR]	54
4th Hard Drive	No Hard Drive	NOHDD	[400-AKZR]	51
5.25" FlexBay	No Optical Drive	NOODD	[429-ABER]	16
5th Hard Drive	No Hard Drive	NOHDD	[400-AKZR]	52
6th Hard Drive	No Hard Drive	NOHDD	[400-AKZR]	53
RAID for HDD/SSD & Front PCIe NVMe SSDs	No RAID	NORAI	[780-BBCJ]	1009
Slimline Bay Options	Slim filler panel (no opt.)	NOSLODD	[429-ABEP]	104
Optical Software	No Optical Software	NOSWODD	[817-BBBC]	597
Storage Volume	Boot drive or boot volume is greater than 2 TB (select when 3TB/4TB HDD is ordered)	GPT3TB	[411-XXYB]	387
Keyboard	No Keyboard	NKB	[580-ABIS]	4
Mouse	No Mouse	NMSE	[570-AADK]	12
Teradici Remote Workstation Access Host Card	No Remote Access Host Card	NHSTCRD	[340-ADBJ]	959
Network Cards	1Gbit NIC add-in card (PCIe- Intel)	1GNTWK	[540-BBZY]	13
Wireless	Intel® Dual Band Wireless AC 8265 (80 2.11ac) 2x2 + Bluetooth module	GKV5JT8	[555-BEVZ] [555-BEWB]	19
PCIe I/O Cards	Not Selected in this Configuration	NOTHB	[817-BBBC]	666
TPM Security	TPM	TPM	[329-BBJL]	297
Power Cords	US 125V Power Cord	USPWR	[470-AAKG]	20
Documentation/Disks	Safety/Environment and Regulatory Guide (English/French Multi-language)	EFDOD	[340-AGIK]	21
Placemat	Placemat 5820 Tower MUI DAO	DOCMUI	[340-BYNN]	60
Resource DVD	Resource DVD not Included	NORDVD	[430-XXYU]	50
Operating System Recovery Options	OS-Windows Media Not Included	NOMEDIA	[620-AALW]	200013
ENERGY STAR	Not ENERGY STAR Qualified	NOESTAR	[387-BBBE]	122
Optimizer	Dell Precision Optimizer with AI	OPTMZR	[640-BBRC]	372

Category	Description	Code	SKU	ID
Driver	Firmware and Driver for Intel 8265 Wi-Fi + Bluetooth module	GS6J92E	[555-BEVY]	7
Canada Ship Options	Non-Canada orders only	USNONE	[332-1286]	111
UPC Label	No UPC Label	G8WGTYN	[389-BCGW]	292
Packaging	Ship Material Tower 5820,7820	SHPMTL	[328-BCRU] [340-AEYP]	465
Label	T5820 950W Regulatory Label (DAO)	DA0950W	[389-CGKH]	676
Mounts and Monitor Stands	No Stand	NOSTND	[575-BBCH]	558
Cables and Dongles	No Accessories	NOACCES	[461-AABV]	592
Non-Microsoft Application Software	Windows 10	WIN10	[370-AAIP] [444-BBBS] [525-BBCL] [640-BBLW] [658-BBMQ] [658-BCUV]	1003
Security Software	No Security Software	NOSS	[650-AAAM]	1014
Windows AutoPilot	No Windows AutoPilot	GYEO2AP	[340-CKSZ]	291
Hardware Support Services	5 Years ProSupport Plus with Next Business Day Onsite Service	PPN5	[997-7163] [997-7235] [997-7245] [997-7255] [997-7275]	29

Item total: \$20,464.62

Savings: \$7,569.12

Subtotal (6): \$20,464.62

Savings \$7,569.12

Subtotal (6) \$20,464.62

Estimated Shipping \$0.00

Total \$20,464.62

Ultrabook, Celeron, Celeron Inside, Core Inside, Intel, Intel Logo, Intel Atom, Intel Atom Inside, Intel Core, Intel Inside, Intel Inside Logo, Intel vPro, Itanium, Itanium Inside, Pentium, Pentium Inside, vPro Inside, Xeon, Xeon Phi, Xeon Inside, and Intel Optane are trademarks of Intel Corporation or its subsidiaries in the U.S. and/or other countries.

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9/29/2020

Your Shopping Cart

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¹Subject to applicable law and regulations.

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CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Authorization to Purchase Main Street Christmas Decor

SOURCE: Parks and Leisure Services

COMMENT: At its meeting on August 18, 2015, the City Council authorized staff to purchase skyline style Christmas garland décor over Main Street between Morton and Olive Avenues. City staff performed the installation of six Classic Bow Skyline strands that stretch over Main Street. The garland strands are now weathered and in need of replacement.

Included in the fiscal year 2020-2021 budget that was adopted by Council on October 6, 2020, was an expenditure of up to \$10,000 to purchase the replacement garland strands. Local Christmas décor business Kaylor Landscape and Christmas Décor is the authorized dealer for the particular Classic Bow Skyline strands that the City has purchased in the past. Kaylor is also the vendor with which the City contracts for lighting the City's Christmas tree in front of City Hall and installing Christmas lighting at Centennial Plaza.

RECOMMENDATION: That the City Council authorize the purchase of Main Street Christmas garland décor in an amount not to exceed \$10,000 from Kaylor Landscape and Christmas Décor.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Authorization to Repair Refuse Truck Fuel Injection System

SOURCE: Public Works

COMMENT: Vehicle #6670 is an active residential refuse truck which has extensive wear to the exhaust gas recirculation (EGR) cooler and fuel injection system, which requires replacement of the EGR cooler, fuel injectors, fuel lines and fuel rail. The estimate also includes replacing the Diesel Particulate Filter (DPF) if it is damaged. The rest of the system must be repaired before the DPF can be properly tested with the engine running. This vehicle is powered by a Cummins engine and should 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 \$20,379.92 (inclusive of all parts, taxes, labor, including a 10% contingency). Funding for the repair will be the Solid Waste operating fund.

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 \$20,379.92 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

ATTACHMENTS: 1. 6670 Estimate

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

NOT POSTED TO FLEET
UPDATED: 09/30/20 11:45 am PDT



Golden State Peterbilt - Porterville

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



Case Number: 7278871 - Repair Order Number: PR115549
Purchase Order Number: n/a
Service Writer: Santiago, *Ruby - Case Date: 09/21/20 08:42 am PDT

City Of Porterville	Unit #: 6670	
Address: 291 NORTH MAIN STREET PORTERVILLE, CA 93257	Asset: 2008 AUTOCAR Xpeditor Wx [Xpeditor Wx]	Miles 3,553
Phone: (559) 782-7456	Serial #: 8H206415	
Fax:	VIN: 5VCD6JF78H206415	
Cust #: 2992	Engine: Not Supported	
	Engine Hours: 15015	



Complaint:
HYDROLOCK, LEAKING COOLANT IN CYLINDER

Operation	Operation	Labor	Parts	Core Charge	Total
1	LEAKING COOLANT IN CYLINDER/ HYDROLOCK	\$310.00	\$0.00	\$0.00	\$310.00
2	REPLACE EGR COOLER AND RECHECK Parts: (1.0) FREIGHT, (1.0) GASKET-CONNECTION, (1.0) GASKET-EXH GAS RCN VALVE, (1.0) KIT, EGR COOLER, (1.0) KIT-EGR COOLER, (1.0) TTUBE,WATER INLET, (1.0) TUBE-AIR TRANSFER, (1.0) TUBE-VENT, (2.0) GASKET-CONNECTION	\$775.00	\$2,140.35	\$0.00	\$2,915.35
3	REMOVE INJECTORS TO DRAIN COOLANT FROM ENGINE Parts: (1.0) CONNECTOR-INTAKE AIR, (1.0) FILTER-OIL, (1.0) FREIGHT, (1.0) GASKET,CONNECTION, (1.0) GASKET-CONNECTION, (1.0) INTAKE GASKET, (1.0) SENSOR-PRESSURE, (1.0) SENSOR-PRS TEMPERATURE, (1.0) TUBE,INJECTOR FUEL SUPPLY, (1.0) TUBE,INJECTOR FUEL SUPPLY, (1.0) TUBE,INJECTOR FUEL SUPPLY, (1.0) TUBE,INJECTOR FUEL SUPPLY, (1.0) TUBE,INJECTOR FUEL SUPPLY, (10.0) 50/50 MIX, (6.0) CONNECTOR,INJ FUEL SUPPLY, (6.0) FUEL TUBE NUTS, (6.0) INJECTORS, (6.0) TEST INJECTORS, (8.0) 15W/40	\$620.00	\$7,055.76	\$0.00	\$7,675.76
4	REPLACE CCV FILTER AND HOUSING Parts: (1.0) BREATHER-CRANKCASE	\$77.50	\$311.04	\$0.00	\$388.54
5	REPLACE DPF AND DOC Parts: (1.0) DOC, (1.0) DPF, (1.0) GASKET,EXH OUT CONNECTION, (1.0) SENSOR-TEMPERATURE, (2.0) SENSOR-TEMPERATURE, (3.0) GASKET-AFM DEVICE	\$620.00	\$5,118.44	\$0.00	\$5,738.44

Notes: [9/22/2020 at 02:05 pm PDT] - Unit 6670 was checked in at Golden State Peterbilt - Porterville, arrival time: 9/21/2020 at 08:59 am PDT.
Repair status set to Checked-in.
[9/22/2020 at 03:28 pm PDT] - Approval Requested for the estimate version 1, total \$368.57. [View the estimate.](#)
Repair status set to Hold (auth).

Parts: \$14,625.59
Labor: \$2,402.50
Core: \$0.00
Haz. Waste: \$25.00
Shop: \$240.25
Freight: \$0.00
Tax: \$1,233.86
TOTAL: \$18,527.20

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: ____/____/____

Case #7278871

Parts Card

Customer: City Of Porterville
Asset: 2008 AUTOCAR Xpeditor Wx [Xpeditor Wx] Not Supported
Serial No: 8H206415
Tag #: 1259310-CA
Unit No: 6670
Miles: 3,553
Build:
Engine: Not Supported
Trans:
Complaint: HYDROLOCK, LEAKING COOLANT IN CYLINDER
Cause:

Date: 9/30/2020
Repair Status: Hold (auth)
ETR: None
Wty Start:
Repair Order: PR115549
Purchase Order:



E. Serial:
T. Serial:

E. Model:
T. Model:

LEAKING COOLANT IN CYLINDER/ HYDROLOCK

No parts assigned.

REPLACE EGR COOLER AND RECHECK

Qty	Part No	Part	Unit Price	Total
1.0	4352253CUM	KIT, EGR COOLER	\$1,191.10	\$1,191.10
1.0	4352363CUM	KIT-EGR COOLER	\$537.82	\$537.82
1.0	5304041CUM	TUBE-VENT	\$48.76	\$48.76
1.0	5297810CUM	TUBE-AIR TRANSFER	\$134.70	\$134.70
1.0	999F	FREIGHT	\$75.00	\$75.00
1.0	5319449CUM	TTUBE,WATER INLET	\$118.09	\$118.09
1.0	4944527CUM	GASKET-CONNECTION	\$9.77	\$9.77
1.0	4938761CUM	GASKET-EXH GAS RCN VALVE	\$5.57	\$5.57
2.0	4944527CUM	GASKET-CONNECTION	\$9.77	\$19.54

Total Part Price may include Core Charges

REMOVE INJECTORS TO DRAIN COOLANT FROM ENGINE

Qty	Part No	Part	Unit Price	Total
8.0	ROTELLA	15W/40	\$14.94	\$119.52
1.0	LF9009FLG	FILTER-OIL	\$36.25	\$36.25
6.0	2872288CUM	CONNECTOR,INJ FUEL SUPPLY	\$46.72	\$280.32
6.0	5579403PXCUM	INJECTORS	\$792.13	\$4,752.78
1.0	4937032	GASKET,CONNECTION	\$9.67	\$9.67
1.0	4944527CUM	GASKET-CONNECTION	\$9.77	\$9.77
1.0	4995027CUM	CONNECTOR-INTAKE AIR	\$603.33	\$603.33
1.0	999F	FREIGHT	\$75.00	\$75.00
1.0	2897334CUM	SENSOR-PRS TEMPERATURE	\$69.12	\$69.12
1.0	4921728CUM	SENSOR-PRESSURE	\$198.63	\$198.63
10.0	ELC	50/50 MIX	\$8.40	\$84.00
6.0	5264181CUM	FUEL TUBE NUTS	\$7.71	\$46.26
1.0	4937931CUM	TUBE,INJECTOR FUEL SUPPLY	\$80.86	\$80.86
1.0	4937932CUM	TUBE,INJECTOR FUEL SUPPLY	\$80.18	\$80.18
1.0	5266056CUM	TUBE-INJECTOR FUEL SUPPLY	\$80.01	\$80.01
1.0	4937934CUM	TUBE,INJECTOR FUEL SUPPLY	\$79.13	\$79.13
1.0	4937935	TUBE,INJECTOR FUEL SUPPLY	\$72.19	\$72.19

1.0	4936196CUM	TUBE,INJECTOR FUEL SUPPLY	\$71.56	\$71.56
1.0	36852177CUM	INTAKE GASKET	\$7.18	\$7.18
6.0	TEST	TEST INJECTORS	\$50.00	\$300.00

Total Part Price may include Core Charges

REPLACE CCV FILTER AND HOUSING

Qty	Part No	Part	Unit Price	Total
1.0	5263986CUM	BREATHER-CRANKCASE	\$311.04	\$311.04

Total Part Price may include Core Charges

REPLACE DPF AND DOC

Qty	Part No	Part	Unit Price	Total
1.0	2880214CUM	GASKET,EXH OUT CONNECTION	\$13.19	\$13.19
1.0	5287496CUM	DOC	\$2,550.26	\$2,550.26
1.0	5579352CUM	DPF	\$2,077.54	\$2,077.54
3.0	2871452CUM	GASKET- AFM DEVICE	\$36.52	\$109.56
2.0	4902912CUM	SENSOR-TEMPERATURE	\$115.53	\$231.06
1.0	4954574CUM	SENSOR-TEMPERATURE	\$136.83	\$136.83

Total Part Price may include Core Charges

Notes



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Consideration of Agreement with Central San Joaquin Valley Risk Management Authority (CSJVRMA) for Purchase of CordicoShield Wellness Application

SOURCE: Police

COMMENT: The City of Porterville currently offers an Employee Assistance Program to all of its employees, which is a valuable resource for all City employees who may be facing one or more personal struggles while employed. However, another resource has become available that is specifically focused on those employees who are employed in the area of public safety, specifically law enforcement.

Law enforcement, firefighters, dispatchers, and other public safety personnel are tasked with handling the most high-risk, urgent, and dangerous events in the community on a daily basis. They respond routinely to events that most people never experience firsthand including suicides, murders, horrific accident scenes, violence committed against children, sexual offenses, families affected by death, violent individuals, noncompliant suspects, and the constant potential for violence, injury, and risk to safety and security. In late 2018, a survey of 8,000 law enforcement agencies across the United States revealed that officers nationwide overwhelmingly report that stress on the job has impacted their mental health. Furthermore, there is a stigma associated with seeking help in the first responder cultures, which creates a barrier to most seeking help and results in emotional and behavioral issues going unacknowledged and untreated, thus driving heightened risk for responders and the community.

As always and as with all available resources, staff continues to evaluate both existing and newly developed programs to determine if a differing resource or program is available that may better meet the changing needs of public safety. One such resource has become available provided by Cordico, and is recommended by a variety of public safety leaders and the City's own Central San Joaquin Valley Risk Management Authority.

Cordico has designed the Cordico Shield Wellness App, which provides customized mobile wellness applications (“apps”) for public safety agencies, combining the best available local and national resources specifically tailored for law enforcement, firefighters, dispatchers, and other public safety personnel. Cordico is recognized as the industry-leader in officer wellness technology, and was prominently featured as a recommended solution in the highly influential Police Executive Research Forum (PERF) report entitled An Occupational Risk: What Every Police Agency Should Do To Prevent Suicide Among Its Officers. The CordicoShield Wellness App available through the CSJVRMA provides in-

hand, on-demand, easy access to a multitude of high-quality wellness tools and resources for law enforcement personnel.

There are a number of benefits enjoyed with the acquisition and implementation of the CordicoShield Wellness App. For example, law enforcement faces particular challenges with recruiting and retention, and there are some that estimate that the turnover of a single officer within the first several years of a career easily costs a municipality in excess of \$125,000. Additional costs of excessive, unmanaged stress include workers' compensation stress claims, industrial disability retirements, poor morale, and higher rates of absenteeism and poor job performance. High quality wellness programs are an integral part of reducing turnover and stress related issues within a department. Additional benefits include:

- 1) Strongly demonstrating support for the wellness of an agency's public safety personnel.
- 2) Providing in-hand, on-demand, easy access to a multitude of high-quality wellness tools and resources specifically for public safety personnel.
- 3) Facilitating easier access to existing support mechanisms (e.g., peer support, therapists, EAP, and other healthcare resources).
- 4) Increasing utilization of a wide range of wellness support resources to promote a healthier workforce.

The costs of the Cordico apps are not inexpensive, but can be projected to be more than offset by savings in the form of improved employee wellness, lower employee stress, improved morale, decreased absenteeism, and increased retention. The flat annual subscription fee will cover all costs related to the app including the app build, design, licensing, maintenance, and ongoing updates. The application is also available to personnel's spouses and significant others (retired personnel are also welcome to utilize the app at no additional cost).

The Central San Joaquin Valley Risk Management Authority (CSJVRMA) has entered into an agreement with Cordico to make the CordicoShield Wellness App available to its member cities. This allows agencies to purchase the CordicoShield Wellness App specifically designed for law enforcement through the CSJVRMA. The Department is requesting Council approval to enter into a five-year agreement with the CSJVRMA to purchase the CordicoWellness App at a maximum cost of \$20,000 per year. Discounts of 10% to 20% will be applied dependent upon the total number of member agencies that enter into this Agreement.

Funds for this purchase are available in the Department budget.

RECOMMENDATION: That the City Council:

1) Authorize the Police Department to enter into a five-year agreement with the Central San Joaquin Valley Risk Management Authority for the purchase of the CordicoShield Wellness App; and

2) Authorize an annual payment of up to \$20,000 when invoiced for the app.

ATTACHMENTS:

1. Draft Agreement
2. Cordicoshield Booklet

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

AGREEMENT BETWEEN CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY AND CITY OF
PORTERVILLE FOR THE PURCHASE OF THE CORDICOSHIELD WELLNESS APPLICATION

This agreement is made and entered into on the 20th day of October 2020, by and between the CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY (hereinafter "CSJVRMA") and CITY OF PORTERVILLE (hereinafter "City").

RECITALS

WHEREAS, CSJVRMA member cities have expressed their desire to purchase the CordicoShield Wellness App at a reduced price;

WHEREAS, by CSJVRMA entering into a contract with Cordico, cities can purchase the CordicoShield Wellness App at a reduced price.

NOW, THEREFORE, the purpose of this Agreement is for City to purchase the CordicoShield Wellness App through the CSJVRMA's contract with Cordico.

SECTION 1. SCOPE OF AGREEMENT

- A. CSJVRMA shall enter into a five-year contract with Cordico (Exhibit A of this Agreement) to provide member cities the opportunity to purchase the CordicoShield Wellness App at a reduced price as outline in Exhibit A.
- B. City shall agree to:
 - 1. The terms of Exhibit A
 - 2. Pay the annual invoice from CSJVRMA for City's cost of the CordicoShield Wellness App
 - 3. Submit all necessary documents to Cordico to customize an App for the city
 - 4. Identify an "Agency Contact Person" in charge of their Cordico Wellness App implementation

SECTION 2. TERM OF AGREEMENT

The term of this Agreement shall be from October 20, 2020 through June 30, 2025, subject to the provisions of Section 3, Termination, of this Agreement.

SECTION 3. TERMINATION

- A. City shall have the right to terminate this Agreement or an Agreement addendum at the beginning of a fiscal year by giving no less than 90 days' prior written notice of termination to the CSJVRMA prior to the beginning of the fiscal year. Notice of termination shall be in writing and shall be personally served or mailed, postage prepaid and addressed to the respective parties as follows:

TO CSJVRMA:

Jeanette Workman, CSJVRMA Administrator
c/o Sedgwick
1750 Creekside Oaks Drive, Suite 200
Sacramento, CA 95833

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the U.S. mail.

CSJVRMA

CITY OF PORTERVILLE

By: _____

Jeanette Workman
Administrator

By: _____

Signature of City Representative

Please print: _____

Date: _____

Date: _____

CORDICO INC. CORDICOSHIELD SERVICES AGREEMENT

This CordicoShield Services Agreement ("Agreement") is by and between CORDICO INC (a Delaware Corporation) headquartered at 2377 Gold Meadow Way, Suite 100, Gold River, CA 95670 ("Cordico"), and the Central San Joaquin Valley Risk Management Authority (CSJVRMA), a Joint Powers Authority established in 1979 and located within the State of California ("Subscriber"). This Agreement is effective as of the date of the last signature ("Effective Date"), subject to the Terms and Conditions attached hereto, and accepted by Cordico.

1. Software as a Service (SaaS). Cordico provides its customers a service as a SaaS model where the software is a mechanism to deliver our service. Cordico will provide the service as long as the subscriber is in good standing.

1.1. Software. Cordico will develop and maintain customized mobile wellness apps branded for the CSJVRMA's police departments. Cordico will own the apps and the underlying technology, and will provide the customized mobile wellness apps to designated representatives within 120 days of the final execution of this Agreement, provided that each respective police department's representatives provide Cordico with the necessary image files, contact information, and additional input necessary to complete the app in a timely manner. The apps shall contain a variety of content and features, including, but not limited to, the following:

- 1.1.1. Department-Customized iPhone App
- 1.1.2. Department-Customized Android App
- 1.1.3. Confidential Access
- 1.1.4. Apple iOS and Google Android Deployment
- 1.1.5. Alcohol Abuse
- 1.1.6. Anger Management
- 1.1.7. Anxiety, Worry, and Panic
- 1.1.8. Behavioral Health Tools
- 1.1.9. Brain Health and Cognitive Strength
- 1.1.10. Chaplain Support (as applicable)
- 1.1.11. Compassion Fatigue
- 1.1.12. Critical Incidents
- 1.1.13. Depression
- 1.1.14. Emotional Health
- 1.1.15. Family Support
- 1.1.16. Financial Fitness
- 1.1.17. Grief and Loss
- 1.1.18. Healthy Habits
- 1.1.19. Injury Prevention
- 1.1.20. Local Resources (as applicable)
- 1.1.21. Marriage Guidance

- 1.1.22. Mental Toughness
- 1.1.23. Mindfulness
- 1.1.24. Moral Injury
- 1.1.25. New Hire: Keys to Wellness
- 1.1.26. Nutrition
- 1.1.27. Parenting Tips
- 1.1.28. Peak Performance
- 1.1.29. Peer Support (as applicable)
- 1.1.30. Physical Fitness
- 1.1.31. Posttraumatic Stress
- 1.1.32. Psychological First Aid
- 1.1.33. Push Notifications (optional)
- 1.1.34. Relationship Success
- 1.1.35. Resilience Development
- 1.1.36. Retirement: Getting Prepared
- 1.1.37. Self-Care Checklists
- 1.1.38. Sleep Optimization
- 1.1.39. Stress Management
- 1.1.40. Stress Response
- 1.1.41. Substance Abuse
- 1.1.42. Suicide Prevention
- 1.1.43. Supporting Children Who Fear for Your Safety
- 1.1.44. Therapist Finder with Geo-Location (as applicable)
- 1.1.45. Trauma
- 1.1.46. Wellness Self-Assessment Tools
- 1.1.47. Wellness + Technology Updates
- 1.1.48. Wellness Videos
- 1.1.49. Work-Life Balance

1.2. Service. The services that Cordico offers are described as follows:

- 1.2.1. **Hosting.** Cordico will host the backend that delivers the content that is accessed in the app.

1.2.2. Admin Portal. Cordico will host the web admin portal that allows the subscriber to control the content on the app as well as send out push notifications.

1.2.3. Technical Upgrades. As needed, Cordico will upgrade the app so that it meets the technical requirements for the iOS and Android Operating Systems.

1.2.4. Feature and Content Upgrades. Cordico will automatically update the app with new content and features as they are developed.

1.2.5. Support. Cordico will provide support as follows:

- (a) End user support. Cordico will provide email and phone support for the subscriber's end users as they request changes to the app content.
- (b) Technical Support. Cordico will provide email and phone support for the subscriber's end users for any technical issues.
- (c) Training. Cordico will provide training through email, phone, or via web conferencing as needed.
- (d) Account Manager. Cordico will assign an account manager to the subscriber that will be a point of contact for all their support needs

1.2.6. Deployment. Cordico will help subscriber deploy the CordicoShield solution as follows:

- (a) **Training Presentation.** Cordico will develop a customized training presentation that will allow the subscriber to train their end users on how to install and use their app.
- (b) **Posters.** Cordico will develop a customized poster that will help promote the app and provide instruction on how to install the app.

2. Compensation and Billing. For the services outlined in Section 1, Subscriber shall pay Cordico a flat annual fee, with the first annual fee invoiced when this agreement is executed, and subsequent annual fees invoiced on a yearly basis. The amount of the annual fee will be based upon the CSJVRMA participating in the program at the time the fee is assessed, according to the pricing structure outlined in Appendix 1. Any CordicoShield fees paid by CSJVRMA agencies under a separate agreement will be deducted from invoice(s) to CSJVRMA until any such pre-existing agreements have expired. Any pre-existing app agreement with a CSJVRMA City that exceeds that City's applicable rate in Appendix 1 will be issued a one-time credit, accordingly based upon their applicable rate outlined in Appendix 1 subtracted from their pre-existing rate, applied as a one-time discount to their next annum rate. Any CSJVRMA agencies that may opt in or opt out from the services during the course of the year will be added or subtracted, accordingly, from the annual fee at a prorated rate based upon the prorated duration of their services for that annum. If the CSJVRMA adds one or more additional Cities in the future, those police departments may be added for a rate mutually agreed upon by Cordico and the Subscriber, to be consistent with the rates outlined in Appendix 1. Fees will be billed via invoice with payment due within 60 days. The annual subscription fee covers all costs related to the apps including build, design, licensing, maintenance, support, training, hosting, deployment and ongoing updates. Any costs related to therapist vetting, counseling or therapy services, critical incident debriefings, or other professional services are not included.

3. Intellectual Property. Nothing in this Agreement shall operate to assign or transfer any Intellectual Property Rights from the Provider to the Customer, or from the Customer to the Provider.

4. Term. The Term of this Agreement shall be for five years to commence on the date this Agreement is signed by both parties. This Agreement may be terminated at any time by either party in writing with a minimum of sixty days advance notice. Individual members may terminate their use of a CordicoShield app with a 60-day notice.

5. Independent Contractor. The parties acknowledge and agree that Cordico is an independent contractor and that the relationship between Cordico and Subscriber is not that of employee and employer.

6. No Warranty; Limited Liability. Cordico makes no warranty of any kind with respect to the services or software provided by it under this Agreement. In no event shall Cordico, or any of its officers, agents, members, managers, or employees, be liable

to Subscriber for any indirect, special, incidental, or consequential damages (including without limitation lost profits and attorney's fees and costs of suit) of any kind.

7. Integration. This Agreement constitutes the entire agreement between the parties concerning the subject matter of this Agreement, and it supersedes all prior agreements, understandings, negotiations, and proposals (whether written or oral) concerning the subject matter of this Agreement.

8. Amendment. This Agreement may not be amended except in a writing signed by both parties.

9. Severability. If any section of this Agreement is held to be invalid, the remaining sections of this Agreement will not be affected.

10. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, not including its choice of law rules.

11. Disputes; Choice of Forum. In the event of any dispute between the parties to this Agreement, the parties shall attempt in good faith to mediate and resolve the dispute without legal action. In the event the dispute cannot be resolved by mediation, any proceedings to enforce the terms of this Agreement or arising out of or related to the subject matter of this Agreement shall be commenced solely in the Superior Court for the County of Sacramento, or, if that court lacks jurisdiction over the subject matter of the litigation, in the United States District Court for the Eastern District of California.

12. Attorneys' Fees and Costs. The prevailing party in any suit or action to enforce the terms of this Agreement or arising from the subject matter of this Agreement shall recover its attorneys' fees and costs of suit.

13. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement.

14. Indemnity. Cordico shall indemnify, defend, and hold harmless CSJVRMA, its officers, employees, agents and volunteers, from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of Cordico's performance of its obligations under this agreement or out of the operations conducted by Cordico, except for such loss or damage arising from the active negligence or willful misconduct of CSJVRMA. In the event CSJVRMA is made a party to any action, lawsuit, or other adversarial proceeding arising from Cordico's performance of this agreement, Cordico shall provide a defense to CSJVRMA, or at CSJVRMA's option, reimburse CSJVRMA their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.

15. Insurance.

General Liability: Cordico shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Cordico's general liability policies shall be primary and shall not seek contribution from CSJVRMA's coverage and shall be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that CSJVRMA and its officers, officials, employees, and agents shall be additional insureds under such policies.

Auto Liability: Cordico shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than one million dollars (\$1,000,000) per accident.

Professional Liability Insurance: Cordico shall maintain professional liability insurance that insures against professional errors and omissions that may be made in performing the Services to be rendered in connection with this Agreement, in the minimum amount of one million dollars (\$1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this agreement, and Cordico agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this agreement.

Cyber Liability Insurance: Cordico shall maintain Cyber Liability Insurance with limits not less than two million dollars (\$2,000,000) per claim. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Cordico in this agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network

security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Workers' Compensation and Employers' Liability: Cordico shall maintain Workers' Compensation Insurance and Employer's Liability Insurance with limits of at least one million dollars (\$1,000,000). Cordico shall submit to CSJVRMA, along with the certificate of insurance, a waiver of subrogation endorsement in favor of CSJVRMA, its officers, agents, employees, and volunteers.

16. Software License. Each CordicoShield Wellness App will be available for use to all personnel of the respective agency as long as this agreement is in good standing. The CordicoShield Wellness Apps may also be made available to other certain individuals as designated by each respective agency (e.g., significant others of personnel and retired personnel of each respective agency). The CordicoShield Wellness Apps may not be shared or redistributed in any other manner, without express written permission from Cordico, and the CordicoShield Wellness Apps may not be decompiled, copied, reverse-engineered, or reconstructed in any manner whatsoever, without express written permission from Cordico. No license to any intellectual property is provided of implied by this Agreement. Cordico retains permission to download, modify, improve, utilize and install updates to the CordicoShield Wellness Apps.

Contact Name: Kevin Dacy	Contact Name: Jeanette Workman
Email: info@cordico.com	Email: jeanette.workman@sedgwick.com
Address: 2377 Gold Meadow Way Suite 100 Gold River, CA 95670	Address: 1750 Creekside Oaks Drive, Suite 200 Sacramento, CA 95833
Phone/Fax: (844) 267-3426	Phone: 916-244-1110
CORDICO INC. FEIN Tax ID: 82-4323038	Fax: 916-244-1199

IN WITNESS WHEREOF, Cordico and Subscriber have caused this Agreement to be entered into by their duly authorized representatives as of the Effective Date.

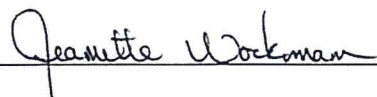
AUTHORIZED SIGNATORY FOR CORDICO INC.:

SIGNATURE: 

6/16/2020
DATE

David Black, Ph.D.
President
CORDICO INC.

AUTHORIZED SIGNATORY FOR SUBSCRIBER:

SIGNATURE: 

6/16/2020
DATE

Jeanette Workman
Administrator
Central San Joaquin Valley Risk Management Authority

APPENDIX 1

FEE CHART

Agency Name	Region	Law Enforcement # of Emp	Standard Pricing	Small Agency Discount	If Additional 10% Discount	If Additional 20% Discount
Angels Camp	Northern	8	\$10,000	\$3,000	\$2,700	\$2,400
Arvin	Southern	30	10,000	6,000	5,400	4,800
Atwater	Northern	35	10,000	10,000	9,000	8,000
Avenal	Southern	20	10,000	6,000	5,400	4,800
Ceres	Northern	70	15,000	15,000	13,500	12,000
Chowchilla	Central	31	10,000	10,000	9,000	8,000
Clovis	Central	177	25,000	25,000	22,500	20,000
Corcoran	Southern	35	10,000	10,000	9,000	8,000
Delano	Southern	79	15,000	15,000	13,500	12,000
Dinuba	Central	45	10,000	10,000	9,000	8,000
Dos Palos	Central	12	10,000	3,000	2,700	2,400
Escalon	Northern	26	10,000	6,000	5,400	4,800
Exeter	Southern	30	10,000	6,000	5,400	4,800
Farmersville	Southern	15	10,000	3,000	2,700	2,400
Firebaugh	Central	26	10,000	6,000	5,400	4,800
Fowler	Central	13	10,000	3,000	2,700	2,400
Gustine	Northern	7	10,000	3,000	2,700	2,400
Huron	Central	23	10,000	6,000	5,400	4,800
Kerman	Central	28	10,000	6,000	5,400	4,800
Kingsburg	Central	22	10,000	6,000	5,400	4,800
Lemoore	Southern	39	10,000	10,000	9,000	8,000
Lindsay	Southern	18	10,000	6,000	5,400	4,800
Livingston	Northern	29	10,000	6,000	5,400	4,800
Los Banos	Central	80	15,000	15,000	13,500	12,000
Madera	Central	94	15,000	15,000	13,500	12,000
McFarland	Southern	21	10,000	6,000	5,400	4,800
Mendota	Central	18	10,000	6,000	5,400	4,800
Merced	Central	110	20,000	20,000	18,000	16,000
Newman	Northern	16	10,000	6,000	5,400	4,800
Oakdale	Northern	35	10,000	10,000	9,000	8,000
Orange Cove	Central	18	10,000	6,000	5,400	4,800
Partier	Central	24	10,000	6,000	5,400	4,800
Porterville	Southern	113	20,000	20,000	18,000	16,000
Reedley	Central	45	10,000	10,000	9,000	8,000
Ripon	Northern	36	10,000	10,000	9,000	8,000
Sanger	Central	43	10,000	10,000	9,000	8,000
Selma	Central	53	15,000	15,000	13,500	12,000
Shafter	Southern	46	10,000	10,000	9,000	8,000
Sonora	Northern	25	10,000	6,000	5,400	4,800
Sutter Creek	Northern	9	10,000	3,000	2,700	2,400
Taft	Southern	24	10,000	6,000	5,400	4,800
Tehachapi	Southern	26	10,000	6,000	5,400	4,800
Tracy	Northern	142	20,000	20,000	18,000	16,000
Tulare	Southern	117	20,000	20,000	18,000	16,000
Turlock	Northern	118	20,000	20,000	18,000	16,000
Woodlake	Southern	15	10,000	3,000	2,700	2,400
		2046	\$550,000	\$429,000	\$386,100	\$343,200

Cordico Standard Pricing	
Employee Count	Standard Pricing
Up to 50 employees	\$10,000
51 to 100 employees	15,000
101 - 150 employees	20,000
151 - 250 employees	25,000

Discounted Pricing for CSJVRMA Members			
Employee Count	Small Agency Discount	10% Discount*	20% Discount **
Up to 15 employees	\$3,000	\$2,700	\$2,400
16 - 30 employees	6,000	5,400	4,800
31 - 50 employees	10,000	9,000	8,000
51 - 100 employees	15,000	13,500	12,000
101 - 150 employees	20,000	18,000	16,000
151 - 250 employees	25,000	22,500	20,000

*10% discount only applies if at least 10 CSJVRMA member agencies participate.

**20% discount applies if at least 20 CSJVRMA member agencies participate.



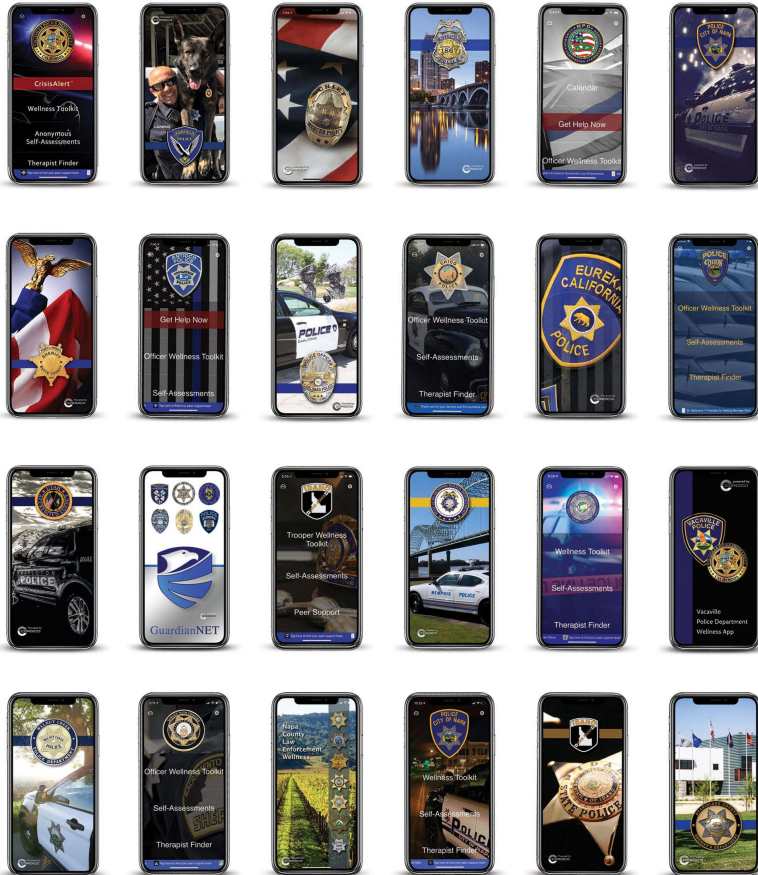
The Leader in Law Enforcement Wellness Technology





"This is the best thing for our profession since the police car."

Officer Mike Miller ~ Vacaville Police Department



CUSTOMIZED FOR YOUR AGENCY

Cordico Strengthens YOUR Wellness Culture

CORDICO, the world leader in officer wellness technology, customizes wellness apps for law enforcement agencies of all types and sizes. Whether you employ more than 20,000 or fewer than 20 personnel, Cordico is ready to help strengthen wellness across your agency by providing confidential, 24/7, handheld proactive wellness solutions featuring anonymous self-assessments, peer support, vetted therapists, one-touch calling, and on-demand tools targeting alcohol abuse, critical incidents, depression, family support, marriage guidance, physical fitness, posttraumatic stress, resilience, sleep optimization, stress management, suicide risk, trauma, and much more.



★ *"Cordico is the leader in officer wellness.
If you want the best, go with Cordico."*



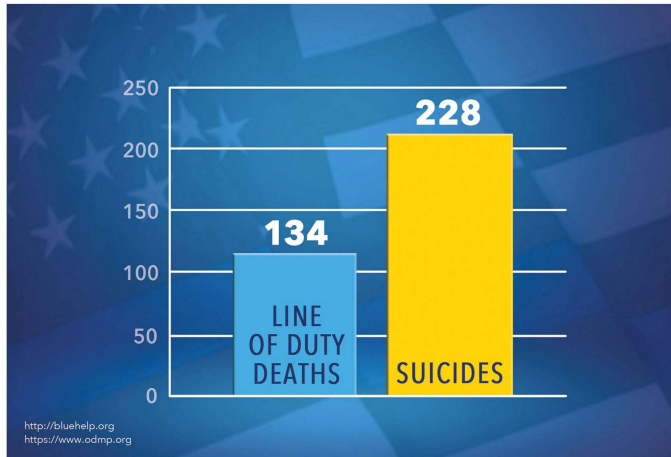
Police Chief Neil H. Gang

Pinole Police Department

Author of the Asher Model 7-Point Approach to Culture of Wellness

LAW ENFORCEMENT

LOD Deaths vs. Suicides



Are you doing everything in your power to help protect the lives of those who serve and protect our communities?

Gordon Graham, the Founder of Lexipol, famously noted that preservation of life is the ultimate function of all public safety agencies. Law enforcement does a tremendous job preserving life externally, in the communities they serve, 24 hours per day, every day. Internal preservation of life is another matter entirely, and law enforcement agencies nationwide need help saving the lives of the law enforcement heroes who serve their communities.

Once again, in 2019, officer suicides outnumbered ALL COMBINED line-of-duty (LOD) deaths. It's important to understand that suicide is a singular cause of death, yet remains responsible for more officers losing their lives than ALL LOD deaths combined in total. Furthermore, it is widely acknowledged that officer suicide

data remains underreported, so the full magnitude of this tragedy remains underestimated. This is what we know for certain: 1) Officers enter the profession with strong psychological health, 2) Officers nationwide serve their communities honorably and this takes a toll over time, and 3) We are all responsible for doing everything in our power to prevent officer suicides. We all must do more.

It's also important to note that if you can help prevent an officer suicide from happening you have almost certainly saved that individual's life for good. Research shows that 90% of people who survive a suicide attempt DO NOT go on to die from suicide - they live out their lives fully. So if you help equip your officers with strong suicide prevention tools, you are taking enormous steps to help preserve the lives of your officers.

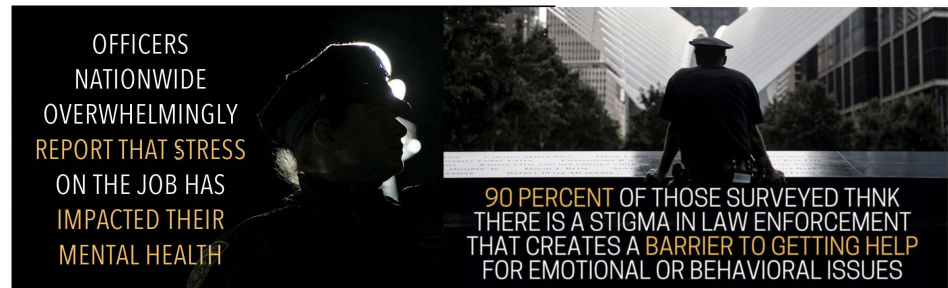
FOP Survey of 8,000 Officers

Do you expect law enforcement officers to consistently perform at their best across years of high-stress work without providing them with high-quality, on-demand support? Working as a law enforcement officer consistently ranks at the top of the most stressful jobs in the United States, along with active-duty military service. To complicate matters further, 90% of officers report that law enforcement culture creates a stigma that prevents officers from seeking emotional help. Furthermore, the profession requires officers to mask their emotions daily, so it can be very difficult to tell when an officer needs help. The solution? Place confidential access to high-quality tools and support resources directly into officer's hands, so it's easily available whenever needed. This is how we change the culture, make it okay to not be okay, and give officers the support tools they need and deserve.



Sheriff Kenneth McGovern
Douglas County Sheriff's Office

"The Cordico App is a powerful tool that provides easy access to all of our officer wellness resources in one place confidentially 24/7."



<https://www.nbcnewyork.com/news/local/i-team-nearly-1-in-5-cops-has-considered-suicide-amid-stigma-around-mental-health-issues/1817436/?akmobile=y&akdevice=androidphone&sslEnabled=true&mp>

CONFIDENTIAL
ACCESSIBLE
PROACTIVE
QUALITY
EASY



5 Reasons Police Chiefs Want the CordicoShield Solution

24/7: Confidential Support for Your Department

Ease of Use: In-Hand, On-Demand, Push-of-Button

Best Quality: Most Comprehensive & Trusted Wellness Resources

Customized: CordicoShield Strengthens YOUR Wellness Culture

Innovative: Continuously Updated to Keep You Cutting-Edge

COST SAVINGS

How to Make the Case for a Strategic Investment in Officer Wellness

- 40% of job turnover is the result of stress.
- Depression is the largest single predictor of absenteeism and work-related performance.
- Preventing a single workers' comp stress claim can provide hundreds of thousands of dollars in cost savings.

Conversations with multiple risk management professionals responsible for workers' comp stress claim payments

- \$52 billion: Approximate amount of money employers pay per year for direct workers' compensation costs.

- One public safety employee resigning can cost in excess of \$125,000.

Conversations with multiple municipalities.

<https://www.uml.edu/research/cph-new/worker/stress-at-work/financial-costs.aspx>

<https://www.uml.edu/research/cph-new/worker/stress-at-work/financial-costs.aspx>

Occupational Safety and Health Administration, United States Department of Labor
<https://www.osha.gov/dcsp/products/topics/businesscase/costs.html>

THE #1 LAW ENFORCEMENT WELLNESS SOLUTION

Customized at All Levels to Strengthen YOUR Wellness Culture



24 HOUR CRISIS ALERT FEATURE



Cordico **CrisisAlert™** Technology allows officers to activate a multitude of peer support resources simultaneously utilizing a coded phone number during a time of personal crisis.



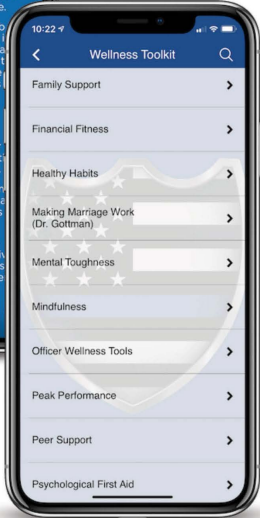
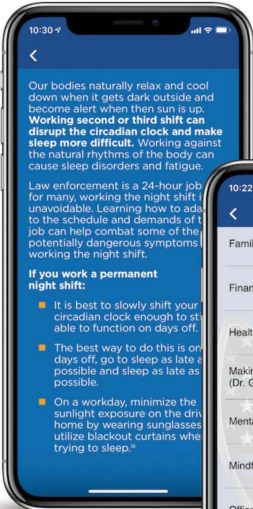
"I'm very impressed with what Cordico is doing to support our first responders. Take a look at what Cordico is offering for law enforcement, firefighters, EMS, and dispatchers. I think you too will be impressed."

Gordon Graham Lexipol Founder, Risk Manager/Lawyer

★★★★★

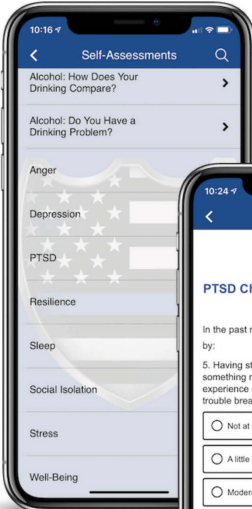


CORDICOSHIELD WELLNESS FEATURES



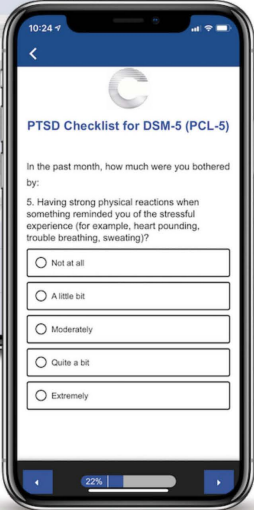
WELLNESS TOOLKIT

- Critical Incidents
- Depression
- Family Support
- Financial Fitness
- Emotional Survival (Dr. Gilmartin)
- Marriage Guidance and Support
- Mindfulness
- Officer Wellness
- Peer Support
- Posttraumatic Stress
- Sleep Optimization
- Suicide Prevention
- Includes More Than 40 Officer Wellness Modules

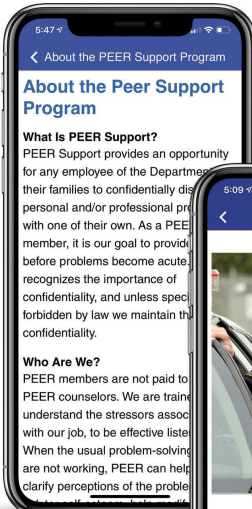


ANONYMOUS SELF-ASSESSMENTS

- Alcohol
- Anger
- Compassion Fatigue
- Depression
- PTSD
- Resilience
- Sleep
- Social Isolation
- Stress
- Well-Being
- And More



Now you can place peer support team resources directly into the hands of your people. With CordicoShield, your personnel can access peer support with the click of a button, and that can make the difference between life and death.



CORDICO PEER SUPPORT

- Roles
- Photos
- Profiles
- Contact Info
- Ease of Access
- In-Hand Support
- One-Touch Calling
- Availability Information
- Multiple Teams (Optional)
- Peer Support Team Sharing (Optional)

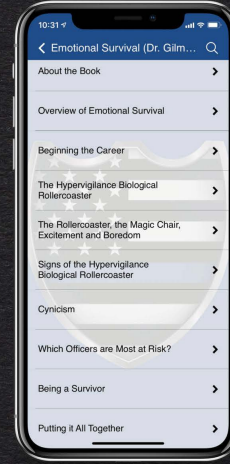
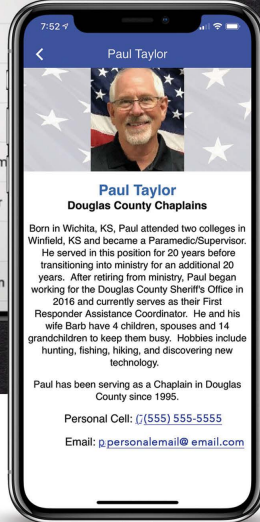
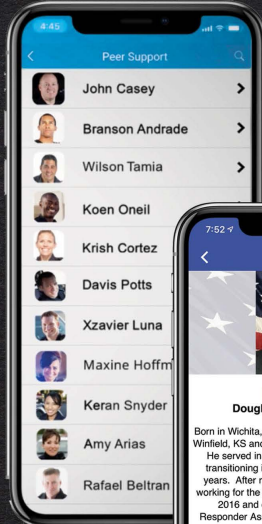
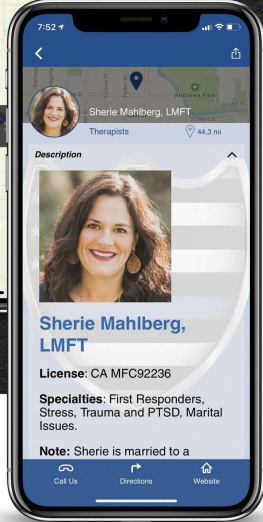
Every peer support team member gets their own profile with their photo, contact info, and bio. If you don't have a peer support team, no problem, this feature can easily be activated in the future and we're here to help.



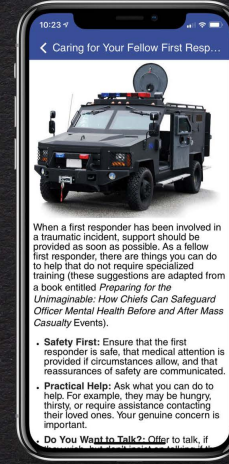
Dr. Kimberly A. Miller
President, National Sheriffs' Association,
Psychological Services Committee

"Dr. David Black and Cordico are at the forefront of officer wellness and are setting the standard. Their on demand, in your hand, 24/7 app that has tools, resources, assessments and competent providers that can all be accessed anonymously from wherever you are is improving wellness, reducing stress and isolation and saving lives. If you do one thing for your agency this year, get this app, it will show that employee wellness is a priority, you truly care and want to make the best tools and resources accessible 24/7."

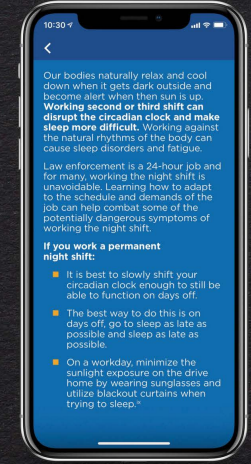
CORDICOSHIELD FEATURES



Dr. Gilmartin's Emotional Survival



Critical Incident Support



Night Shift Sleep Optimization

CORDICO THERAPIST FINDER

Providing confidential access to culturally competent law enforcement therapists is a vital and common-sense strategy to help strengthen officer wellness, resilience, morale, and long-term retention. The CordicoShield Therapist Finder highlights vetted clinician specializations, provides one-touch calling and map directions, and even enables optional teletherapy via HIPAA-encrypted video, an important consideration for officers in remote locations and also for departments that lack sufficient access to local police therapists.

CORDICO CHAPLAIN SUPPORT

Who would you most want to contact in your moment of distress? For many officers, the answer is their law enforcement chaplain, and Cordico Wellness Apps make it easy to do just that.

"The GuardianNET phone app enables our first responders to access a Chaplain 24/7. The app takes away the guesswork of identifying and contacting the "On-Call" Chaplain. No more delays identifying "who is available or what's their number." First responders, on duty or off, can now contact our Chaplains directly for assistance. Yet another benefit of having the GuardianNET phone app always within arm's reach."

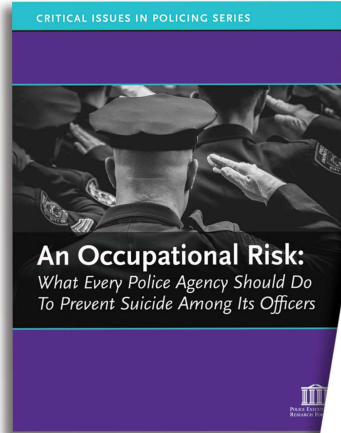
PAUL TAYLOR,

1st Responder Assistance Coordinator
Douglas County Sheriff's Office

- 24/7/365 Proactive Officer Wellness Solution
- In-Hand, On-Demand Access to Wellness Tools
- Agency-Branded and Customized App
- Anonymous Access + Confidential Utilization
- Private App Access
- Apple iOS + Android Compatible
- App Admin Portal Access
- Alcohol Abuse
- Anger Management
- Behavioral Health Tools
- Brain Health and Cognitive Strength
- Critical Incidents
- Chaplain Support
- Compassion Fatigue
- Depression
- Emotional Health
- Emotional Survival (Dr. Gilmartin) Overview
- Family Support
- Financial Fitness for Law Enforcement
- Goal-Setting and Achievement
- Healthy Habits
- Injury Prevention
- Local Resources
- Making Marriage Work
- Mental Toughness
- Mindfulness for Law Enforcement

- Mobile One-Touch Calling
- New Hire: Keys to Wellness
- Nutrition for Law Enforcement
- Parenting Tips for Law Enforcement
- Peak Performance
- Peer Support
- Physical Fitness for Law Enforcement
- Posttraumatic Stress
- Psychological First Aid
- Relationship Success
- Resilience Development
- Retirement: Getting Prepared
- Self-Care Checklists
- Sleep Optimization
- Stress Management
- Stress Response
- Suicide Prevention
- Supporting Children Who Fear for Your Safety
- Teletherapy Portal w/HIPAA Encryption (Optional)
- Therapist Finder + Geo-Mapping (Optional)
- Trauma
- Wellness Push Notifications (Optional)
- Wellness Self-Assessment Tools
- Wellness + Technology Updates
- Wellness Videos
- Work-Life Balance

CORDICO IN THE NEWS



Featured in the October 2019 Police Executive Research Forum (PERF) report *An Occupational Risk: What Every Police Agency Should Do to Prevent Suicide Among Its Officers*.

Cordico Shield Mobile Wellness App and Crisis Text Line



spit-shine polish on his shoes, smiling from ear to ear. So that's the type of situation that can be uncovered when officers are able to use an anonymous service to explore options for assistance.

Cordico Shield mobile wellness app

In addition to online tools, mobile apps are another way to improve access to mental health support and wellness technology products, offers wellness apps first responders.

The law enforcement app, called Cordico Shield,⁷⁰ gives officers access to a wide range of wellness programs and services on their phone or other on the app includes information about family support, financial fitness, healthy habits, psychological first aid, marriage guidance, and other topics. The app also includes a variety of self-scoring assessment tools, allowing officers to quickly obtain feedback about their wellness.

At the PERF conference, Pinole, CA Chief of Police Neil Gang explained why he recently decided to provide the Cordico Shield app to all of his officers:

We're a small agency in the San Francisco Bay area, and we think we found something that's going to be a crucial part of the puzzle for us in creating a

culture of wellness. We issue cell phones to all our employees, and we're putting this officer wellness app on each phone. It is confidential and anonymous. It's all about proactive prevention, and this provides on-demand access, 24/7/365, to powerful all of our employees. It drives early awareness and solutions to stress-related problems and hopefully will change outcomes.

The app also provides a way for officers to "vet" therapists, and to get rapid, confidential and easy access to support services and resources from rookie to retirement, all in one place under one platform. And the last part, which we think is crucial, is that it provides a HIPAA-encrypted teletherapy. Participating therapists have to provide their cell phone number, so officers are not calling a third party, they're calling the therapist directly. We feel that this will eliminate some of the obstacles to people reaching out to get help.

We are also bringing officers' family members in and including them in the orientation process, and providing resources as well as access to this app to spouses and significant others.

Crisis Text Line

The Crisis Text Line was developed in 2013 as a free, 24/7 resource for persons in crisis to seek help via text messages to trained counselors.⁷¹ Individuals can text 741741 from anywhere in the United States

70. Cordico Shield, <https://www.cordico.com/shield/>
71. <https://www.crisistextline.org/>

TECHNOLOGY Exposition

CORDICO IN THE NEWS

Stay up to date on new products and advances in technology to ensure your officers are equipped with the tools they need.

AGENCY-CUSTOMIZED OFFICER WELLNESS MOBILE APPS

www.cordico.com/police

Cordico Wellness Apps are confidential, available 24/7, easy to use, and customized for law enforcement agencies of every size. The apps provide law enforcement with powerful wellness resources, self-assessments, peer support, instructional videos, geo-mapping of vetted providers, one-touch calling, and on-demand tools targeting critical incidents, depression, insomnia, marital problems, trauma, suicide risk, and much more. "This is a great win," said Police Chief John Carli. "It combines the best national wellness resources with the best local resources and peer support, and puts these tools directly in the hands of officers. This is a game-changer and there's nothing else like it."



Featured in the May 2019 Officer Wellness and Resiliency issue of IACP Police Chief Magazine.

Cordico, the worldwide leader in officer wellness technology, builds customized mobile apps for law enforcement agencies of every size. Focused on delivering the highest quality solutions for law enforcement, Cordico provides innovative programs, resilience strengthening tools, mindfulness training, pre-employment psychological screening, officer support, and leadership acceleration platforms for departments seeking to tackle 21st century law enforcement. Known for his passionate support of law enforcement, Dr. David Black, Founder/CEO of Cordico, has provided IACP, the National Police Foundation, the National Sheriffs' Association, and Fortune 500 companies including Honeywell, and Starbucks.

www.cordico.com/police



"I was looking for a way to inform our officers about the numerous resources that are available to support their emotional health and well-being. I also wanted to provide them with a roadmap to those resources. The Cordico wellness app is a confidential tool that hosts all of their wellness resources in one location which allows our officers to have 24/7 access in the palm of their hands."

Lynnette Hall-Lewis, Esq. CWPC
City of Memphis Health Engagement Manager

CORDICO IN THE NEWS

OFFICER WELLNESS

IN THE New Era of Policing

By John Carli, Chief of Police, Vacaville, California



As a police chief, I am troubled by the pressures our officers are experiencing.

How can we ensure the safety of each of our employees, both physically and mentally? As leaders, we focus on training so they are prepared to confront the threats faced. Yet, there is another risk lingering each day, the uncertainty that police officers are psychologically prepared to endure each crisis, able to emotionally survive.

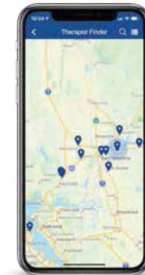
For many years we have heard the national rhetoric that the police are the problem. Our profession was in shock as we watched the attack unfold against the Dallas police officers in 2016. I vividly recall what I was doing in the moment as many of you probably did as well. Having been at the White House with other law enforcement leaders discussing the President's Task Force Report on 21st Century Policing, I was traveling home and watching the in-flight television, absorbed with feelings and gripped with emotion. I was experiencing these same emotions again recently, the night Officer Natalie Corona was ambushed and murdered in Davis, California, on January 10, 2019.

Our society is facing a crisis, one that depends on logical solutions versus emotional reactions. The death of Natalie Corona drew significant attention, but the impact it may have on our profession in the future is far from over. Several of my officers heeded the mutual-aid call that night in January. An exhaustive search for many hours led an army of officers through the streets of Davis, an unsettling war-like atmosphere that is hard to describe to those who have never served in our profession. The suspect, in an act

of cowardice, placed a gun to his own head in the presence of officers, and then went inside a house. A single gunshot, which was a self-inflicted suicidal death sentence, and another traumatic scar, would soon rain down on those seeking to end the clash.

A few nights later officers in my department descended on a violent scene where a man tried to kill his own family, stabbing two of them, setting the house on fire and trapping the children inside. The manhunt lasted for hours and included several allied agencies. I could feel the stress, just like the night of Officer Corona's death. "Shots fired" was broadcast over the radio. I knew how much danger our officers were in as they searched for this predator. The use of deadly force against this attacker ended the stressful search and triggered the officer-involved fatal incident investigation protocol. Our city awoke never truly knowing the danger befallen on a seemingly peaceful town. However, some of our officers and dispatchers experienced a breaking point.

I drove to the crime scene and talked with officers, checking to see if they were okay. Some were reeling with emotions. One officer had also been involved in the recent



manhunt for Natalie Corona's killer in Davis. Struggling and needing help, he reached out to a licensed counselor with a click of a button using our department "Wellness App" on his iPhone. The next words out of his mouth got my attention, "I don't know how much you paid for the "App" but it is worth every penny!" His revelation confirmed that our wellness culture and App were beneficial.

The Vacaville Police Department Wellness App was a solution born a year prior during a meeting I had with Dr. David Black, President and Founder of Cordico, a passionate and well-recognized psychologist and mental health expert who has focused his efforts to improve officer wellness in our profession. I shared my idea, an expectation and a call to action. I wanted to develop an App, include best-in-class tools, resources, and information to promote officer wellness and resilience, as well as make licensed clinicians just a few clicks away, in a fully anonymous environment, and put it in the hands of every officer in my department. A few months later the App was released, and my department embraced it! I quickly realized this mobile wellness app for law enforcement should be put in the hands of every first responder serving in communities across the nation. Now this powerful proactive officer wellness movement is underway.

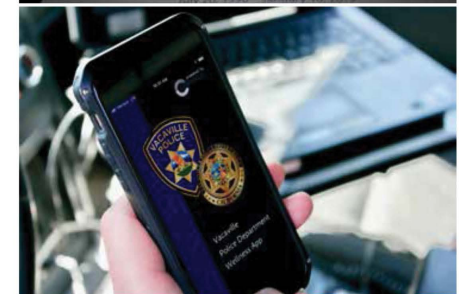
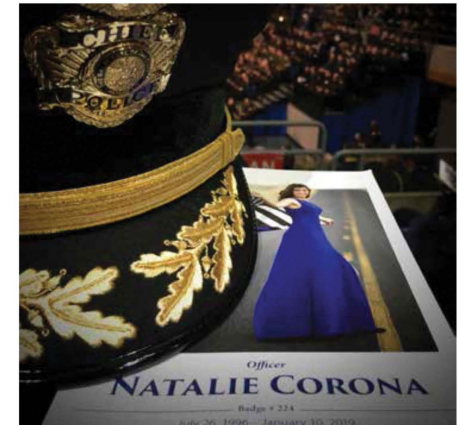
The Cordico Law Enforcement Wellness App provides officers with instant access to a powerful on-demand wellness toolkit and best-in-class resources. One key feature of the Cordico App is that it is entirely confidential, allowing officers to receive trusted information and immediate clinical services without fear of negative repercussion, a significant barrier to officers receiving necessary help.

The wellness toolkit is interactive and practical, incorporating the best tools and resources available to help officers emotionally survive their careers. Instant self-assessment tests are one of the most engaging features of the Cordico Law Enforcement Wellness App. Officers

are able to complete a variety of self-scoring tests within less than five minutes in the App, and are then provided immediate feedback and guidance based upon their results.

The vision has been to make the best quality tools and resources instantly accessible to officers in crisis. Thus the interface is designed to be intuitive and simple to navigate, while providing access to trusted content that has been selected and reviewed by law enforcement professionals, researchers, and police psychologists. (You can learn more about the Cordico Law Enforcement Wellness App here: <https://www.cordico.com/police/>)

As leaders within our profession, we need to advocate for healthy organizations. The question before you now is whether you are promoting a culture of wellness? It is a call to action, not just a program. We all took an oath to lead our departments. More importantly, are we caring for those that put their lives on the line every day? My hope is that you, we, promote officer wellness. As leaders we need to lead the way and care for those that are in harms way. ■



CORDICO MARKETING SUPPORT



DOWNLOAD THE SACRAMENTO COUNTY SHERIFF'S OFFICE WELLNESS APP

CORE FEATURES AND BENEFITS:

- Confidential
- On-Demand 24/7
- In-Hand Wellness Tools
- For Sacramento Sheriff Employees and Your Significant Others
- Includes Peer Support, Chaplain Support, Therapist Finder, and Much More

Thank you for your service and the countless sacrifices you make on behalf of others.

SCAN THE QR CODE TO INSTALL THE WELLNESS APP

Use your Camera Phone or a QR Code Scanner App on your smart phone to scan the QR Code at right to download the Sacramento County Sheriff Wellness Application.



SCAN THE QR CODE TO INSTALL THE WELLNESS APP

Use your Camera Phone or a QR Code Scanner App on your smart phone to scan the QR Code at right to download the Minneapolis PD Wellness Application.



Please see your Peer Support Team Member for the password



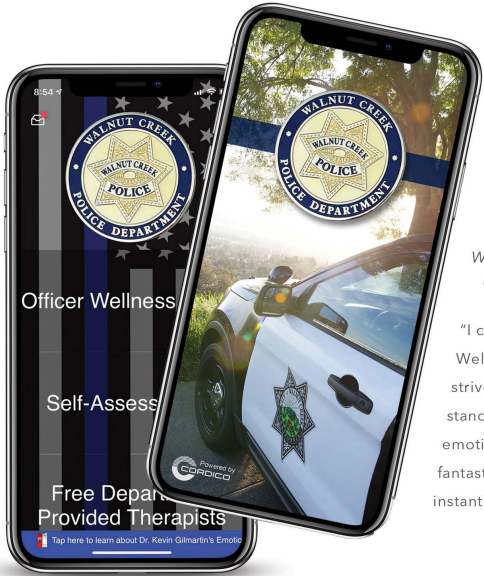
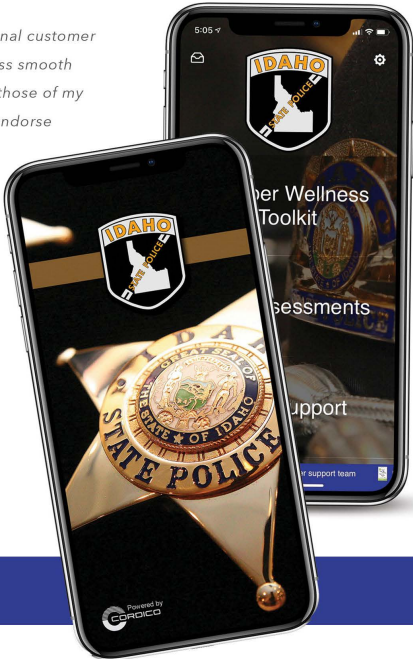
Customized CordicoShield posters allow your personnel to install the app on their phones quickly and easily, while showcasing your agency as a leader in officer wellness.

"The Cordico team was easy to work with. They provided exceptional customer service and went out of their way to make the development process smooth and fast. The finished product far exceeded my expectations and those of my command staff. We couldn't be more pleased. I whole-heartedly endorse the Cordico wellness app as a critical source for emergency responders to be able to deal with the stresses of their demanding jobs. We need our emergency responders to be at their peak performance levels, and the Cordico wellness app gives them the tools and resources to do just that."



Captain Eric Dayley, MA
District Commander
Idaho State Police District Five

★★★★★



★★★★★

Police Chief Thomas Chaplin
Walnut Creek Police Department
Commissioner, California POST



"I could not be more pleased with the CordicoShield Wellness App. It is imperative that public safety leaders strive to protect officers, not just from a physical safety standpoint, but with a renewed focus on mental and emotional wellness. We have to do better. This is a fantastic step forward and will serve to connect officers instantly to the tools and resources they need."

"When you deploy this unique solution to all of your personnel and their significant others, think of the message that sends. It's very powerful. Consider what it means when we give this tool to our new hires, when we show it to them during the recruiting process, it's making a difference. This is ultimately about changing the culture, and the app is a major part of that process. This is a game-changer and there's nothing else like it."



Police Chief John Carli

Vacaville Police Department
Law Enforcement Wellness Leader



"This is the best officer wellness solution in existence.
Nothing else comes close."

~ Chief John Carli



WWW.CORDICO.COM

INFO@CORDICO.COM

1-844-CORDICO

1-844-267-3426

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CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Consideration of Approval to Apply for CalHome Grant

SOURCE: Community Development

COMMENT: The California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for funds under the CalHome program on August 31, 2020. The CalHome program NOFA is designed to make funds available to cities, counties, and nonprofit corporations to increase homeownership programs aimed at low- and very-low-income households and operated by the local public agency or nonprofit organizations. The NOFA includes First Time Homebuyer Mortgage Assistance, Owner Occupied Rehabilitation Assistance, Technical Assistance for Self-Help Housing Projects, Technical Assistance for Shared Housing Programs, ADU/JADU Assistance and Homeownership Development Project Loans.

The request is for the authorization to submit an application for \$500,000 by the October 29, 2020, deadline for the continuation of the City's First Time Low Income Homebuyer Program (FTHB). The NOFA has designated geographical targets of up to 45% for Southern California, up to 30% for Northern California and up to 15% for rural jurisdictions, of which the City of Porterville is considered Northern California.

The application to HCD is due October 29, 2020, with the Award of funds expected to be made in February 2021. The execution of a Standard Agreement with HCD will be required if the City is awarded grant funds. The term of the Standard Agreement shall be for thirty-six (36) months from the date of the award letter.

A governing board Resolution, granting authority to make application to HCD for a funding commitment from the CalHome Program, is a requirement of the application. The grant doesn't require a local match and up to 10% of the total award can be utilized for activity delivery costs associated with the projects funded.

In applying for these CalHome Program funds, the City is taking measures to further initiatives that are inline with the City's Housing Element and the 2020-2024 Five Year Community Development Block Grant Consolidated Plan.

RECOMMENDATION: That the City Council:
1. Adopt the draft Resolution approving the submittal of a

CalHome Program funding application to the California Department of Housing and Community Development;
2. Authorize the Mayor or designee to execute all documents pertaining to the CalHome 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; and
3. 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 Resolution

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Interim Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING
UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD
AGREEMENT, IF SELECTED FOR SUCH FUNDING, ANY AMENDMENTS THERETO;
AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME
PROGRAM

WHEREAS: The City of Porterville has an adopted, State certified Housing Element, an adopted Five Year Community Development Block Grant (CDBG) Consolidated Plan (2020, CDBG Action Plan (2020), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of low and moderate income households is one of the identified implementation strategies in these adopted documents; and

WHEREAS: The City of Porterville wishes to apply for and receive an allocation of funds through the CalHome Program; and

WHEREAS: The California Department of Housing and Community Development (“HCD”) has issued a Notice of Funding Availability (“NOFA”) on August 31, 2020, for the CalHome Program established by Chapter 84, Statutes 2000 (SB 1646 Alacorn), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the “statute”). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004; and

WHEREAS: The City of Porterville wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to HCD of an application to participate in the CalHome Program in response to the NOFA issued on August 31, 2020, to request \$500,000 for the First-Time Homebuyer Mortgage Assistance to be used within the city limits of Porterville. If the application for funding is approved, the City of Porterville hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines cited above. It also may execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor, or his/her designee, to execute the application, the Standard Agreement and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto and that the City of

Porterville authorizes 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 for administration of the CalHome Program.

PASSED, APPROVED, and ADOPTED this 20th day of October, 2020.

Martha A. Flores, Mayor

ATTEST:
John Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Reimbursement for the Construction of Water and Storm Drain Master Plan Improvements for the Summit Estates Two, Phase Two Subdivision - Smee Homes, Inc.

SOURCE: Engineering and Project Management

COMMENT: The developer of the new Summit Estates Two, Phase Two Subdivision, Smee Homes, Inc., is requesting the remaining reimbursement for the cost of constructing water and storm drain improvements to satisfy master plan requirements.

The following are the applicable Municipal Code Sections related to master plan improvements subject to reimbursement:

WATER

25-32.3: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the water system master plan of the city, and to provide needed water facilities for new development in the planning area, certain public water facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following subsections, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established upon issuance of certificate of occupancy for development in the city, or upon connection to the city water system to pay for water system improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer upon issuance of certificate of occupancy or connection to the water system. On an annual basis, this fee shall be adjusted by the public works director department in accordance with the "Engineering News Record Construction Cost Index"

publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of water facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity. (Ord. 1754, 6-2-2009)

STORM DRAINAGE

19A-40: ACREAGE FEE

A. Purpose: In order to implement the goals and objectives of the storm drain master plan of the city, and to provide needed storm drainage facilities for new development in the planning area, certain public storm drain facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established, upon issuance of certificate of occupancy for development in the city, or upon creation of any additional runoff to the city's storm drain system to pay for storm drainage improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of certificate of occupancy or upon creation of any additional runoff to the city's storm drain system. On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of storm drainage facilities described in the resolution enacted with this chapter, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity.

D. Developer Construction Of Facilities: Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer shall be offered. The reimbursement amount shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 1754, 6-2-2009)

These sections of the Municipal Code of the City of Porterville require developers to pay impact fees that are then established for reimbursement of master plan improvements constructed by the developer as defined by the adopted Master Plans.

The costs associated with water and storm drainage improvements within Summit Estates Two, Phase Two Subdivision, inclusive of other incidental improvements, were verified by the City and have been found to be acceptable to staff.

SUMMIT ESTATES TWO, PHASE TWO MASTER PLAN IMPROVEMENTS:

Water Main & appurtenances: \$76,618.75 (previously approved and reimbursed)

Water Main & appurtenances: \$ 37,900 (extra work)

Water Main design costs: \$ 14,000

Water Main administrative costs: \$ 18,323

Storm Drainage & appurtenances: \$184,264.07 (previously approved and reimbursed)

Storm Drainage & appurtenances: \$14,260 (extra work)

Storm Drainage design costs: \$ 37,000

Storm Drainage administrative costs: \$ 31,763.85

TOTAL MASTER PLAN REIMBURSEMENT: \$ 414,129.67

Previously approved and reimbursed: \$ 260,882.82

Remaining amount to be approved and reimbursed: \$ 153,246.85

The developer is also entitled to reimbursement of Master Plan related design and administrative costs, which have been submitted and approved as shown.

City staff has inspected the improvements and have found them to meet City Standards.

RECOMMENDATION: That City Council:

1. Accept the water and storm drain master plan improvements related to the new Summit Estates Two, Phase Two subdivision for maintenance;
2. Approve reimbursement to Smee Homes, Inc., per Sections 25-32.3 and 19A-40 of the City of Porterville Municipal Code: and
3. Authorize the Finance Director to disburse \$153,246.85 to Smee Homes, Inc.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Assignment of Airport Lease - Lot 6

SOURCE: Finance

COMMENT: Dennis Ickes, CEO of Tule River Aero Industries, Inc., the current leaseholder of Lot No. 6 at the Porterville Municipal Airport, is requesting the transfer of the lease to TREDC Real Estate. The business, Tule River Aero Industries, Inc., has been dissolved. Dennis Ickes, CEO of TREDC Real Estate is requesting City Council authorization to assume the existing lease between the City of Porterville and Tule River Aero Industries, Inc., which expires on February 28, 2030.

RECOMMENDATION: That the City Council approve the Assignment of Lease for Lot No. 6 at the Porterville Municipal Airport from Tule River Aero Industries, Inc. to TREDC Real Estate; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

ATTACHMENTS:

1. Locator Map Lot 6
2. Assignment of Lease Lot 6
3. Lessor's Consent to Assignment of Lease Lot 6
4. Letter of Request

Appropriated/Funded:

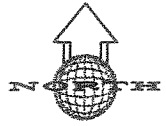
Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES



The Gas Company

THUNDERBOLT DR.

CORSAIR WY.

HOPE ROAD

SUBJECT
LOCATION

FUTURE
PUBLIC
PARKING

FBO TAXIWAY

WILDCAT ROAD

STREET

NEWCOMB

TAXIWAY

FBO TAXIWAY

U. S. F. S.
18

**ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT**

THIS AGREEMENT, made this 20th day of October, 2020, by and between Tule River Aero Industries, Inc., 2011 Wildcat Way, Porterville, CA 93257, owner of a hangar on Lot 6 at the Porterville Municipal Airport, as the Assignor, and TREDC Real Estate, 2011 Wildcat Way, Porterville, CA 93257, as the Assignee.

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

1. Effective October 20, 2020, Assignor hereby assign, transfer and convey to Assignee all of their right, title and interest as Lessee, in, to and under a certain Lease Agreement dated February 15, 2000 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Tule River Aero Industries, Inc., as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

Airport land Lot No. 6, and containing a total area of approximately 30,000 square feet, and establishing an original Lease terminating February 28, 2030.

2. Effective October 20, 2020, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignors under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignors and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, the parties' Noticed Address shall be as set forth herein above.

4. Assignors hereby covenant said Lease as valid and existing and hereby warrant that Assignors are not in default as of the date of this Assignment.

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

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

ASSIGNOR:

By:



Dennis Ickes, CEO
Tule River Aero Industries, Inc.

ASSIGNEE:

By:



Dennis Ickes, CEO
TREDC Real Estate

**LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 6**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 6, described in the foregoing Assignment, hereby consents to Assignment of Lease Agreement from Tule River Aero Industries, Inc. to TREDC Real Estate upon the expressed condition that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 20th day of October, 2020.

CITY OF PORTERVILLE

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

"LESSOR"

ATTEST: _____
John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: _____
Julia Lew, City Attorney

From: Lindsey Young <lindsey@tuleriver.com>
Sent: Wednesday, September 16, 2020 2:11 PM
To: Mgr Office <mgr-office@ci.porterville.ca.us>
Subject: Lease with City

Hello,

I am not sure who I need to speak with regarding this matter. We currently have two lease's with the city for Airport Hangar Lots 6&7. They are listed are leased to Tule River Aero Industries. Tule River Aero Industries has been dissolved and I would like to request the leases name TREDC Real Estate as the Lessor.

Please let me know how I can get assistance in resolving this matter.

Warmest Regards,
Lindsey Young
Senior Executive Assistant TREDC
(559) 781-4271 ext 2013
(559) 792-8541
Lindsey@tuleriver.com
31071 Highway 190, Porterville, CA 93257



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Assignment of Airport Lease - Lot 7

SOURCE: Finance

COMMENT: Dennis Ickes, CEO of Tule River Aero Industries, Inc., the current leaseholder of Lot No. 7 at the Porterville Municipal Airport, is requesting the transfer of the lease to TREDC Real Estate. The business, Tule River Aero Industries, Inc., has been dissolved. Dennis Ickes, CEO of TREDC Real Estate is requesting Council authorization to assume the existing lease between the City of Porterville and Tule River Aero Industries, Inc., which expires on June 30, 2028.

RECOMMENDATION: That the City Council approve the Assignment of Lease for Lot No. 7 at the Porterville Municipal Airport from Tule River Aero Industries, Inc. to TREDC Real Estate; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

ATTACHMENTS:

1. Locator Map Lot 7
2. Assignment of Lease Lot 7
3. Lessor's Consent to Assignment of Lease Lot 7
4. Letter of Request

Appropriated/Funded:

Review By:

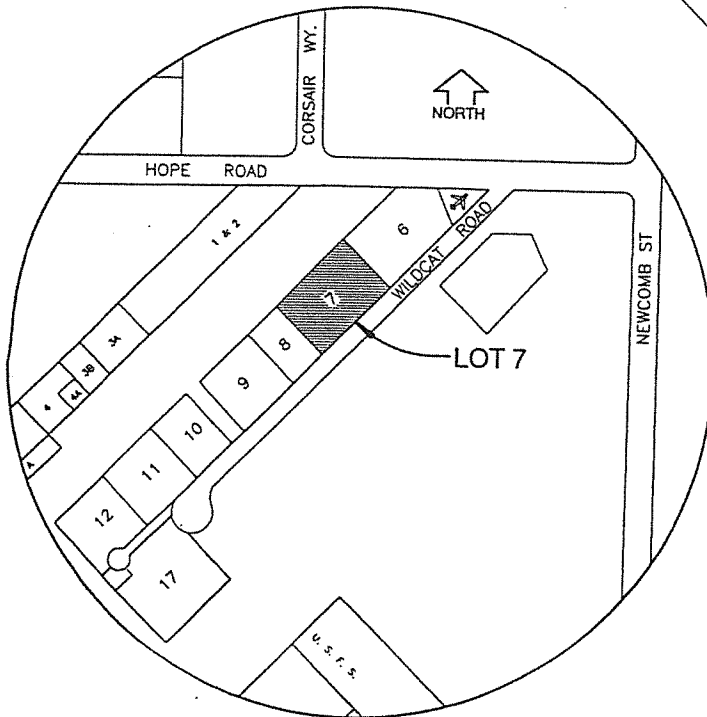
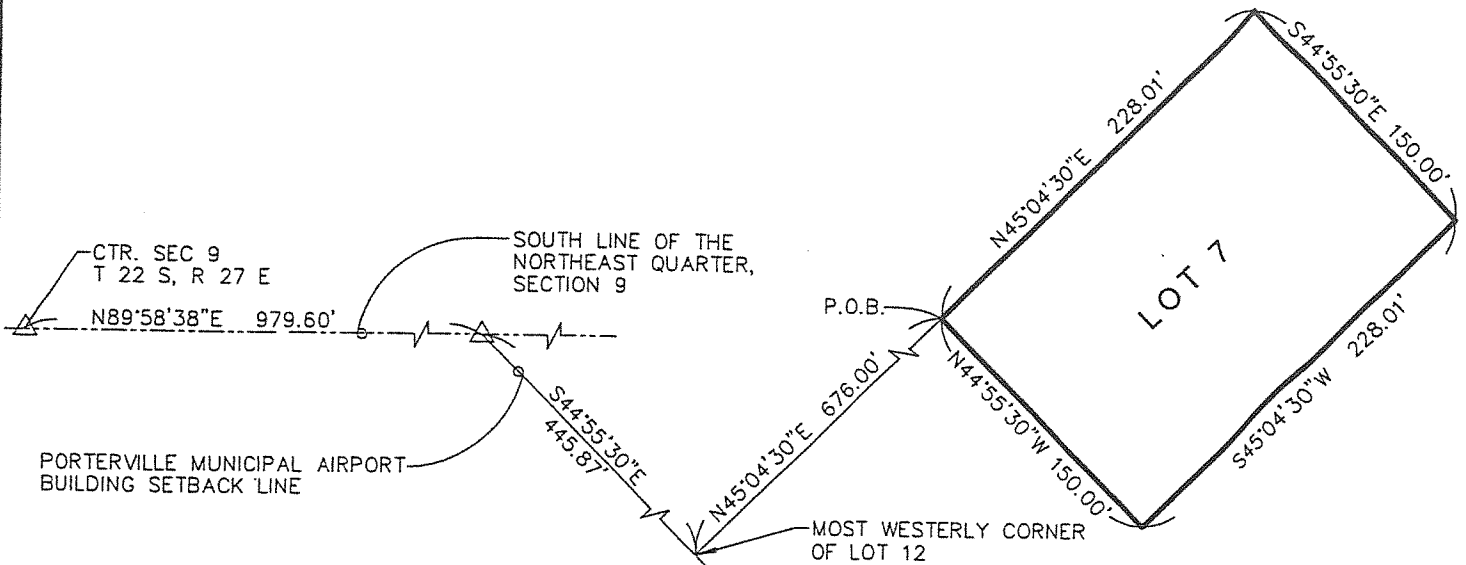
Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

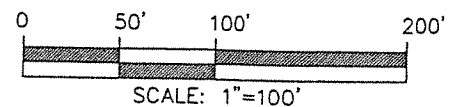
PROPERTY PLAT

EXHIBIT "B"



VICINITY MAP

△ = BRASS CAPPED
2" IRON PIPE



City of Porterville

291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

*That portion of the Northeast quarter of
Section 9, Township 22 South, Range 27 East,
Mount Diablo Base and Meridian, in the City
of Porterville, County of Tulare, State of
California. according to the Official Plat thereof.*

OWNER: City of Porterville
STATUS: Lot 7 Lease Lot
AREA: 34,201.5 S.F. (Total)
ACRES: 0.785 AC. (Total)

DRAWN BY TJ
CHK'K BY MKR

**ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT**

THIS AGREEMENT, made this 20th day of October, 2020, by and between Tule River Aero Industries, Inc., 2011 Wildcat Way, Porterville, CA 93257, owner of a hangar on Lot 7 at the Porterville Municipal Airport, as the Assignor, and TREDC Real Estate, 2011 Wildcat Way, Porterville, CA 93257, as the Assignee.

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

1. Effective October 20, 2020, Assignor hereby assign, transfer and convey to Assignee all of their right, title and interest as Lessee, in, to and under a certain Lease Agreement dated May 6, 2008, (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Tule River Aero Industries, Inc., as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

Airport land Lot No. 7, and containing a total area of approximately 34,202 square feet, and establishing an original Lease terminating June 30, 2028.

2. Effective October 20, 2020, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignors under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignors and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, the parties' Noticed Address shall be as set forth herein above.

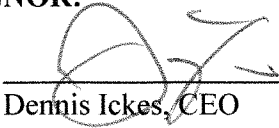
4. Assignors hereby covenant said Lease as valid and existing and hereby warrant that Assignors are not in default as of the date of this Assignment.

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

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

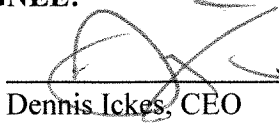
ASSIGNOR:

By:


Dennis Ickes, CEO
Tule River Aero Industries, Inc.

ASSIGNEE:

By:


Dennis Ickes, CEO
TREDC Real Estate

**LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 7**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 7, described in the foregoing Assignment, hereby consents to Assignment of Lease Agreement from Tule River Aero Industries, Inc. to TREDK Real Estate upon expressed condition that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 20th day of October, 2020.

CITY OF PORTERVILLE

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

"LESSOR"

ATTEST: _____
John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: _____
Julia Lew, City Attorney

From: Lindsey Young <lindsey@tuleriver.com>
Sent: Wednesday, September 16, 2020 2:11 PM
To: Mgr Office <mgr-office@ci.porterville.ca.us>
Subject: Lease with City

Hello,

I am not sure who I need to speak with regarding this matter. We currently have two lease's with the city for Airport Hangar Lots 6&7. They are listed are leased to Tule River Aero Industries. Tule River Aero Industries has been dissolved and I would like to request the leases name TREDC Real Estate as the Lessor.

Please let me know how I can get assistance in resolving this matter.

Warmest Regards,
Lindsey Young
Senior Executive Assistant TREDC
(559) 781-4271 ext 2013
(559) 792-8541
Lindsey@tuleriver.com
31071 Highway 190, Porterville, CA 93257



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Modification of Public Hearing Date - Vacation of Yowlumne Avenue, Yaudanchi Street, and Wukchumni Avenue east of West Street and west of the Airport

SOURCE: Engineering and Project Management

COMMENT: At its meeting on October 6, 2020, the City Council set its meeting on October 20, 2020, as the time and place for the Public Hearing regarding the intended vacation of City streets, including reservations, for Yowlumne Avenue, Yaudanchi Street, and Wukchumni Avenue east of West Street and west of the Airport. The date set does not meet the minimum fifteen (15) days required per section 8320 of the California Streets and Highway Code and, as such, the Public Hearing will need to be scheduled for the meeting on November 3, 2020.

RECOMMENDATION: That City Council:
1. Set the Council meeting of November 3, 2020, as the new time and place for the Public Hearing.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 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 October 6, 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

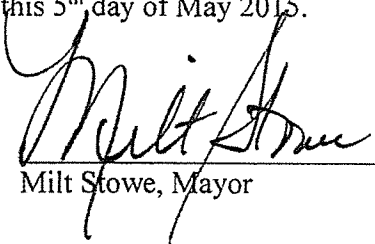
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

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

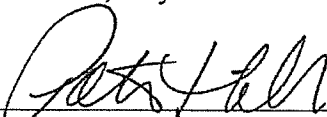
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance,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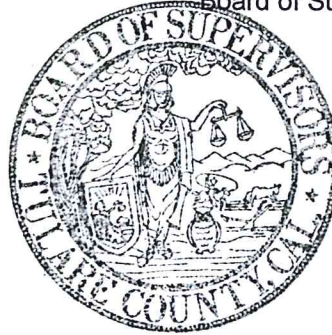
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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

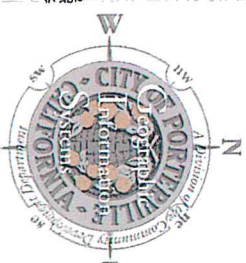
ATTEST:
City Clerk of the City of Porterville

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

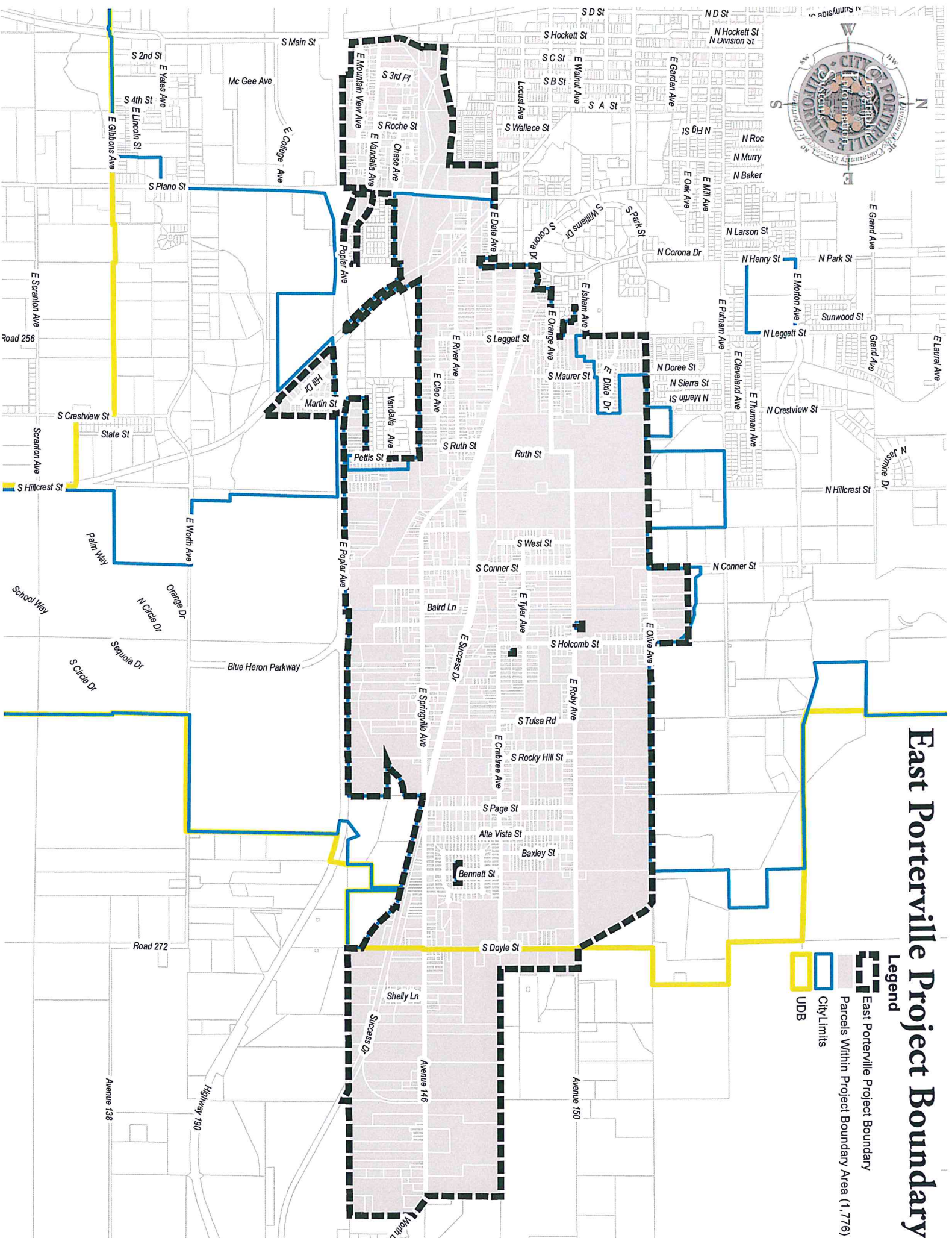


EXHIBIT 'B'

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:

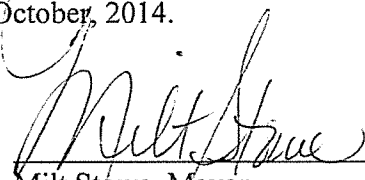
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city,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

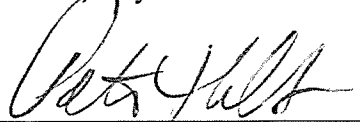
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville,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

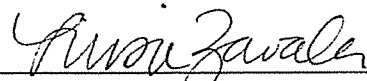
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



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

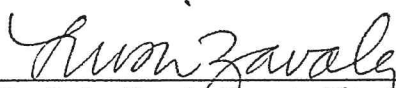

By: Luisa Zavala, Deputy City Clerk

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

City of Porterville

County of Tulare



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

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

RECEIVED

DEC 04

CITY OF PORTERVILLE
CITY MANAGER

Dear Mayor Stowe:

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

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

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

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

Sincerely,


James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

DEPARTMENT OF WATER RESOURCES

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



January 18, 2018

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

RECEIVED

JAN 22 2018

City of Porterville
Public Works Dept

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

Dear Mr. Reed:

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

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

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

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

Sincerely,

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

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

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

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

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

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

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

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

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

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

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

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

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

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

I FURTHER ORDER THAT:

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

MAINTAINING CONSERVATION AS A WAY OF LIFE

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

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

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

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

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

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

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

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

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


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Request to Approve Modification No. 3 to the Pacific Rim Commercial Mixed-Use Project

SOURCE: Community Development

BACKGROUND: At its meeting on March 5, 2013, the City Council approved entitlements for the development of the Pacific Rim Commercial Mixed-Use Project. The entitlements included a General Plan Amendment (Resolution 13-2014), Zone Change (Ordinance 1796), Tentative Parcel Map (Resolution 14-2013) and a Conditional Use Permit (Resolution 15-2013) to facilitate the development of a commercial mixed-use project that included 168 multi-family residential apartment units, 40,690± square feet of commercial uses, an 18,000± square foot two-story office building, and a 518 unit (61,450 square feet) personal storage facility.

At its meeting on March 17, 2015, the City Council approved Modification No. 1 to the Pacific Rim Commercial Mixed-Use Project (Modification No.1). The applicant requested modifications to the commercial element of the project as follows: increasing the retail space from 40,690 to 70,310 square feet, removing 18,000 square feet of office space, reducing the personal storage facility from 518 units to 214 units and modifying the approved elevation plans. The entitlements included a modification to a Conditional Use Permit (Resolution No. 31-2015), a Conditional Use Permit (Resolution No. 32-2015), and an Ordinance Amendment (Ordinance No. 1822).

At its meeting on December 1, 2015, the City Council approved Modification No. 2 to the Pacific Rim Commercial Mixed-Use Project (Modification No. 2). The applicant requested a modification to the personal storage facility component of the project to convert the 3.32± acre parcel designated for 214 self-storage units into 32 apartment units as an addendum to the existing Village at Henderson apartment complex. The entitlements included an amendment to the Zone Change, rescinding the CUP for the Personal Storage and a modification to CUP (PRC 2012-002-C). City Council adopted Resolution 115-2015 which included conditions of approval for the 32 apartment units, as well as the 70,310 square feet of retail space.

COMMENT: The applicant at this time is requesting further modification to provide additional residential units, by reducing the commercial component of the
Item No. 11.

project. Currently approved is 70,310 square feet of retail (which includes the existing Tractor Supply) and 32-units of multi-family apartments. This modification would result in a reduction of 32,629 square feet for a final commercial project of 37,681 square feet. It would increase the previously approved 32-units to 104 multi-family units (not including the 168 units at the Village at Henderson and 80 units of Newcomb Court Apartments).

The evolving changes to the Pacific Rim Commercial Mixed-Use Development Project are illustrated below:

Original Project - March 5, 2013	Modification No. 1 - March 17, 2015	Modification No. 2 - December 1, 2015	Request for Modification No. 3
Approved Elevations	Modified Elevations	None	None
168-unit multi-family apartments	No Change	None	None
40,690 sq. ft. of retail	70,310 sq. ft. of retail	None	Decrease to 37,681 sq. ft. of retail
18,000 sq. ft. of office	0 sq. ft. of office	None	None
518 units (61,450 sq. ft. of personal storage facility)	214 units (26,200 sq. ft. of personal storage facility)	32-unit multi-family apartments	Add 72 units for multi-family apartments – Total of 104 units

ANALYSIS:

The applicant is requesting a modification to the final component of the mixed-use project. The modification intends to reduce the approved commercial component and increase the previously approved 32 apartment units to a total of 104 units. A matching six (6) foot tall concrete block wall with pilasters and stucco finish proposes to surround the 72-unit addition and provide separation to the single family residences to the south, as well as the remaining retail component. In addition to the block wall separation, a condition of approval has been drafted the attached Resolution to create a landscaping buffer to the low density residential south of the project area by requiring that the developer/applicant install mature trees (at minimum 24” to 48” box) along the entire southern and western length of Parcel 1 of Parcel Map No. 5097. There is a proposed main access point along Henderson Avenue at the most westerly part of the project, as well as one fire access point midway. While the modified area will not have physical access to the existing 168 units of the Village at Henderson, the project will be consistent with the overall design and theme of the complex by incorporating Spanish mission concrete tile, stucco finish and contain

similar colors. The design and development standards of the 72-unit apartment addition complies with the land use designation and zoning of the Commercial Mixed-Use (CMX) District. The design meets the open space standards and each unit shall be provided with 50 square feet of personal outdoor space. The pedestrian connection from Fairhaven Avenue will be required to be continued to Henderson Avenue and will require connectivity for the additional units.

The proposed modification to the Pacific Rim Commercial Mixed-Use Project complies with the design criteria and development standards for the land use designation and zoning of the Commercial Mixed-Use (CMX) District. The modifications do not affect the integrated theme of the overall development project. The project will be consistent in design by incorporating the Spanish mission concrete tile, stucco finish and contain similar colors. The modifications requested would require a modification to Conditional Use Permit (PRC 2012-002-C) for the mixed-use development. Approval would allow the conversion of 32,629 square feet of retail to add 72 units to the already approved 32 apartment units. The proposed modification will not have a substantial adverse effect on the surrounding land uses and conditions of approval are in place to protect the public's safety and interest. The remaining commercial component will be required to additionally comply with the requirements of §203.04 of the Porterville Development Ordinance that includes standards for pedestrian orientation and design criteria. The CMX General Plan Land Use Designation and Zoning Classification will permit the modifications and features of the development as proposed. All of the buildings throughout the project provide consistent design, colors, and features. The abundant landscaping and architectural features through the facility present a sense of place while providing a convenient location for multi-family residential uses and commercial uses. The proposed project conforms with the City's General Plan Land Use and Housing Elements, and the development of additional housing will help increase the available housing stock in the community.

ENVIRONMENTAL REVIEW: On October 7, 2020, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15332 of the California Code of Regulation (CEQA Guidelines), as the project is an infill development, less than five acres, substantially surrounded by urban uses.

RECOMMENDATION: That the City Council adopt the draft Resolution for Modification No. 3 to Conditional Use Permit PRC 2012-002-C for the Pacific Rim Commercial Mixed-Use Project.

ATTACHMENTS:

1. Draft Resolution
2. Resolution 115-2015

Appropriated/Funded:

Review By:

Department Director:

Jason Ridenour, Interim Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL MODIFICATION NO. 3 TO
CONDITIONAL USE PERMIT (PRC 2012-002-C) FOR THE PACIFIC RIM (VILLAGE AT
HENDERSON) MIXED-USE PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 20, 2020, conducted a public hearing to consider Modification #3 to Conditional Use Permit (PRC 2012-002-C); and

WHEREAS: On March 5, 2013, the City Council of the City of Porterville adopted the Mitigated Negative Declaration with mitigation measures prepared for the General Plan Amendment 2012-002-G, Zone Change 2012-002-Z and related development of the Pacific Rim Commercial Mixed-Use Project (aka Village at Henderson); and

WHEREAS: On January 14, 2015, the applicant submitted to the Project Review Committee proposed modification to the Pacific Rim Commercial Mixed-Use Development increasing the retail space from 40,690 to 70,310 square feet, removing 18,000 square feet of office space, reducing the personal storage facility square footage from 518 units (61,450 square feet) to 214 units (26,200 square feet) and to modify the elevation plans as approved; and

WHEREAS: On March 17, 2015, the City Council of the City of Porterville conducted a public hearing and approved Conditional Use Permit (PRC 2012-002-GZCP), a modification to a Conditional Use Permit 2012-002-C for the personal storage facility and Ordinance Amendment for the Pacific Rim Commercial Mixed-Use Project; and

WHEREAS: On December 1, 2015, City Council adopted Resolution 115-2015 for Modification No. 2 to Conditional Use Permit (PRC 2012-002-C) and rescinded Resolution 31-2015 which allowed the conversion of the 3.32± acre parcel designated for 214 personal self-storage units into 32 apartment units as an addendum to the existing 168 unit apartment complex know as Village at Henderson; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 20, 2020, conducted a public hearing to consider Modification No. 3 to Conditional Use Permit (PRC 2012-002-C) to allow for reduction of 32,629 square feet for a final commercial project of 37,681 square feet and an increase from 32-units multi-family residential units to 104 units.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That approval of 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.

This project supports and complies with Land Use Guiding Policy (LU-G-11) in that it will foster strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

The General Plan designation for the subject area was approved by the City Council on March 5, 2013, modifying the General Plan designation from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed-Use) for the subject parcel

2. The location, size, density, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City.

This project supports and complies with Land Use Guiding Policy (LU-G-3) in that it will promote sustainability in the design and development of public and private development projects.

That the proposed conversion 70,310 square feet of retail (which includes the existing Tractor Supply) and 32-units of multi-family apartments, by a reduction of 32,629 square feet for a final commercial project of 37,681 square feet and would increase the 32-units to 104 additional multi-family units of the 3.32± acre parcel complies with the design criteria and development standards for the land use designation and zoning of the Commercial Mixed-Use (CMX) District.

3. On October 7, 2020, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15332 of the California Code of Regulation (CEQA Guidelines), as the project is an infill development, less than five acres, substantially surrounded by urban uses.

BE IT FURTHER RESOLVED: That the City Council does hereby approve Modification No. 3 to Conditional Use Permit (PRC 2012-002-C) for the development of additional residential units to the Pacific Rim Mixed-Use Development as represented and incorporated herein as Exhibit A – K subject to the following conditions and Resolution 115-2015 (except where specifically in conflict with the conditions herein):

1. That the Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved by the City Council and would not intensify any potentially detrimental effects of the project.

2. The applicant shall prepare and submit a Lot Line Adjustment that will adhere to the Master Development Plan, to meet the requirements of Series 400. The LLA shall be recorded prior to approval of any building permit.
3. The applicant shall continue the existing pedestrian passageway from Fairhaven Avenue to Henderson Avenue, as well as have connection to the proposed residential units. The connection to the residential units may have a pedestrian gate lock to secure the apartment complex; however the passageway shall remain accessible at all times, and not be gated.
4. That the development of the Pacific Rim Commercial Mixed-Use Project shall substantially comply with the incorporated plan sheet herein attached as Exhibit A – K.
5. The drive-through lanes shall be required to conform to PDO 304.04(h) in that the queuing area shall provide space for a minimum of six (6) vehicles from the menu board to the driveway entry. The stacking area shall not interfere with other on-site circulation and parking facilities. Where required, queuing areas shall be measures as twenty (20) feet per car.
6. As a condition of approval, the developer/applicant shall install mature trees (at minimum 24” to 48” box) along the entire southern and western length of Parcel 1 of Parcel Map No. 5097 at 1 per every 35 feet on center to create a landscaping buffer between the single-family residential units south of the proposed multi-family residential units.
7. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2018 Edition), and current Standard Plans and Specifications, except where they are in conflict with the Americans with Disabilities Act and the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
8. The developer/applicant shall submit design master plans consisting of combined grading & drainage and sewer and water utilities to ensure the proper functioning and/or phasing of the development. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). A minimum amount of runoff must be contained onsite per the State’s MS4 requirements. Drainage calculations must be submitted to verify that onsite pot areas will capture necessary runoff. The parking lot/site shall be designed to convey water to the City drainage system without crossing driveways. The developer/applicant is required to install a sidewalk channel drain at the low side of the driveway, where applicable
9. The developer/applicant shall provide a site plan that illustrates truck-turning movements within the parking lot, where applicable. The site plan shall be approved prior to issuance of a building permit application. (This requirement includes, but is not limited to, refuse trucks.)

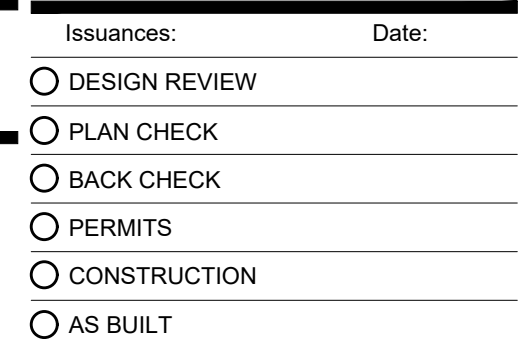
10. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
11. The developer/applicant shall install a combination of double and triple refuse enclosures that will accommodate solid waste, organic waste, and recyclable materials removal or collection according to City Standards (Sec. 13-15). The enclosure location is to be approved by the City prior to the issuance of the building permit. The enclosure should be oriented for direct pick up. An accessible path to the enclosure must be provided for employee use to comply with current accessibility standards. The developer/ applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
12. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 1000 square feet or more. The City will require payment of impact fees based on estimated usage and will monitor actual water usage for one year. The City will bill/credit the owner the difference between the estimated impact fees paid and the actual water usage.
13. The developer/applicant shall design on-site water systems meeting the requirements of the current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
14. The project must comply with latest applicable codes.
15. Fire department connection shall be required to be placed within fifty feet (50') of a fire hydrant in an approved location to comply with Chapter 9, Section 903 of the 2019 California Fire Code.
16. Fire hydrants shall be spaced no further than 300 feet and shall be looped. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
17. Two entry/exit points shall be maintained at all times.
18. A Knox box will be required for the community building as well as for all gates.

PASSED, APPROVED AND ADOPTED this 20th day of October 2020.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk



Reference North:

Scale: 1" = 80'-0"

Project Name: VILLAGE AT HENDERSON II

PORTERVILLE, CA.

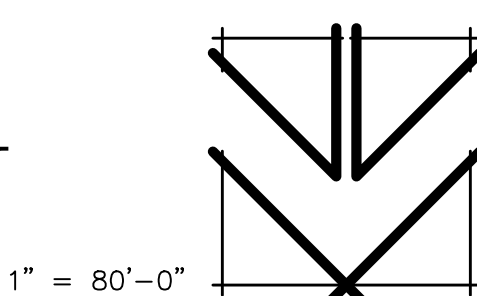
Project Number: 191123

Plot Date: 08 25 20

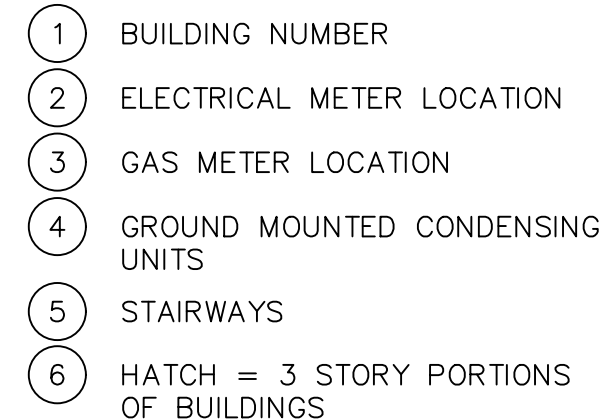
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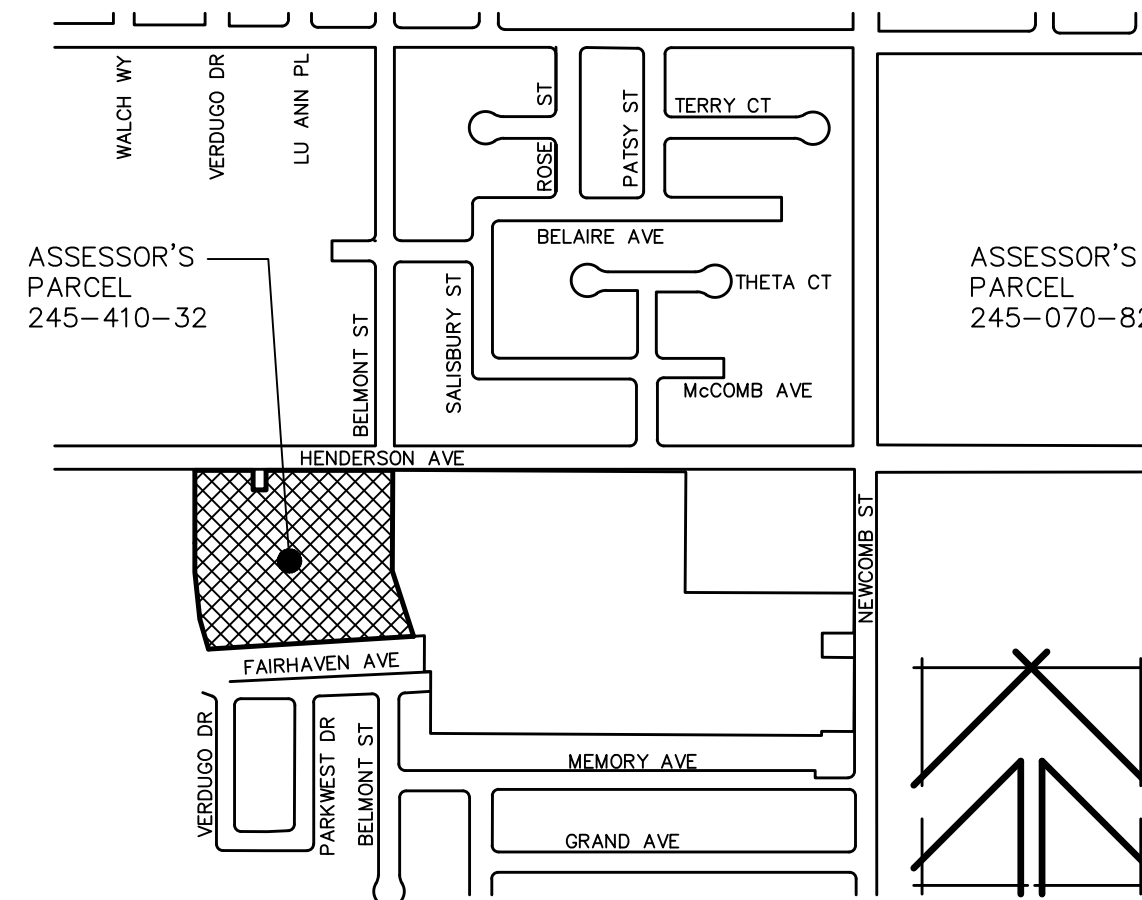


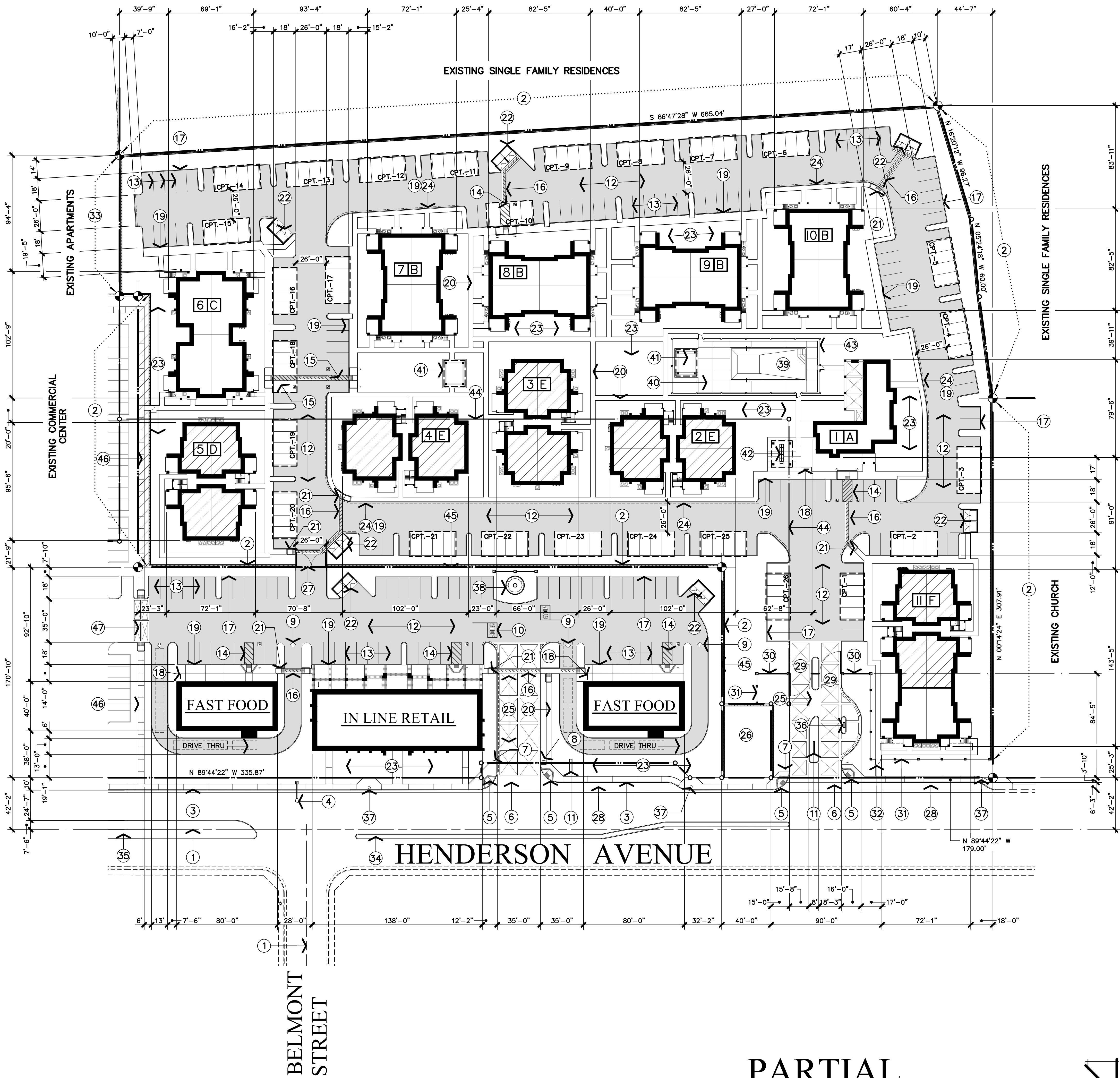
VICINITY MAP



d.	(3) BUILDING TYPE 'I'	
	(16,684 S.F. PER BUILDING)	50,052 S.F.
e.	(1) BUILDING TYPE 'I'	
	(21,038 S.F. PER BUILDING)	<u>21,038 S.F.</u>
f.	TOTAL RESIDENTIAL AREA	137,988 S.F.
g.	NON-RESIDENTIAL AREAS	
	1. COMMUNITY BUILDING TYPE 'A'	3,175 S.F.
	2. CARPORTS	17,172 S.F.
h.	TOTAL BUILDING AREA	<u>158,335 S.F.</u>
j.	GROUND FLOOR AREA	76,409 S.F.
PARKING REQUIRED		
a.	RESIDENTIAL UNITS	
	1. COVERED STALLS	104 STALLS
	2. OPEN STALLS	104 STALLS
b.	GUEST PARKING REQUIRED	<u>21 STALLS</u>
c.	TOTAL PARKING REQUIRED	229 STALLS
d.	ACCESSIBLE STALLS REQUIRED	
	1. ASSIGNED COVERED STALLS	
	(104 STALLS @ 2%)	2 STALLS
	2. ASSIGNED OPEN STALLS	
	(104 STALLS @ 2%)	2 STALLS
	3. UNASSIGNED OPEN STALLS	
	(21 STALLS @ 5%)	1 STALL
PARKING PROVIDED		
a.	COVERED STALLS	104 STALLS
b.	OPEN STALLS	<u>127 STALLS</u>
c.	TOTAL PARKING PROVIDED	231 STALLS
d.	ACCESSIBLE STALLS	
	1. COVERED STALLS	2 STALLS
	2. OPEN STALLS	3 STALLS

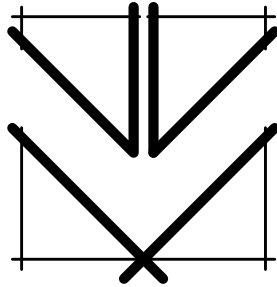
<u>COMMERCIAL RETAIL PORTION</u>	
SITE AREA	80,883 S.F. (1.85 ACRES)
PROJECT PROPOSAL	DEVELOPMENT OF FAST FOOD PAD (WITH DRIVE-THROUGH LANES) AND IN-LINE RETAIL USES INTEGRATED WITH ADJACENT RETAIL AND RESIDENTIAL USES AS A PART OF PLANNED COMMUNITY
PROPOSED COVERAGE	
a. BUILDING AREA	14,681 S.F. (18.2%)
b. PARKING / PAVED AREA	23,998 S.F. (29.6%)
c. OPEN / LANDSCAPE AREA	42,204 S.F. (52.2%)
BUILDING AREA	
a. FAST FOOD PAD	3,200 S.F.
b. IN LINE RETAIL	8,281 S.F.
c. FAST FOOD PAD	3,200 S.F.
d. TOTAL BUILDING AREA	14,681 S.F.
PARKING REQUIRED	
a. FAST FOOD USES	
1. ASSUME SEATING AT 50% OF BUILDING AREA / 75 SF PER STALL	42 STALLS
b. IN LINE RETAIL @ 250 SF PER STALL	28 STALLS
c. TOTAL PARKING REQUIRED	70 STALLS
PARKING PROVIDED	
a. STANDARD STALLS	61 STALLS
b. ACCESSIBLE STALLS	3 STALLS
c. TOTAL PARKING PROVIDED	64 STALLS*
* ADDITIONAL PARKING IS AVAILABLE THROUGH CROSS-ACCESS AND PARKING EASEMENTS WITH THE EXISTING ADJACENT COMMERCIAL DEVELOPMENT	





PARTIAL SITE PLAN

1" = 40'-0"



KEYNOTES

- INDICATES CENTERLINE OF THE STREET.
- INSTALL 6'-0" HIGH SOLID GROUTED REINFORCED CONCRETE MASONRY WALL AT PROPERTY LINE/ TYPICAL.
- EXISTING CONCRETE CURB AND GUTTER TO REMAIN. INSTALL 9'-6" WIDE CONCRETE WALK FOR ENTIRE STREET FRONTAGE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS.
- EXISTING STREET LIGHTS INSTALLED PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS TO REMAIN.
- INSTALL ACCESSIBLE OFF-SITE CURB RAMP WITH TRUNCATED DOMES PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INSTALL COMMERCIAL STREET-TYPE APPROACHES PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INDICATES THE LOCATION OF 30" STATE STANDARD "STOP" SIGN(S). SIGN LOCATED BEHIND CURB AND IMMEDIATELY BEHIND MAJOR STREET SIDEWALK/ TYPICAL.
- PROVIDE SIGN AT EACH SITE ENTRANCE IN 1" HIGH LETTERING STATING: "UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR SPECIAL LICENCE PLATES ISSUED FOR PERSONS WITH DISABILITIES WILL BE TOWED AWAY AT THE OWNER'S EXPENSES. TOWED VEHICLES MAY BE RECLAIMED AT:.....OR BY TELEPHONING"
- INDICATES LOCATION OF NEW PAINTED TRAFFIC DIRECTIONAL ARROWS PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INDICATES LOCATION OF NEW PAINTED TRAFFIC SIGNAGE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS/ TYPICAL.
- INDICATES LOCATION OF PROPOSED MONUMENT PROJECT SIGN (TO BE REVIEWED AND APPROVED UNDER SEPARATE PERMIT) / TYPICAL.
- ASPHALTIC CONCRETE PAVING OVER CLASS II AGGREGATE BASE OVER NATIVE SOIL COMPACTED TO 90% / TYPICAL.
- INSTALL 4 INCH WIDE WHITE PAINTED STALL STRIPING AT 9'-0" ON-CENTER PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS
- INDICATES THE LOCATION OF 8'-0" WIDE ACCESSIBLE UNLOADING ZONE FOR STALLS ACCESSIBLE TO PERSONS WITH PHYSICAL DISABILITIES. PROVIDE SIGNAGE, PAINTED SYMBOLS AND ACCESSIBLE RAMPS TO WALKWAY. AT STALLS WITH THE LOADING ZONE AT THE PASSENGER SIDE OF VEHICLES, PROVIDE "VAN ACCESSIBLE" SIGNAGE. AT CARPORTS, PROVIDE 8'-2" VERTICAL CLEARANCE/ TYPICAL.
- INDICATES THE LOCATION OF 5'-0" WIDE ACCESSIBLE UNLOADING ZONE FOR STALLS ACCESSIBLE TO PERSONS WITH PHYSICAL DISABILITIES. PROVIDE SIGNAGE, PAINTED SYMBOLS AND ACCESSIBLE RAMPS TO WALKWAY. AT CARPORTS, PROVIDE 8'-2" VERTICAL CLEARANCE/ TYPICAL.
- INSTALL 4'-0" WIDE PAINTED CROSSWALK WITH 5% MAXIMUM SLOPE AND 2% MAXIMUM CROSS SLOPE/ TYPICAL.
- INDICATES LOCATION OF 6 INCH CONTINUOUS CURB/ TYPICAL.
- INSTALL SHORT-TERM BICYCLE PARKING RACH WITH 4 BICYCLE CAPACITY.
- INDICATES LOCATION OF CAST-IN-PLACE 6 INCH CONTINUOUS CURB WITH INTEGRAL 4 INCH THICK CONCRETE WALKWAY WITH NON-SLIP FINISH
- 4'-0" WIDE x 4 INCH THICK CONCRETE WALKS WITH NON-SLIP FINISH APPLIED OVER COMPACTED NATIVE SOIL. PROVIDE CONTROL JOINTS AT 10'-0" ON-CENTER (PROVIDE 7'-0" WIDE MINIMUM WALKS ADJACENT TO PARKING SPACES)/ TYPICAL
- INSTALL ACCESSIBLE CURB RAMP WITH TRUNCATED DOMES/ TYPICAL.
- INDICATES LOCATION OF 6'-0" HIGH CONCRETE MASONRY TRASH ENCLOSURE WITH STUCCO FINISH PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS. PROVIDE (2) 6'-0" HIGH STEEL FRAME GATES WITH CORRUGATED STEEL FACE AT OPENING/ TYPICAL.
- LANDSCAPE AREA(S). COORDINATE THE WORK WITH THE LANDSCAPE PLAN/ TYPICAL.
- DASHED LINE INDICATES LOCATION(S) OF CURBS TO BE PAINTED RED AND MARKED "FIRE LANE". NO PARKING PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS. PROVIDE (2) 6'-0" HIGH STEEL FRAME GATES WITH CORRUGATED STEEL FACE AT OPENING/ TYPICAL.
- INDICATES LOCATION OF 6 INCH THICK REINFORCED COLORED CONCRETE ACCENT PAVING WITH TOOLED JOINT PATTERN AS INDICATED / TYPICAL.
- EXISTING CITY OF PORTERVILLE WATER WELL SITE.
- INSTALL RIGHT-TURN LANE PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS. PROVIDE DEDICATION TO THE CITY AS REQUIRED FOR THE INSTALLATION.
- INDICATES LOCATION OF (2) 6'-0" HIGH ORNAMENTAL WROUGHT IRON VEHICLE GATE(S) WITH AUTOMATIC OPERATORS WITH BATTERY BACK-UP. COORDINATE CLEAR GATE WIDTH WITH THE DIMENSIONED SITE PLAN. PROVIDE KNOX KEY SWITCH AT CALL BOX LOCATION. INSTALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT REQUIREMENTS.
- 6'-0" HIGH "SIGNAGE" WALLS WITH THIN SET LEDGESTONE FINISH AND PRE-CAST CONCRETE CAP INSTALLED OVER SOLID GROUTED REINFORCED CONCRETE MASONRY UNITS. ALL SIGNS REQUIRE SEPARATE REVIEW AND PERMIT PRIOR TO INSTALLATION/ TYPICAL.
- INDICATES THE LOCATION OF 6'-0" HIGH ORNAMENTAL WROUGHT IRON FENCE WITH CRIMP TOP PICKETS AND MASONRY PILASTER WITH STUCCO FINISH AT 30'-0" (+/-) ON-CENTER TO BE INSTALLED AT STREET FRONTAGES.
- INSTALL 4'-0" WIDE x 6'-0" HIGH WROUGHT IRON PEDESTRIAN GATE WITH LEVER TYPE LOCKSET MASTER KEYED TO TENANT ENTRANCE DOORS. PROVIDE KNOX BOX FOR FIRE DEPARTMENT ACCESS.
- INDICATES THE LOCATION OF EXISTING 6'-0" HIGH REINFORCED CONCRETE MASONRY FENCE AT THE PROPERTY LINE TO REMAIN / TYPICAL
- INSTALL MEDIAN ISLAND WITH LEFT-TURN POCKET PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS.
- INSTALL MEDIAN ISLAND PER CITY OF PORTERVILLE PUBLIC WORKS STANDARDS.
- INDICATES LOCATION OF PROJECT DIRECTORY AND VISITOR CALL BOX. INSTALLATION SHALL COMPLY WITH CITY OF PORTERVILLE PUBLIC WORKS AND FIRE DEPARTMENT REQUIREMENTS.
- INDICATES THE LOCATION OF EXISTING HIGH VOLTAGE TRANSMISSION POWER POLE TO REMAIN.
- INDICATES LOCATION OF ENTRANCE FEATURE WITH ACCENT WALL AND WATER FOUNTAIN
- INDICATES LOCATION OF SWIMMING POOL TO BE INSTALLED UNDER SEPARATE PERMIT AND PLAN CHECK / TYPICAL
- COORDINATE INSTALLATION OF POOL DECKING AND ACCENT PAVERS TO BE INSTALLED UNDER SEPARATE PERMIT WITH POOL SUBCONTRACTOR AND THE LANDSCAPE DRAWINGS.
- INDICATES LOCATION(S) OF WOOD ARBOR / OUTDOOR ACTIVITY SHADE STRUCTURE(S) WITH REINFORCED CONCRETE MASONRY SUPPORT COLUMNS WITH THIN-SET LEDGESTONE FINISH.
- INDICATES THE PROPOSED LOCATION OF ARBOR WITH PEDESTAL MOUNTED MAILBOX UNITS COMPLYING WITH UNITED STATES POSTAL SERVICE REQUIREMENTS BELOW/ TYPICAL.
- INDICATES THE LOCATION OF 6'-0" HIGH ORNAMENTAL WROUGHT IRON FENCE WITH CRIMP TOP PICKETS TO BE INSTALLED AT POOL AREA PERIMETER / TYPICAL
- INDICATES THE LOCATION OF EXISTING PROPERTY LINE TO BE RELOCATED. BY LOT LINE ADJUSTMENT.
- INDICATES THE LOCATION PROPOSED PROPERTY LINE TO BE ESTABLISHED IN A PEDESTRIAN EASEMENT AND CONNECT TO HENDERSON AVENUE.
- INSTALL 5'-0" WIDE x 4 INCH THICK CONCRETE WALK TO BE INSTALLED IN A PEDESTRIAN EASEMENT AND CONNECT TO HENDERSON AVENUE.
- INSTALL 6 INCH THICK COLORED CONCRETE CROSSWALK WITH DECORATIVE TOOLED JOINTS

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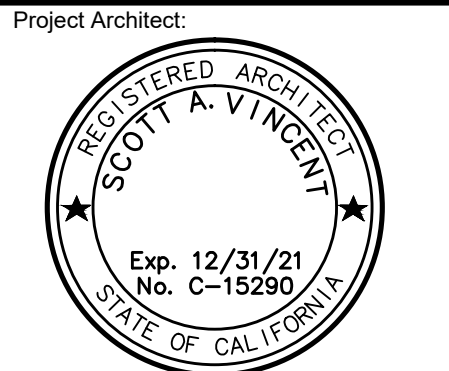
Phone: 559.225.2602

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THE VILLAGE AT HENDERSON II

PROPOSED DEVELOPMENT FOR:

1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA

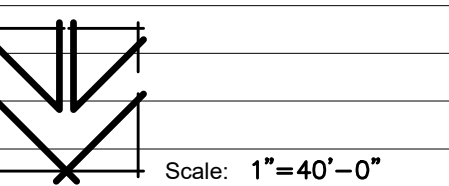


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- ☐ PERMITS
- ☐ CONSTRUCTION
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Reference North:



Project Name: VILLAGE AT HENDERSON II
PORTERVILLE, CA.

Project Number: 191123

Plot Date:

Sheet Number:

PA1.1

Of . Sheets .


$$1/8'' = 1'-0'$$

BUILDING UNIT MIX	(8) TWO BEDROOM TWO BATHROOM WALK-UP UNIT 1,040 SQ. FT. / UNIT
OCCUPANCY GROUP	R-2
CONSTRUCTION TYPE	V-B WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM

Issuances:	Date:
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☐ BACK CHECK	
☐ PERMITS	
☐ CONSTRUCTION	
☐ AS BUILT	

Reference North:



Project Number: 101122

Plot Date: 08/25/20

Print Date: 08.23.20

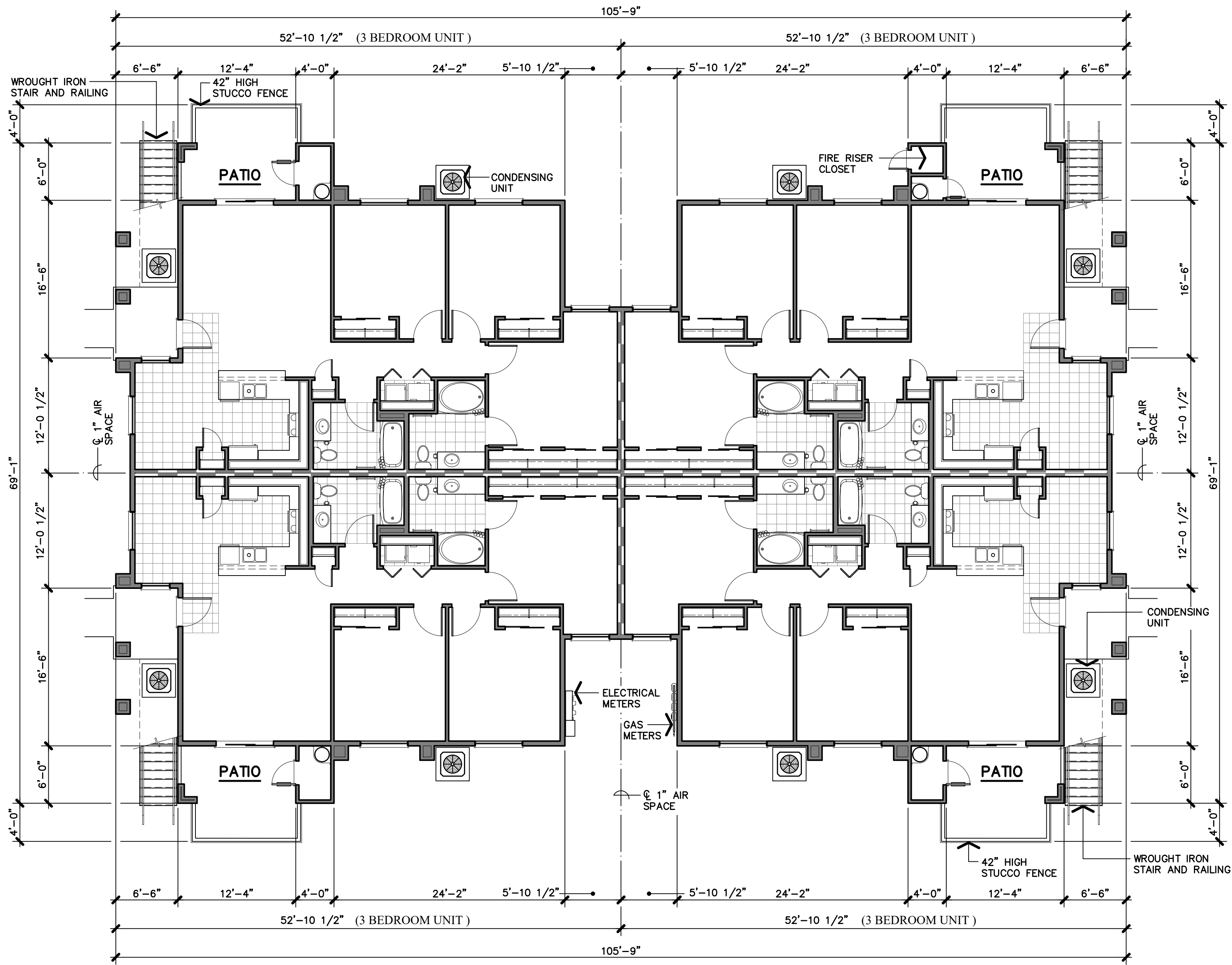
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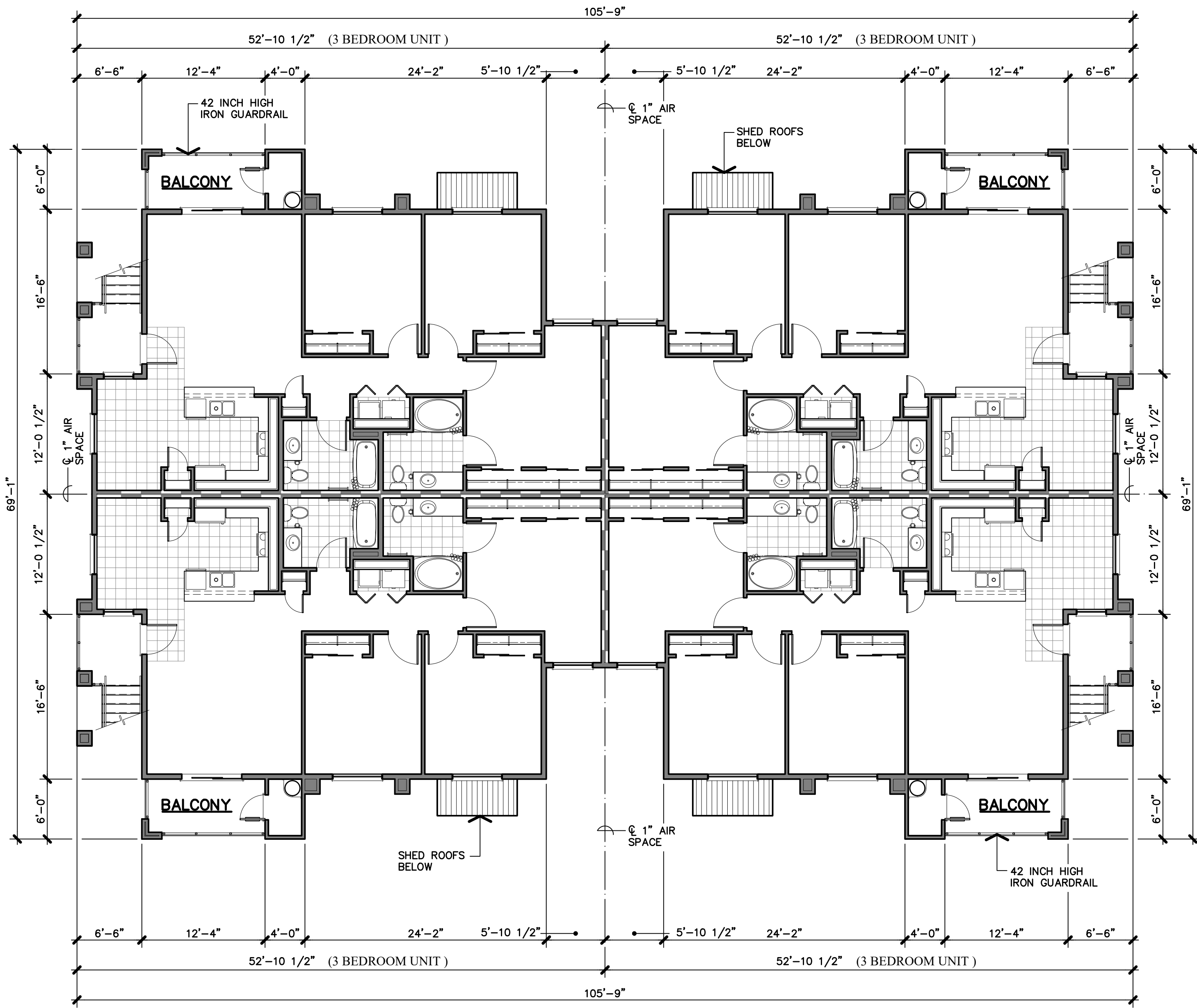
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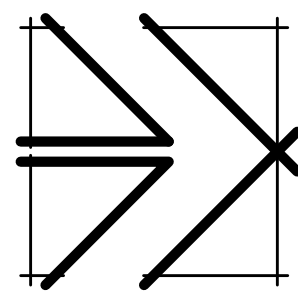
GROUND



SECOND

BUILDING TYPE 'C'
FLOOR PLANS

1/8" = 1'-0"



BUILDING STATISTICS

BUILDING UNIT MIX		(8) TWO BEDROOM TWO BATHROOM WALK-UP UNIT 1,315 SQ. FT. / UNIT
OCCUPANCY GROUP		R-2
CONSTRUCTION TYPE		V-B WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM
BUILDING AREA		
a.	GROUND FLOOR	
	1. RESIDENTIAL UNITS	5,260 SQ. FT.
	2. COVERED PORCH/ PATIOS	580 SQ. FT.
b.	SECOND FLOOR	
	1. RESIDENTIAL UNITS	5,260 SQ. FT.
	2. COVERED PORCH/ PATIOS	580 SQ. FT.
TOTAL BUILDING AREA		11,680 SQ. FT.
MAXIMUM ALLOWABLE AREA		
a.	PER FLOOR PER CBC	7,000 SQ. FT.
	TABLE 506.2	
b.	TOTAL ALLOWABLE AREA FOR 2 STORY BUILDING	14,000 SQ. FT.
FIRE RESISTANCE REQUIREMENTS		
a.	EXTERIOR WALLS	NON-RATED
b.	INTERIOR BEARING WALLS	NON-RATED
c.	INTERIOR NON-BEARING WALLS	NON-RATED
d.	CEILING / ROOF ASSEMBLY	TSC/FCA 60-01 ONE HOUR RATED
e.	FLOOR / CEILING ASSEMBLY	FLOOR/CEILING PER ASTM E 119/NFPA 251
f.	UNIT COMMON WALLS	ONE HOUR RATED (G.A. FILE NO. WP-5508) STC RATING = 55 TO 59
g.	SHAFT ENCLOSURES	NONE OCCUR
h.	EXTERIOR OPENINGS	NON-RATED

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PROPOSED DEVELOPMENT FOR:

THE VILLAGE AT
HENDERSON II

1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA



Issuances:	Date:
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☐ PLAN CHECK	
☐ BACK CHECK	
☐ PERMITS	
☐ CONSTRUCTION	
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Project Name: VILLAGE AT HENDERSON II
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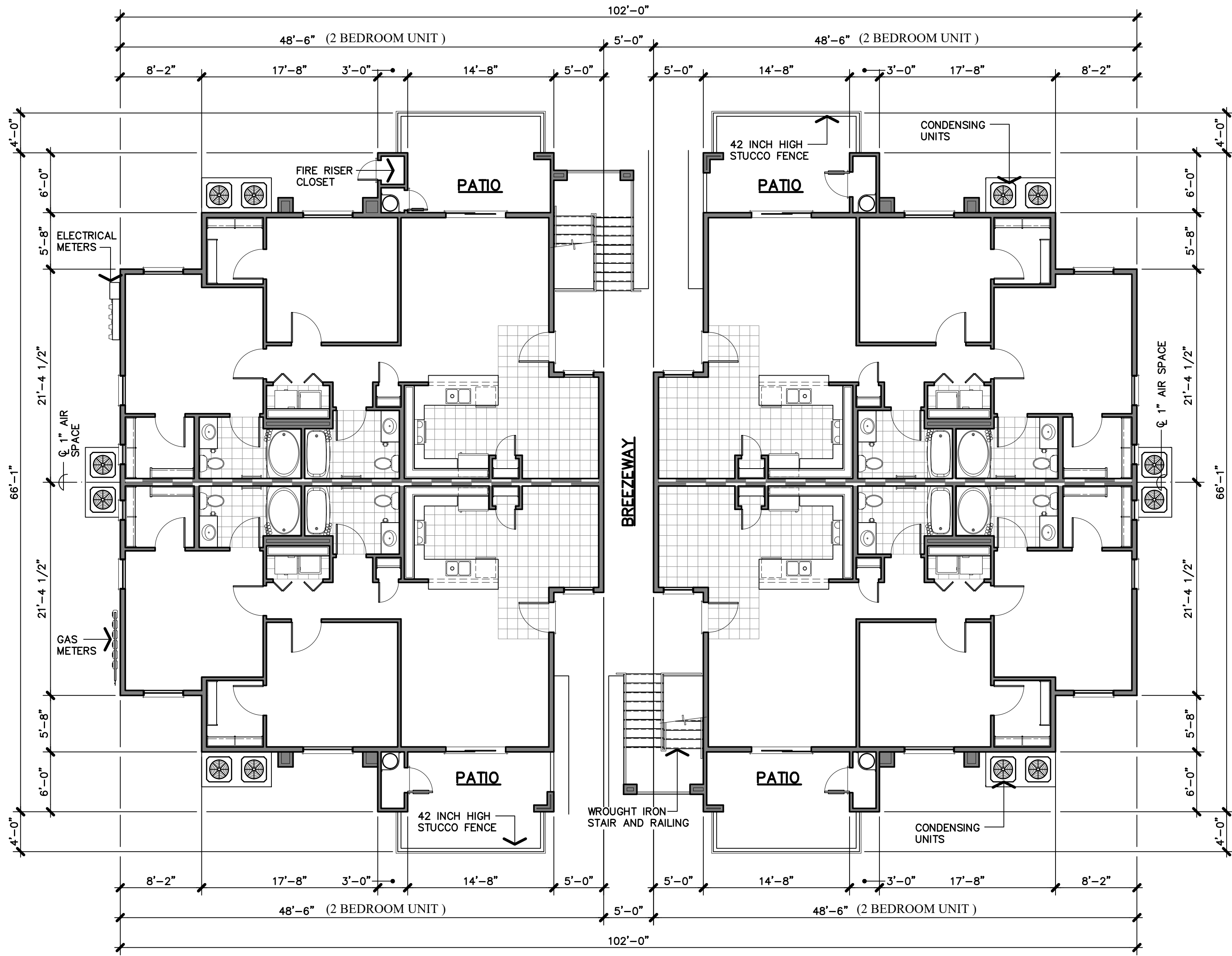
Project Number: 191123

Plot Date: 08.25.20

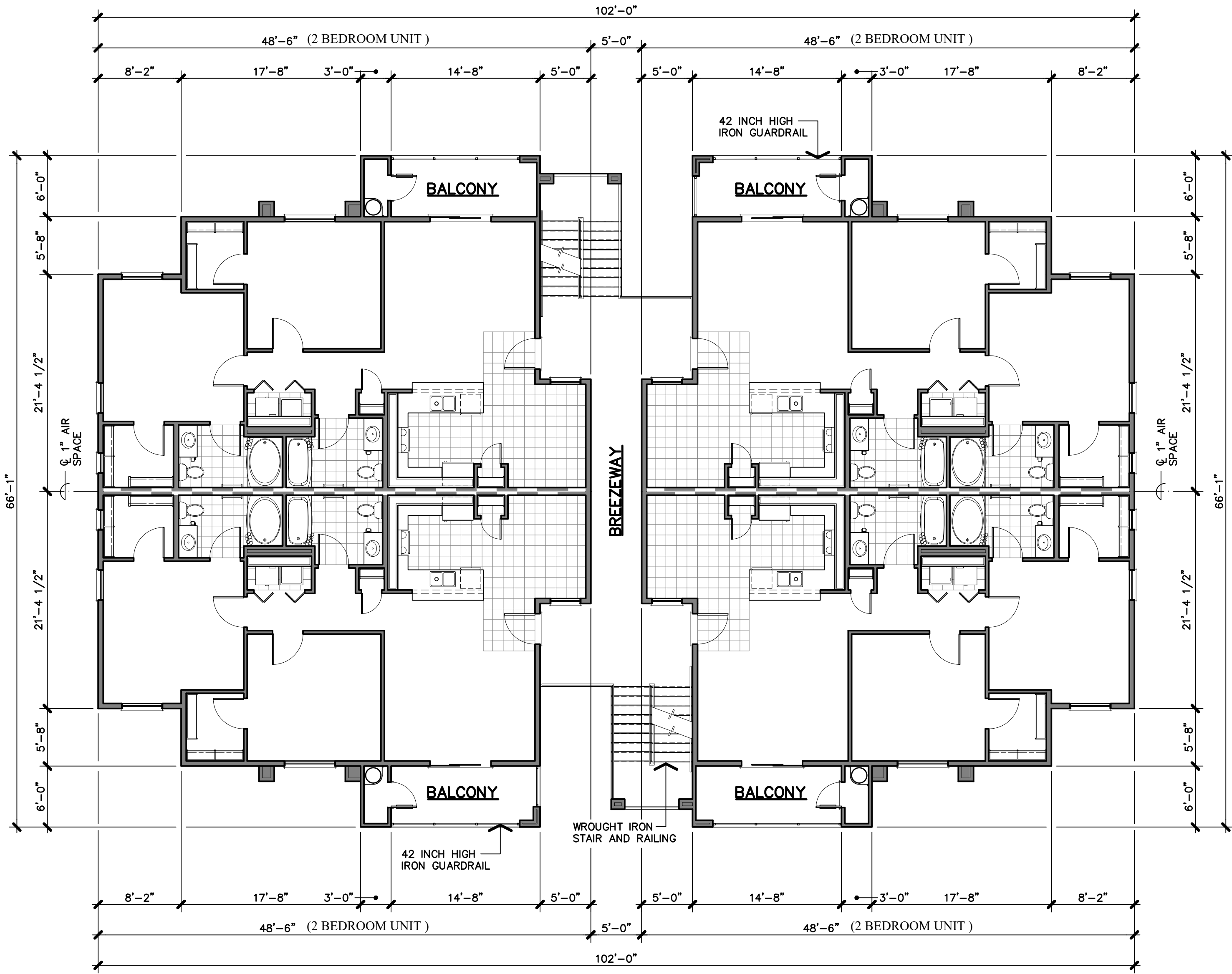
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Of . Sheets .

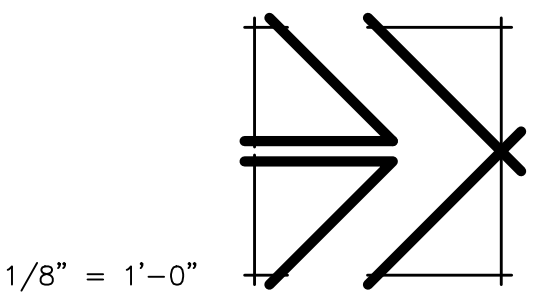


GROUND



SECOND AND THIRD

BUILDING TYPE 'E'
FLOOR PLANS



BUILDING STATISTICS

BUILDING UNIT MIX	(12) TWO BEDROOM TWO BATHROOM WALK-UP UNIT 1,185 SQ. FT. / UNIT
OCCUPANCY GROUP	R-2
CONSTRUCTION TYPE	V-A WITH NFPA 13R AUTOMATIC FIRE SPRINKLER SYSTEM
BUILDING AREA	
a. GROUND FLOOR	
1. RESIDENTIAL UNITS	4,740 SQ. FT.
2. COVERED PORCH/ PATIOS	424 SQ. FT.
3. BREEZEWAY/ STAIRS	552 SQ. FT.
b. SECOND FLOOR	
1. RESIDENTIAL UNITS	4,740 SQ. FT.
2. COVERED PORCH/ PATIOS	424 SQ. FT.
3. BREEZEWAY	320 SQ. FT.
c. THIRD FLOOR	
1. RESIDENTIAL UNITS	4,740 SQ. FT.
2. COVERED PORCH/ PATIOS	424 SQ. FT.
3. BREEZEWAY	320 SQ. FT.
TOTAL BUILDING AREA	16,684 SQ. FT.
MAXIMUM ALLOWABLE AREA	
a. PER FLOOR PER CBC TABLE 506.2	12,000 SQ. FT.
b. TOTAL ALLOWABLE AREA FOR 3 STORY BUILDING	24,000 SQ. FT.
FIRE RESISTANCE REQUIREMENTS	
a. EXTERIOR WALLS	ONE HOUR RATED (ASSEMBLY 14-1.3 & 15-1.3 PER CBC TABLE 720.1(2))
b. INTERIOR BEARING WALLS	ONE HOUR RATED (ASSEMBLY 14-1.3 PER CBC TABLE 720.1(2))
c. INTERIOR NON-BEARING WALLS	ONE HOUR RATED (ASSEMBLY 14-1.3 PER CBC TABLE 720.1(2))
d. CEILING/ROOF ASSEMBLY	ONE HOUR RATED (G.A. FILE NO. RC-2603)
e. FLOOR/CEILING ASSEMBLY	TSC/FCA 60-01 ONE HOUR RATED FLOOR/CEILING PER ASTM E 119/NFPA 251
f. UNIT COMMON WALLS	ONE HOUR RATED (G.A. FILE NO. WP-5508) STC RATING = 55 TO 59
g. SHAFT ENCLOSURES	NON OCCUR
h. EXTERIOR OPENINGS	NON-RATED

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PROPOSED DEVELOPMENT FOR:
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1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA

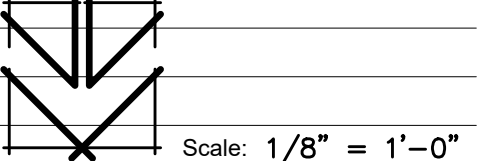
Project Architect:



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PORTERVILLE, CA.

Project Number: 191123

Plot Date: 08.25.20

Sheet Number:

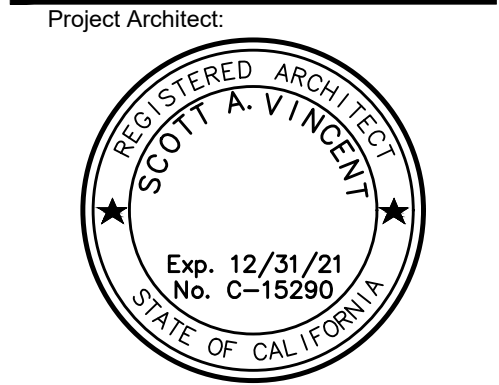
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Of . Sheets .

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THE VILLAGE AT HENDERSON II

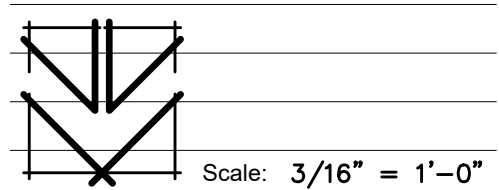
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 - ☐ PLAN CHECK
 - ☐ BACK CHECK
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Scale: 3/16" = 1'-0"

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PORTERVILLE, CA.

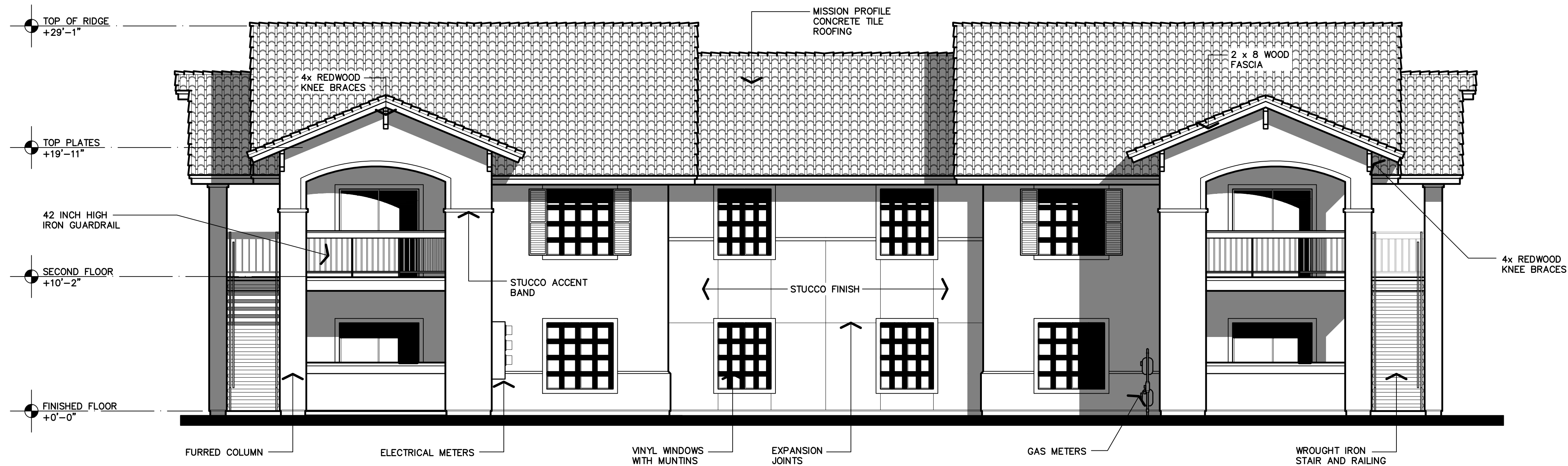
Project Number: 191123

Plot Date: 08.24.20

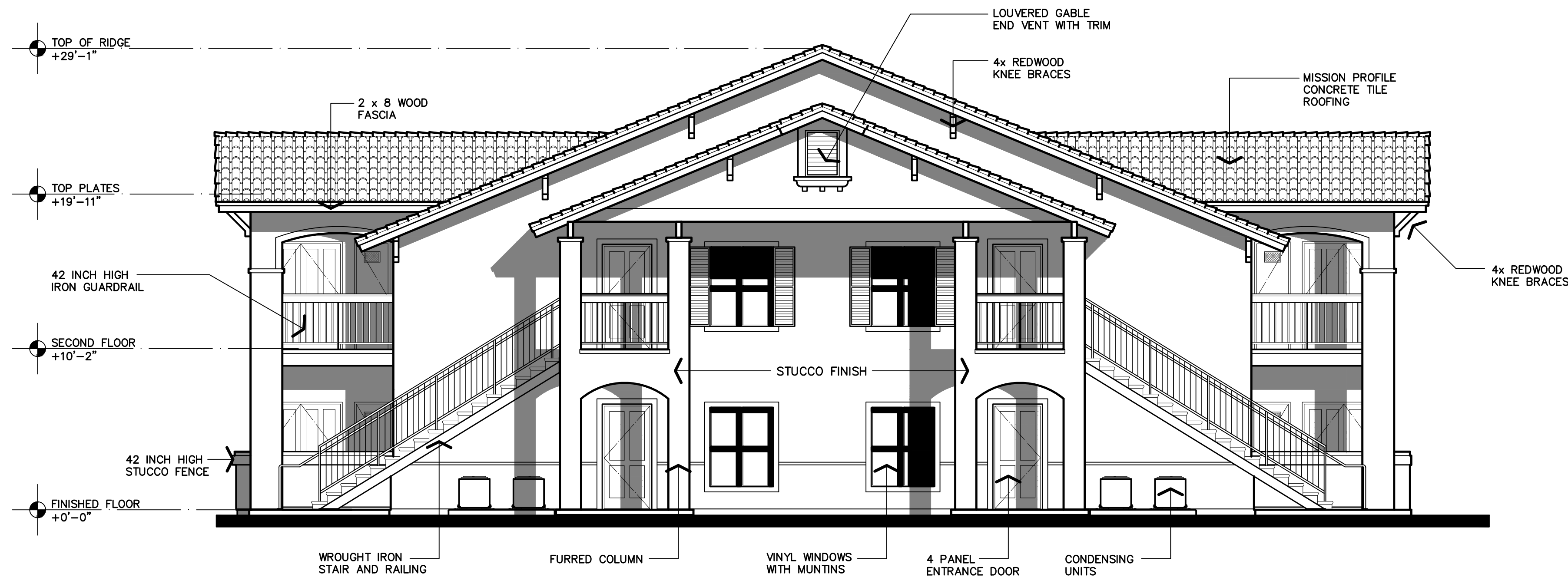
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PA3

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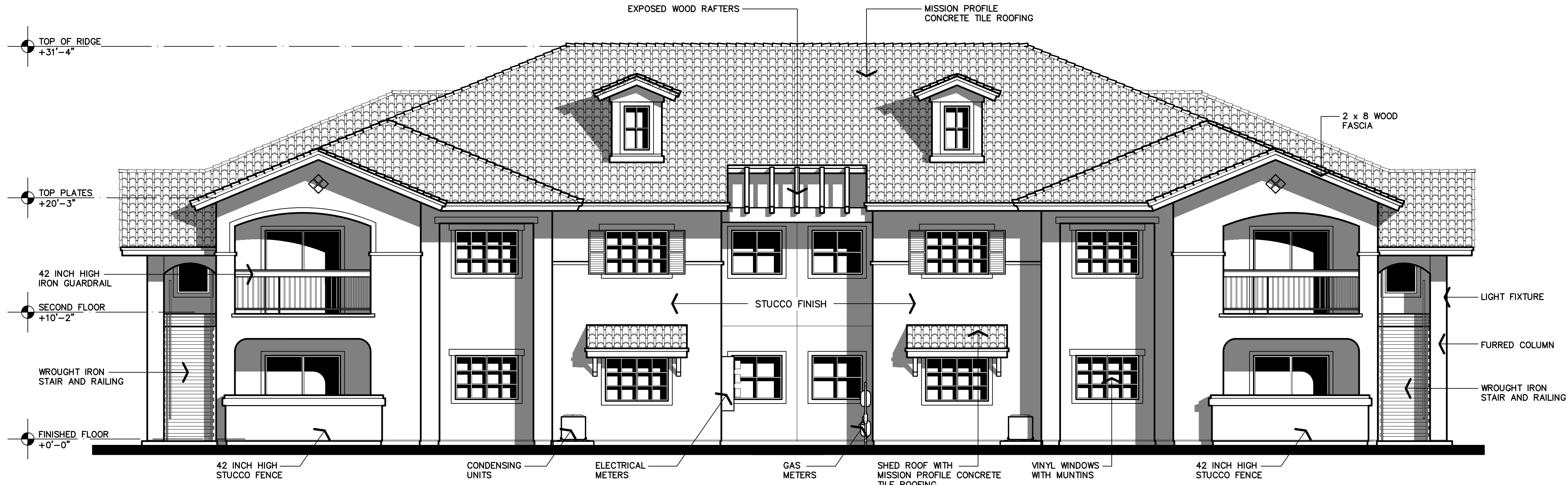
BUILDING 'B' - FRONT / REAR



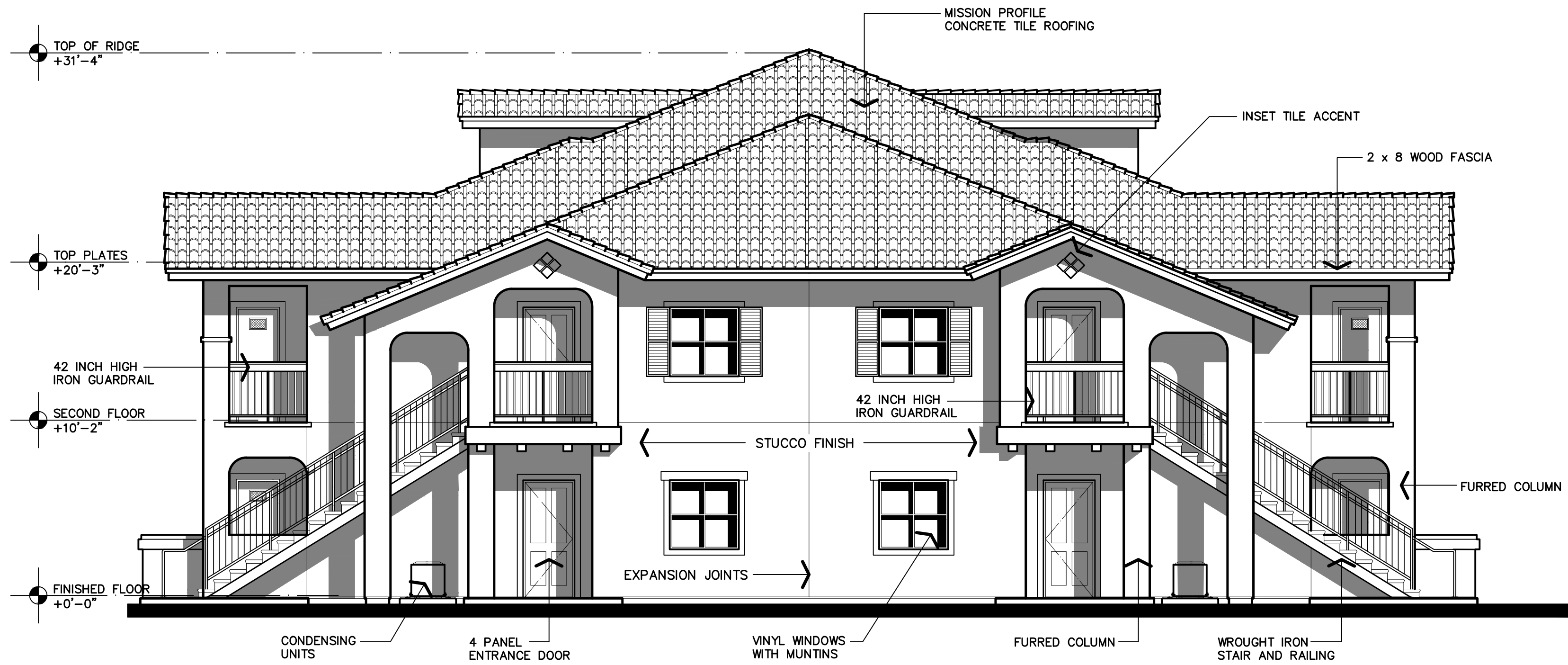
BUILDING 'B' - END

EXTERIOR ELEVATIONS

3/16" = 1'-0"



BUILDING 'C' - FRONT / REAR



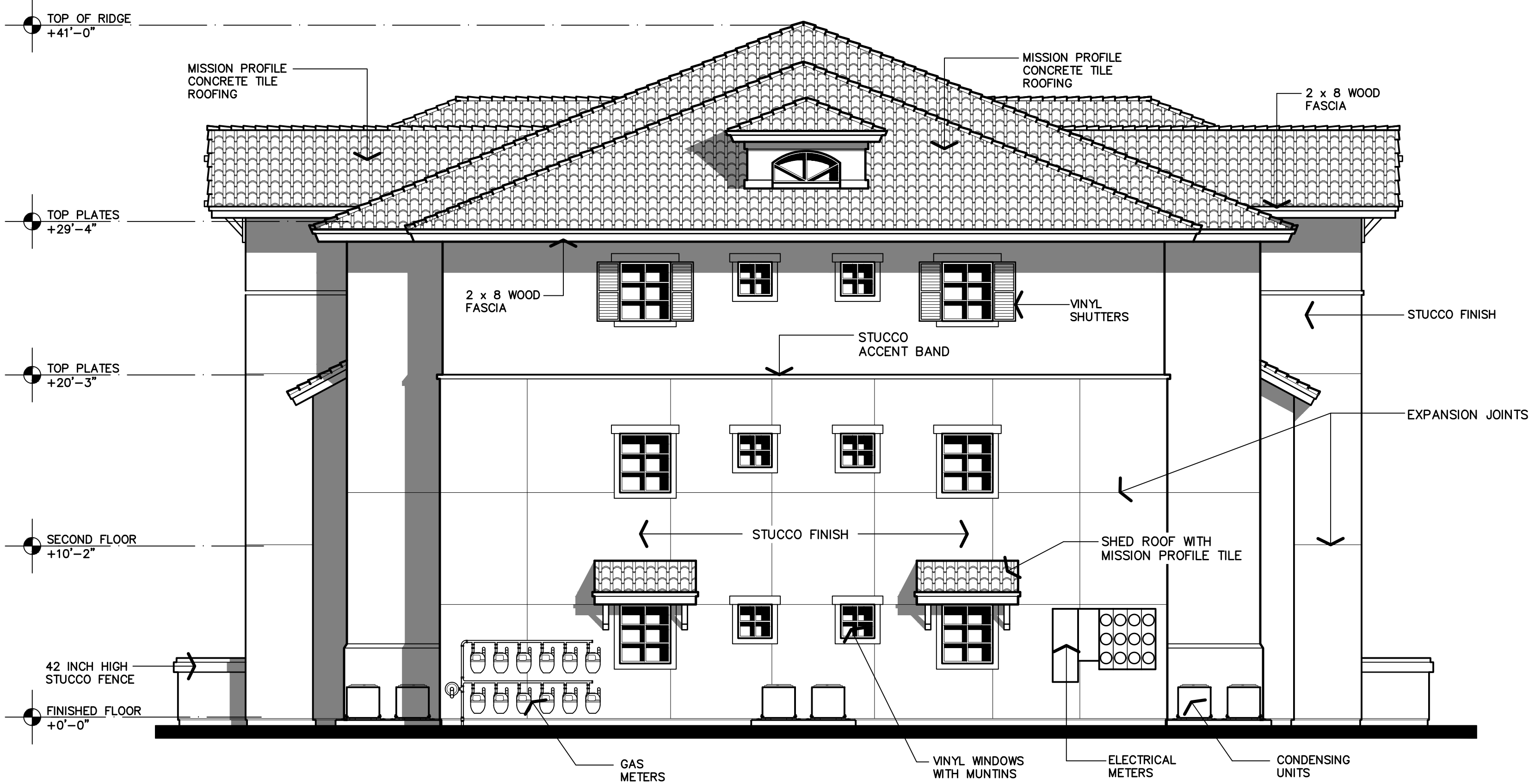
BUILDING 'C' - END

EXTERIOR
ELEVATIONS

3/16" = 1'-0"



BUILDING 'E' - FRONT / REAR



BUILDING 'E' - END

EXTERIOR
ELEVATIONS

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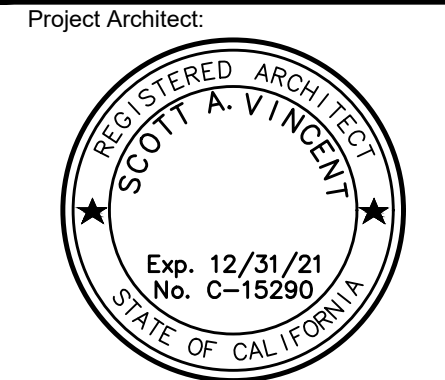
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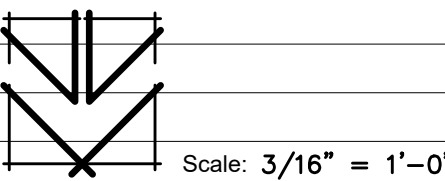
PROPOSED DEVELOPMENT FOR:
THE VILLAGE AT
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1711 WEST HENDERSON AVENUE
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Project Name: VILLAGE AT HENDERSON II
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Plot Date: 08.24.20

Sheet Number:

PA3.3

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3/16" = 1'-0"

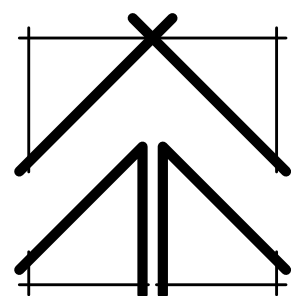
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RETAIL PAD 'A' FLOOR PLAN

1/8" = 1'-0"



BUILDING STATISTICS

PROPOSED USE	RETAIL / COMMERCIAL USES CONSISTENT WITH THE ASSIGNED ZONE DISTRICT	
ANTICIPATED OCCUPANCY GROUP(S)	GROUP M GROUP B GROUP B OR GROUP A-2	
CONSTRUCTION TYPE	V-B WITH NFPA 13 AUTOMATIC FIRE SPRINKLER SYSTEM	
BUILDING AREA(S)		
a. IN-LINE RETAIL BUILDING	6,900 S.F.	
b. COVERED WALKWAYS / OVERHANGS	1,381 S.F.	
c. TOTAL BUILDING AREA	8,281 S.F.	
ALLOWABLE AREA (PER CBC TABLE 506.2)		
a. OCCUPANCY GROUP B USES	36,000 S.F.	
b. OCCUPANCY GROUP M USES	36,000 S.F.	
c. OCCUPANCY GROUP A-2 USES	24,000 S.F.	
d. MAXIMUM ALLOWABLE AREA	24,000 S.F.	
ALLOWABLE HEIGHT (PER CBC TABLE 504.3 & .4)		
a. OCCUPANCY GROUP B USES	40' / 2 STORIES	
b. OCCUPANCY GROUP M USES	40' / 2 STORIES	
c. OCCUPANCY GROUP A-2 USES	60' / 2 STORIES	
d. MAXIMUM ALLOWABLE HEIGHT	40' / 2 STORIES	
FIRE RESISTANCE REQUIREMENTS		
a. EXTERIOR BEARING WALLS	NON-RATED	
b. INTERIOR BEARING WALLS	NON-RATED	
c. INTERIOR NON-BEARING WALLS	NON-RATED	
d. CEILING / ROOF ASSEMBLY	NON-RATED	
e. SHAFT ENCLOSURES	NONE OCCUR	
f. EXTERIOR OPENINGS	NON-RATED	

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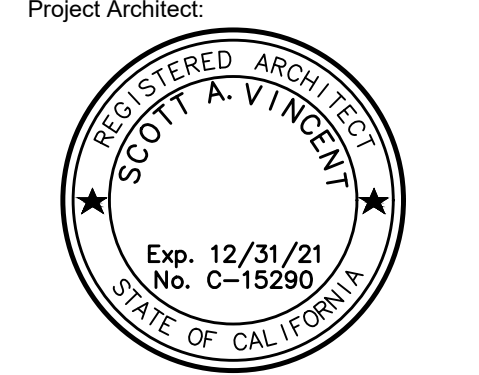
Phone: 559.225.2602

Revisions	Date

PROPOSED DEVELOPMENT FOR:

THE VILLAGE AT HENDERSON II

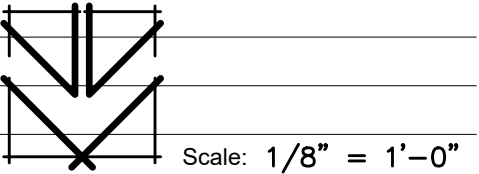
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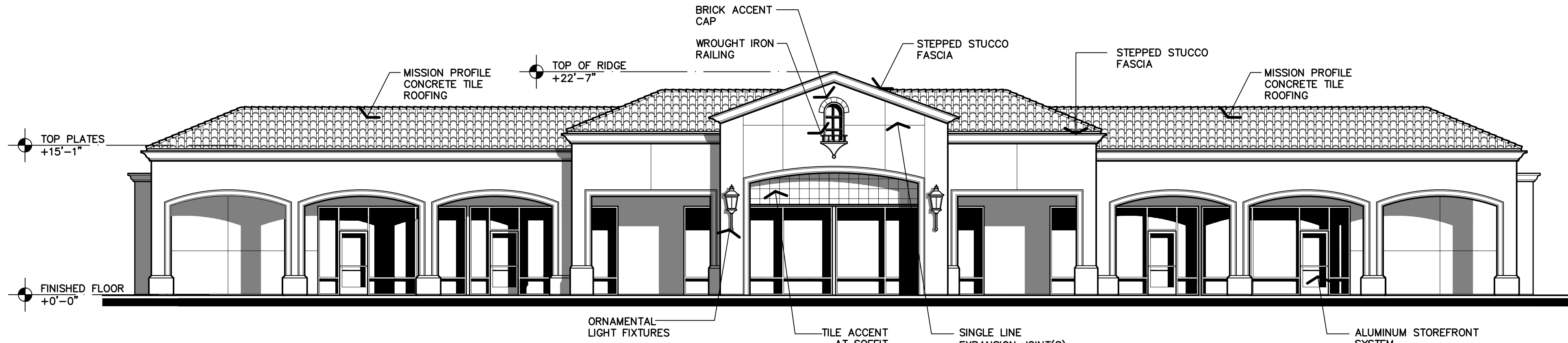


Project Name: VILLAGE AT HENDERSON II
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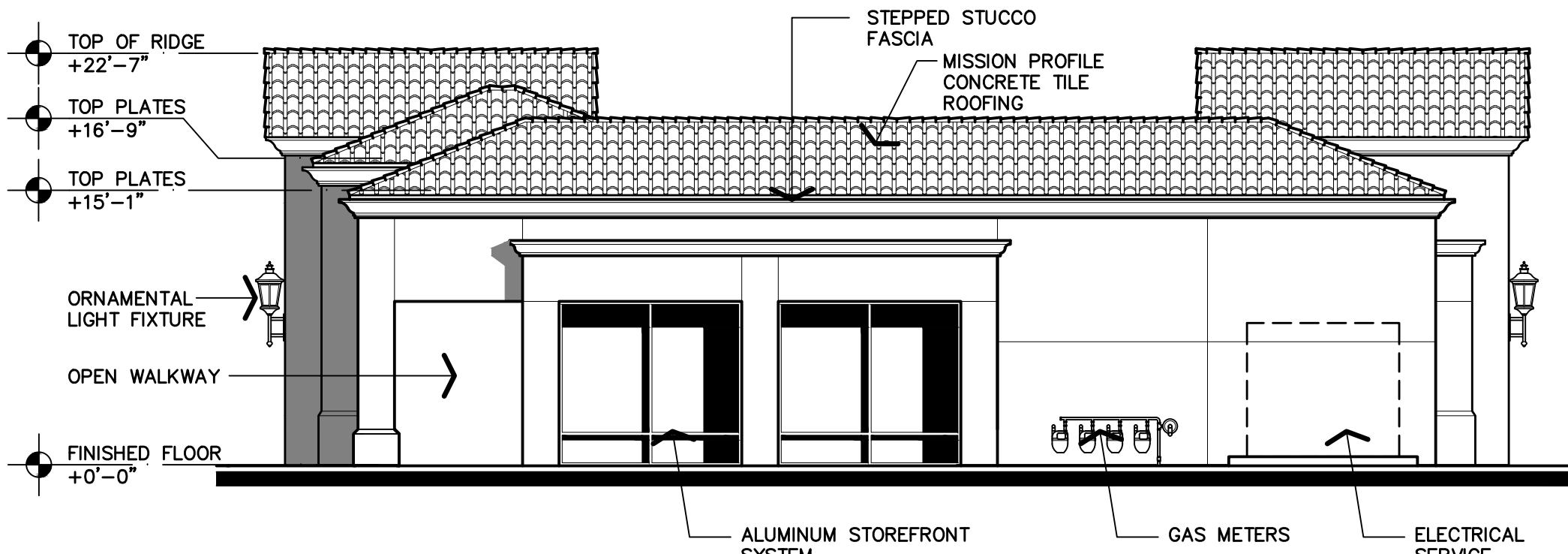
Project Number: 191123
Plot Date: 08.25.20
Sheet Number:

PA4

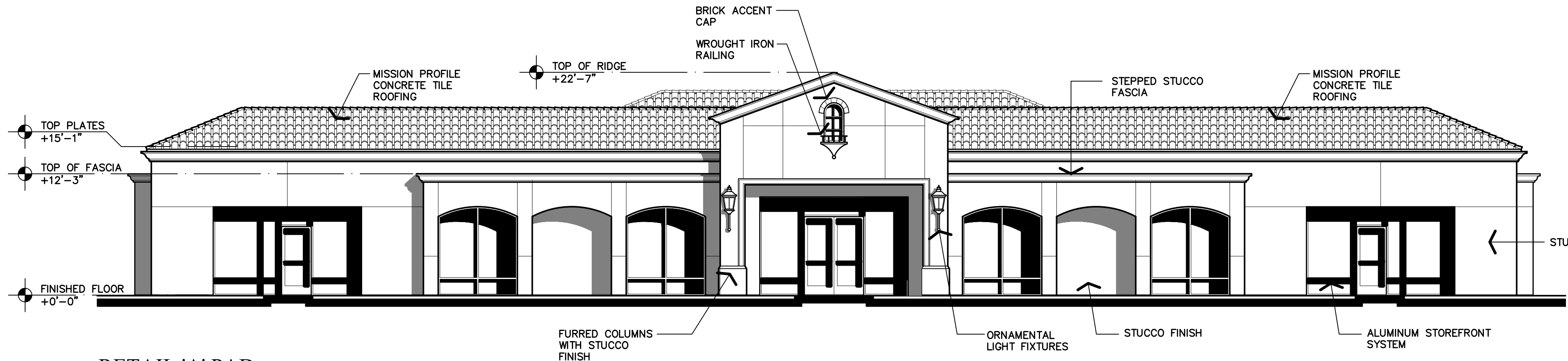
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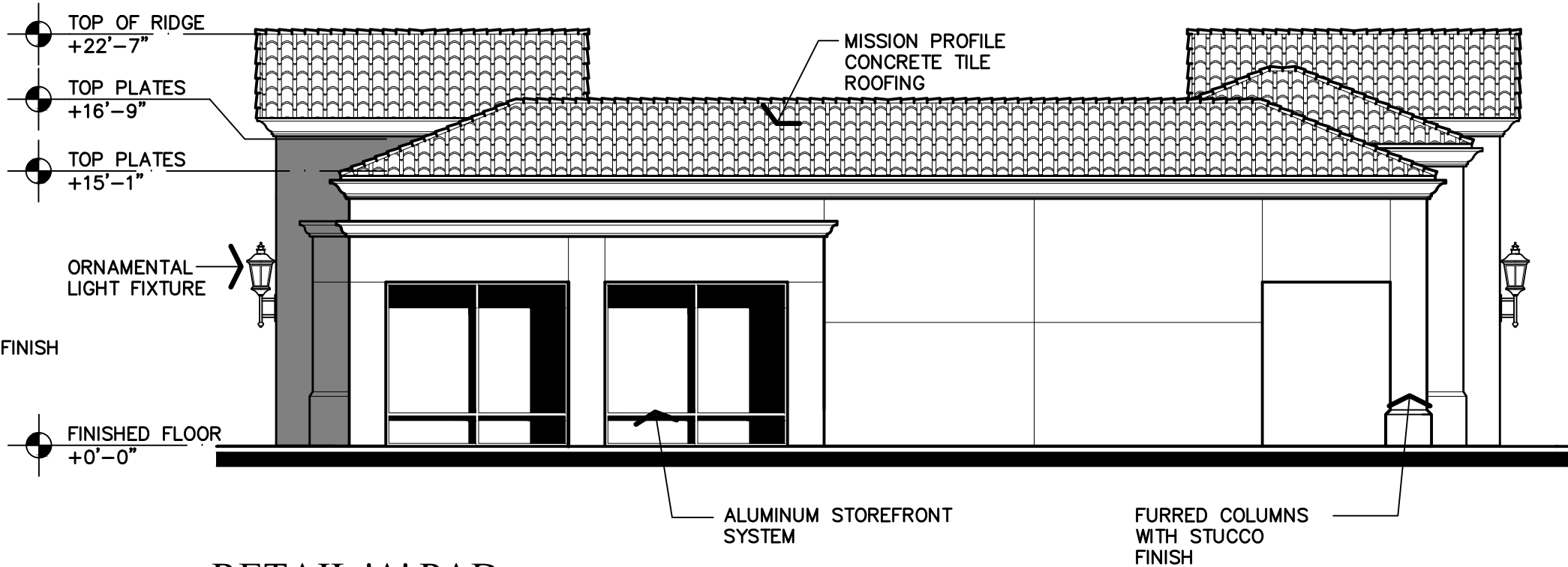
RETAIL 'A' PAD
FRONT ELEVATION



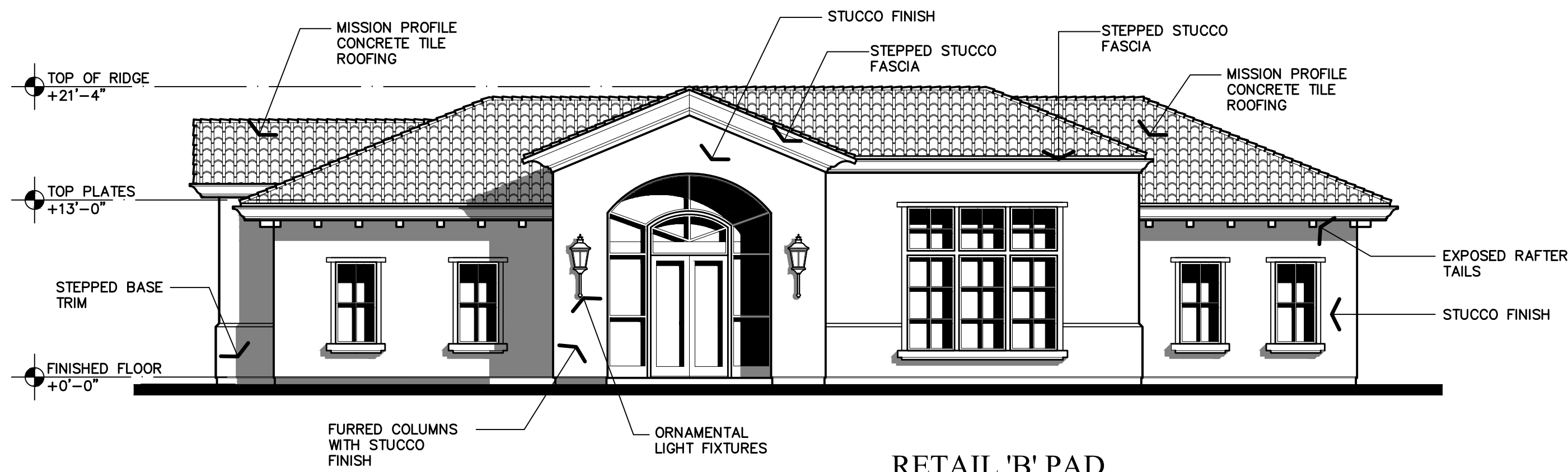
RETAIL 'A' PAD
RIGHT ELEVATION



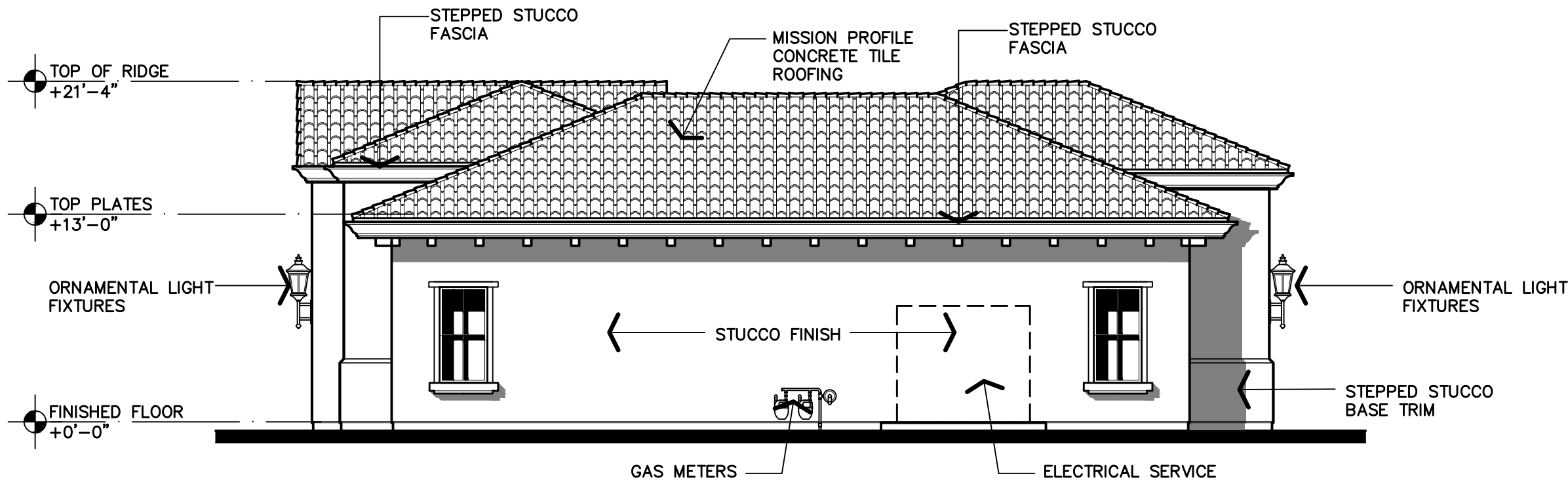
RETAIL 'A' PAD
REAR ELEVATION



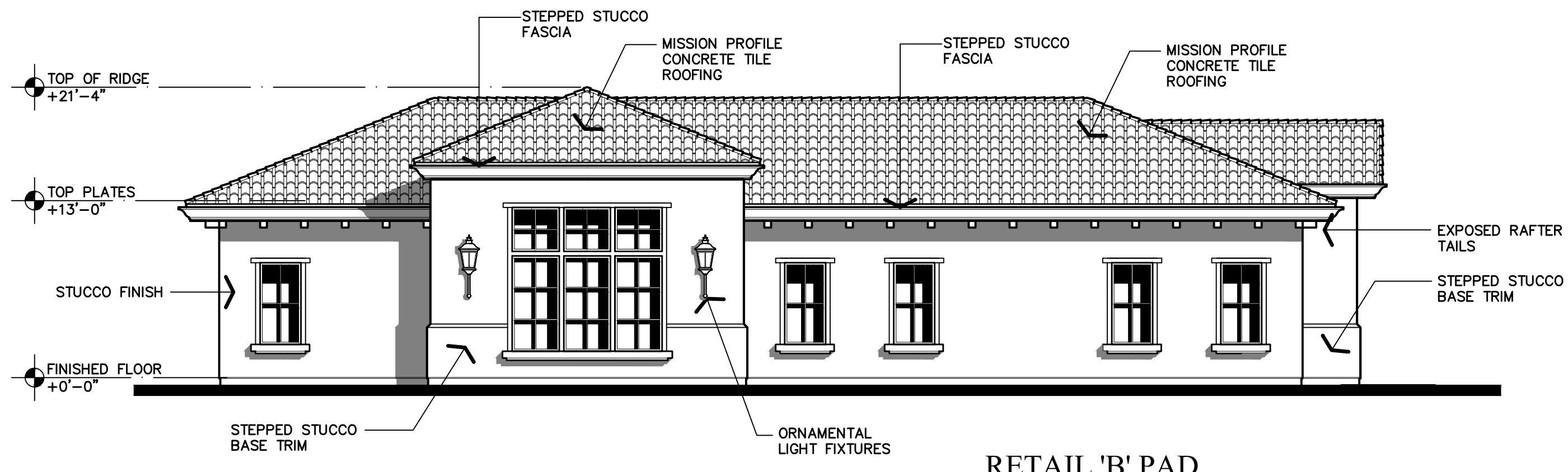
RETAIL 'A' PAD
LEFT ELEVATION



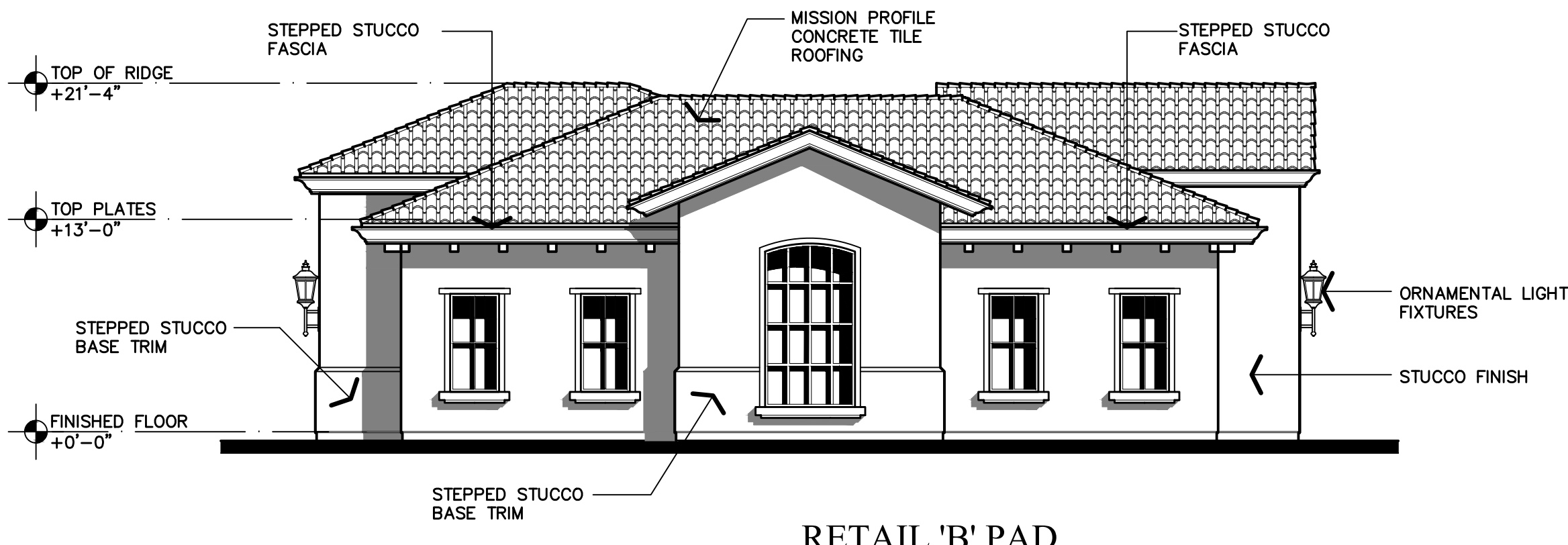
RETAIL 'B' PAD
FRONT ELEVATION



RETAIL 'B' PAD
RIGHT ELEVATION



RETAIL 'B' PAD
REAR ELEVATION



RETAIL 'B' PAD
LEFT ELEVATION

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Revisions Date

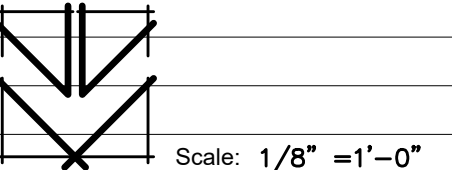
PROPOSED DEVELOPMENT FOR:
**THE VILLAGE AT
HENDERSON II**
1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA



- Issuances: Date:
- ☐ DESIGN REVIEW
 - ☐ PLAN CHECK
 - ☐ BACK CHECK
 - ☐ PERMITS
 - ☐ CONSTRUCTION
 - ☐ AS BUILT

All drawings and written material
appearing herein constitute original
work of the architect and may not be
duplicated, used, or disclosed without
written consent of the architect.

Reference North:



Project Name: VILLAGE AT HENDERSON II
PORTERVILLE, CA.

Project Number: 191123

Plot Date: 08.25.20

Sheet Number:

PA5

Of . Sheets .

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RESOLUTION NO. 115-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MODIFICATION TO
CONDITIONAL USE PERMIT (PRC 2012-002-GZCP) FOR THE PACIFIC RIM
COMMERCIAL MIXED-USE PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to consider entitlements needed to permit the proposed Pacific Rim Commercial Mixed-Use Project (2012-002) which included a General Plan Amendment, Zone Change, Tentative Parcel Map, and Conditional Use Permit; and

WHEREAS: On March 5, 2013, the City Council of the City of Porterville adopted the Mitigated Negative Declaration with mitigation measures prepared for the General Plan Amendment 2012-002-G, Zone Change 2012-002-Z and related development of the Pacific Rim Commercial Mixed-Use Project; and

WHEREAS: Resolution 12-2013 contains findings in support of approval of the Mitigated Negative Declaration of environmental impacts for the Pacific Rim Commercial Mixed-Use Project; and

WHEREAS: On January 14, 2015, the applicant submitted to the Project Review Committee proposed modification to the Pacific Rim Commercial Mixed-Use Development increasing the retail space from 40,690 to 70,310 square feet, removing 18,000 square feet of office space, reducing the personal storage facility square footage from 518 units (61,450 square feet) to 214 units (26,200 square feet) and to modify the elevation plans as approved; and

WHEREAS: On February 16, 2015, the Environmental Coordinator made the determination that an Addendum to the adopted Mitigated Negative Declaration would be applicable and appropriate for the project under CEQA guidelines; and

WHEREAS: On March 17, 2015, the City Council of the City of Porterville conducted a public hearing and approved Conditional Use Permit (PRC 2012-002-GZCP), a modification to a Conditional Use Permit 2012-002-C for the personal storage facility and Ordinance Amendment for the Pacific Rim Commercial Mixed-Use Project; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 1, 2015, conducted a public hearing to consider a modification to Conditional Use Permit (PRC 2012-002-GZCP) and rescind Conditional Use Permit 2012-002-C to allow for the conversion of the 3.32± acre parcel designated for 214 personal self-storage units into 32 apartment units as an addendum to the existing 168 unit apartment complex know as Village at Henderson; and

WHEREAS: Pursuant to the Porterville Development Ordinance, Section 601.09 Modification of Approvals, Changed Plans, the Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved by the City Council and would not intensify any potentially detrimental effects of the project. A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That approval of 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.

This project supports and complies with Land Use Guiding Policy (LU-G-11) in that it will foster strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

The General Plan designation for the subject area was approved by the City Council on March 5, 2013, modifying the General Plan designation from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed-Use) for the subject parcel.

2. The location, size, density, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City.

This project supports and complies with Land Use Guiding Policy (LU-G-3) in that it will promote sustainability in the design and development of public and private development projects.

That the proposed conversion of the 3.32± acre parcel designated for 214 self-storage units into 32 apartment units as an addendum to the existing 168 unit apartment complex known as Village at Henderson complies with the design criteria and development standards for the land use designation and zoning of the Commercial Mixed-Use (CMX) District.

3. On March 5, 2013, the City Council of the City of Porterville adopted the Mitigated Negative Declaration with mitigation measures prepared for the General Plan Amendment 2012-002-G, Zone Change 2012-002-Z and related development of the Pacific Rim Commercial Mixed-Use Project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the modification to Conditional Use Permit (PRC 2012-002-GZCP) for the development of the Pacific

Rim Mixed-Use Development as represented and incorporated herein as Exhibit A – J subject to the following conditions:

1. That the commercial component of the Pacific Rim Commercial Mixed-Use project shall not accumulate or occupy more than 50,000 square feet of retail space.
2. That the Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved by the City Council and would not intensify any potentially detrimental effects of the project.
3. The 3'-0" wide x 6'-0" high wrought iron pedestrian gate connecting the neighbor to the south to the commercial mixed-use project shall remain accessible at all times, and not be gated.
4. That Condition # 7 of Resolution No. 14-2013, a Resolution of the Parcel Map Committee of the City of Porterville containing findings in support of approval of Tentative Parcel Map 2012-002-PM is not applicable.
5. The developer/applicant shall submit a Master Sign Program in compliance with Section 305.13 of the Porterville Development Ordinance that will provide a method to integrate the design and placement of signs within the development to achieve a more unified appearance.
6. The developer/applicant shall prepare and submit a Parcel Map that will adhere to the Master Development Plan, shown herein as Exhibit A, to meet the requirements of Series 400 (Land Division) of the Porterville Development Ordinance and of all applicable codes.
7. That the development of the Pacific Rim Commercial Mixed-Use Project shall substantially comply with the incorporated plan sheet herein attached as Exhibit A – J.
8. That pedestrian walkways shall be designed to the following standards:
 - a) Walkways shall be a minimum of five (5) feet wide and shall be paved with concrete, stone, tile, brick, or comparable material.
 - b) Fifteen (15) gallon shade trees shall be planted along walkways at least thirty (30) feet on center.
 - c) Walkways shall be illuminated with an intensity of at least 0.25-foot candles at the ground level during the hours of darkness.
 - d) Primary pedestrian routes and access points shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
 - e) Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four (4) inches high, bollards, or other physical barrier.

9. That the commercial element of the Pacific Rim Commercial Mixed-Use Project shall be designed to the following standards and criteria for building permit approval:
- a) Entry Plazas/Passenger Loading Areas. A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading.
 - b) Pedestrian Walkways. A system of pedestrian walkways at least five (5) feet wide and paved with concrete, stone, tile, brick, or comparable material shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to any on-site open space areas and to transit stops.
 - c) Parking Setback from Buildings. Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways at least five (5) feet in width, as well as planter areas at least five (5) feet in width, two (2) feet of which shall be low growing plants to allow for vehicle overhang.
 - d) Open Space. Outdoor space for the use of customers and visitors shall be provided on any commercial center site with fifty thousand (50,000) square feet or more of floor area.
 - i. Minimum Area. Public space shall be provided at a rate of five (5) square feet per one thousand (1,000) square feet of floor area, up to fifteen thousand (15,000) square feet.
 - ii. Location. Such public space shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours. Areas within required setbacks may count toward the public space requirement. Areas designated for customers to wait for cabs may be combined with required public space areas if they meet all other requirements of this subsection.
 - iii. Amenities. On-site public space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including, but not limited to, trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas.
10. In order to receive permit approval for the commercial element of the Pacific Rim Commercial Mixed-Use Project, the Zoning Administrator shall find that all of the following criteria have been met:
- a. Integrated Theme. Buildings and structures will exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.
 - b. Site Entrance. Community-scale commercial developments (10 acres or larger) are developed with at least one (1) major driveway entrance feature that provides an organizing element to the site design. Major driveway entrances include such features as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.
 - c. Building Entrances. Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.

- d. Four-Sided Architecture. Buildings include a complementary level of design detail on all facades.
- e. Pad Developments. Freestanding pad developments, if included in the development, are integrated into the site design in terms of parking lot layout, on-site vehicular and pedestrian circulation routes, landscaping, and building design. Internal cross access is provided between pad developments and the surrounding commercial center. Building scale, materials, colors, and design details are complementary to the surrounding center.
- f. Drive-Through Facilities. Drive-through lanes for restaurants, banks, pharmacies, and other uses, where included, are integrated with the overall site layout in such a way as to provide safe, efficient vehicular and pedestrian circulation. Adequate vehicular stacking or queuing spaces are provided to avoid waiting vehicles from blocking drive aisles. Drive-through facilities are located so as to minimize the visual impact from the right-of-way and to provide adequate screening from internal uses.
- g. Vehicular Circulation. Safe, convenient vehicular circulation will be provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of drive aisles and cross routes. Vehicular and pedestrian conflicts will be minimized. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage for both vehicles and pedestrians, adequate lighting, and protective barrier posts or similar features for separation at walkway entrances.
- h. Pedestrian Safety and Amenities. Safe and convenient pedestrian access will be provided through a continuous system of walkways that connect on-site buildings to one another, to automobile and bicycle parking areas, to any on-site open space areas or pedestrian amenities, and to the adjacent public right-of-way. Pedestrian facilities will create an attractive, quality environment with integrated landscaping, shading, lighting, surface treatment, and other amenities.
- i. Bicycle Parking. Adequate, safe, and convenient bicycle parking facilities are provided. Short-term bicycle parking spaces for the use of customers and visitors are located close to building entrances, easily identifiable, visible to those passing by and separate from pedestrian circulation areas. Long-term bicycle parking for the use of employees will provide a high degree of security and safety through the use of bicycle lockers, designated areas within buildings, or outside areas with constant visual monitoring.
- j. Entry Plazas. Entry plazas and passenger loading areas, where required, include unique, decorative paving materials, adequate seating areas, provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters.
- k. Transit Facilities. Transit facilities, where included, are developed with effective shading from the summer sun, comfortable seating, attractive landscaping, decorative paving, public art features and efficient pedestrian routes to adjacent development.
- l. Lighting. A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural

- lighting is used to provide interesting compositions for outdoor lighting, as well as a safe, secure environment.
- m. Shade Areas. Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.
11. The number of parking spaces required by Table 304.04(A) does not include queuing space that may be required for vehicles and customers waiting in vehicles for service at drive-through facilities, pump stations, auto service bays, or similar uses. Queuing area shall provide space for six (6) vehicles (restaurants shall provide spacing from the menu board). The stacking area shall not interfere with other on-site circulation and parking facilities. Where required, queuing area shall be measured as twenty (20) feet per car.
12. All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
13. Vehicle lanes for drive-through shall be screened from public streets to a height of three and one-half (3.5) feet. Screening devices shall consist of walls and/or berms with supplemental plant materials.
14. Parking areas shall be screened from view from public streets and adjacent residential properties according to the following standards:
- a) Height. Screening of parking lots from adjacent public streets shall be three (3) feet in height. Screening along interior lot lines that abut residential districts shall be six (6) feet in height, except within the required front setback of the applicable zoning district, where screening shall be three (3) feet in height.
 - b) Materials. Screening may consist of one (1) or any combination of the methods listed below.
 - i. Walls. Low-profile walls consisting of decorative concrete, stone, or masonry materials.
 - ii. Fences. An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. This option does not include the use of chain-link or vinyl fencing.
 - iii. Planting. Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials shall achieve a minimum height of two (2) feet within eighteen (18) months after initial installation.
 - iv. Berms. Berms planted with grass, ground cover, or other low-growing plant materials.
15. A minimum of ten (10) percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

16. A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width of six (6) feet clear of overhang.
17. Trees shall be planted to result in fifty (50) percent shading of parking lot surface areas within fifteen (15) years or provide a tree in landscaped islands between every six (6) parking spaces.
 - a) Distribution. Trees shall be distributed relatively evenly throughout the parking area.
 - b) Species. Required trees for parking lots shall be selected from a list of recommended trees maintained by the Community Development Department or are listed in Sunset's Western Garden Book, Region No. 9.
 - c) Minimum Planter Size. Any planting area for a tree shall have a minimum interior dimension of five (5) feet. Additional space may be required for some tree species.
18. Public parking areas designed to accommodate ten (10) or more vehicles shall be provided with a minimum of one-half (0.5) foot-candle and a maximum average of three (3) foot-candles of light over the parking surface during the hours of use from one-half (0.5) hour before dusk until one-half (0.5) hour after dawn. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 306, Performance Standards. A photometric plan shall be included with the building permit submittal that illustrates compliance.
19. A six (6) foot high wall shall be provided on the interior lot lines where any non-residential use abuts a residential district or residential use where there is no alley. Such screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one (1) use classification to another non-residential use classification.
 - a) Location. Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.
 - b) Height. The six (6) foot high screening wall shall step down to three and one-half (3.5) feet in height from the side property line intersecting the front property line to a depth equal to the required front or side yard setback of the abutting residential use in order to provide for safe line of sight for vehicular traffic. Wall height may be increased in height to accommodate adequate sound attenuation as required through the findings of an acoustical analysis prepared by an acoustical professional. The design of such improvements shall be approved by the City Engineer.
 - c) Materials. The screening wall shall be a masonry block wall. Block walls shall match the standard colors allowed in the City's graffiti abatement program. The City Engineer may approve new wall/fencing materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation.

Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review.

20. The developer/applicant shall comply with Section 300.07 of the Porterville Development Ordinance (Lighting and Illumination). Light fixtures shall not exceed 16 feet in height within 100 feet of any street frontage; 20 feet in any other location. All lighting fixtures shall be shielded so as not to produce obstructive glare onto the public right-of-way or adjoining properties. Pedestrian-oriented lighting in the Commercial Mixed-Use districts shall be provided for secure nighttime pedestrian environment at building entrances, on-site pedestrian walkways and open areas with a safe level of illumination with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. A photometric plan shall be included with the building permit submittal that illustrates compliance to Section 203.04 (2)(d)3 of the Porterville Development Ordinance, Supplemental Regulations.
21. On November 3, 2015, the City Council of the City of Porterville adopted a Water Efficient Landscaping Ordinance as it relates to water conservation and landscaping irrigation to be in compliance with Governor Brown's Executive Order B-29-15, which outlined various directives to state agencies, and, in turn, local governments, in order to save water. The Ordinance shall become effective on December 17, 2015, which contains landscaping design principals, irrigation design criteria, grading design requirements and other landscaping and irrigation requirements. The developer/applicant shall comply with the adopted Ordinance at the time that building permits are submitted. Natural turf shall be prohibited in the commercial component of the Pacific Rim Mixed-Use Development Project.
22. As a condition of approval, the developer/applicant shall install mature trees along the entire southern length of Parcel 1 of Parcel Map No. 5097 at 1 per every 35 feet on center to create a landscaping buffer between the single-family residential units south of the proposed 32 apartment unit addition.
23. The developer/applicant shall comply with Chapter 303 of the Porterville Development Ordinance, Landscaping. Landscape plans shall be drawn to scale and shall at a minimum indicate: proposed plant locations, species, and sizes; any additional proposed landscape elements; soil preparation measures; and any other measures to facilitate plant growth or control erosion. Landscape plans shall include verification that the soil type, depth, and other characteristics are appropriate for the proposed landscaping and irrigation. Landscape plans shall also indicate the location of any existing trees over six (6) inches in diameter and whether each such tree is proposed for retention or removal. Each landscape plan shall be accompanied by an irrigation plan that at a minimum indicates the location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices.

24. All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site.
25. The developer/applicant shall comply with Section 300.10 (a) and (b) of the Porterville Development Ordinance, Screening. All mechanical and electrical equipment and antennas shall be screened or incorporated into the design of buildings so as not to be visible from the street, freeway, or adjacent residential districts. Such equipment includes, but is not limited to, all roof-mounted equipment, utility meters, cable equipment, telephone entry boxes, backflow prevention devices, irrigation control valves, electrical transformers and pull boxes. Screening devices shall be consistent with the exterior colors and materials of the buildings to which they are attached. Roof access ladders and fire sprinkler risers shall be located internally as allowed by the California Building Code.
26. The developer/applicant shall comply with Section 300.13 of the Porterville Development Ordinance, Trash and Refuse Collection Areas, as follows:
 - a) Solid waste and recycling storage areas located outside or on the exterior of any building shall be enclosed per City standards for refuse and recycling enclosures.
 - b) Enclosure material shall be solid masonry or concrete tilt-up with decorated exterior-surface finish compatible to the main structure(s).
 - c) Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material. If not visible from a public street, public parking area, or residential area, the enclosure gates may be constructed of chain link with wood or plastic inserts.
 - d) Each solid waste and recycling enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.
 - e) Pads shall be a minimum of six (6) inch-thick concrete.
 - f) Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
 - g) The perimeter of the recycling and trash enclosure, except for areas used for access, shall be planted, if feasible, with drought resistant landscaping, including a combination of shrubs and/or climbing evergreen vines.
 - h) The area in front of all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."
27. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
28. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees,

dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

29. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
30. The developer/applicant shall be aware that certain frontage improvements along Henderson Avenue were previously constructed by the City. Right of way purchases and other pertinent development requirements shall conform to a fully executed agreement between the property owner and the City of Porterville. A copy will be delivered to the developer/applicant upon request.
31. That the developer/applicant shall install a 25 foot wide asphalt or concrete access driveway off Henderson Avenue to serve the westerly access entry-way for Parcel 1 of Parcel Map No 5097, if the commercial component is not fully developed. The developer/applicant can utilize the existing drive approach just east of the City well site until such improvements are made per approved entry points attached herein as Exhibit "A." Occupancy shall not be granted until such improvements are made and approved by the City Engineer.
32. Submittal of the revised site plan at the time of this meeting, which included off-site median islands, is conceptually in compliance with a Traffic Study prepared by Ruettgers & Schuler Civil Engineers.
33. The developer/applicant shall dedicate right of way for construction of the driveway transitional lanes, including sidewalks, as shown on the revised site plan and per the mitigation measures described in the Traffic Study prepared by Ruettgers & Schuler Civil Engineers. Dedications shall include the ADA compliant curb returns at each driveway.
34. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16, Visibility at Driveways and Intersections (Sight Distance), of the Development Ordinance.
35. The developer/applicant shall design the parking lot in conformance with Section 304 (On-Site Parking and Loading) of the Development Ordinance. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas.
36. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. The use of wood poles is prohibited without prior written approval of the City Engineer.
37. The developer/applicant is advised that he/she is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins,

the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

38. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

39. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules:

The San Joaquin Valley Air Pollution Control District enforces the Indirect Source Rule (ISR). ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space, 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10

(particulate matter 10 microns and smaller) are not to be subject to the emission-reduction requirements of the rule.

- a) It is the applicants' responsibility to file an application (found at <http://www.valleyair.org/ISR/ISR.htm>) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.
- b) The District recognizes the land use authority of local land use agencies and does not impose any design requirements upon ISR projects.
- c) ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
- d) The District is responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District enforces those measures through a Monitoring and Reporting Schedule (MRS).
- e) The District will notify the local agency when a project's application is deemed complete and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.
- f) If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.
- g) The District will provide a letter of rule compliance status to the local agency upon request.
- h) The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

40. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

- Wastewater Discharge Permit Application, Part "A," and, if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow

inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

41. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up and ADA compliant. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.
42. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
43. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.
44. The developer/applicant is hereby notified that the installation of an additional water meter servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
45. An easement shall be recorded prior to the issuance of the first building permit that provides ingress/egress, parking, trash and connectivity throughout the development. Such an easement between Parcels 1 and 2 of Parcel Map No. 5097 shall serve as a guarantee for the functionality and circulation of those parcels as proposed. Also, drive aisle between Parcels 1 and 2 of Parcel Map No. 5097 shall be fully developed and provide connectivity from the secondary exit of the apartment complex when Parcel 1 is developed.
46. As development of any parcel occurs, all right of way improvements along that parcel’s frontage shall be constructed in accordance with the mitigation measures and recommendations of the Ruettgers & Schuler traffic study (2012), as identified in the resolution approving the Mitigated Negative Declaration, prepared pursuant to CEQA. In the event Parcel 3 of Parcel Map No. 5097 should develop prior to Parcel 2, the frontage improvements shall be completed for Parcel 2 at that time. At such time as Parcel 4 of Parcel Map No. 5097 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue shall be constructed. At such time as Parcel 2 is developed, the off-site improvements extending the eastbound left turn lane on Henderson Avenue and the median improvements further west as represented on the modified site plan shall be constructed. In the event Parcel 1 is developed prior to Parcel 2 of Parcel Map No. 5097, the raised median island improvements on Henderson Avenue shall be constructed.
47. Due to potential drainage issues, prior to securing a building permit, a grading sewer and water, and drainage master plan for Parcels 1, 2, 3, and 4 of Parcel Map No. 5097, has been

submitted and approved by the City Engineer. As development of the site occurs, the phased master plan shall be implemented as approved by the City Engineer.

48. Prior to issuance of any building permit for the Project, access easements for ingress/egress, parking, and trash pick-up shall be recorded as deemed necessary by the City Engineer and Community Development Director. Copies of the easements shall be provided to the City.
49. The developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
50. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant intends to utilize the 10-year development fee payment plan for all fees except school fees pursuant to Resolution 37-2012, adopted April 17, 2012.
51. The developer/applicant shall reimburse the City for constructed frontage improvements along Henderson Avenue in accordance with approved resolutions.
52. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Henderson Avenue frontage, except where they exist and are in good condition in the opinion of the City Engineer at the time of inspection prior to building permit issuance (Ordinance No. 1306).
53. The developer/applicant shall construct sidewalk necessary to obtain a width of 9.5 feet along the full frontage of the proposed project.
54. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306). The parking lot shall be designed to convey water to the City drainage system without crossing driveways.
55. The Porter Slough Ditch runs through this property, requiring piping and reservation of an easement in favor of the irrigation company. Construction of structures within the easement area shall be prohibited.
56. The developer/applicant shall coordinate with the Porterville Irrigation District and City of Porterville regarding potential conflicts with the existing pipeline/open ditch that crosses the property. The Porterville Irrigation District shall specify appropriate pipeline replacement size(s) and materials, should replacement or installation be mandated.
57. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (e.g., foundations, septic tanks, irrigation pipes, etc.).

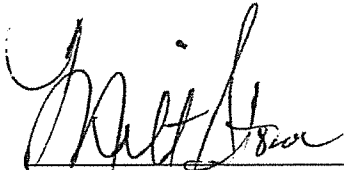
58. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
59. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.
60. The developer/applicant dedicated right-of-way for the street width that matches the ultimate width in the adopted Land Use and Circulation Elements that was established by the City Council. Along with dedication of right-of-way adequate for all improvements associated with the project Traffic Study, prepared by Ruettggers and Schuler, as well as dedication of property required for ADA ramp(s) (Section 21-23). The developer/applicant shall dedicate required utility easements.
61. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
 - a) Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
 - b) Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.
62. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
63. The developer/applicant shall move existing utility structures, if any, that are in conflict with the project driveways and associated transitional traffic lanes (for example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).
64. Concurrent with issuance of building permits and construction of any improvements on a parcel, the developer/applicant shall have constructed, or pay fees for, street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

65. The developer/applicant shall construct a City standard barricade or wall at the end of all dead-end streets or drive aisles, with the exception of Fairhaven Avenue, where an emergency access gate shall be constructed and keyed with a Knox box padlock.
66. The project must comply with latest applicable codes.
67. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
68. When a sprinkler system is required, all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.
69. For automatic sprinkler systems, underground plans must be submitted with above-ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
70. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
71. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
72. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
73. Fire hydrant spacing shall be as follows:
 - In Residential development, one hydrant shall be installed at 500-foot intervals; in Commercial development, one hydrant shall be installed at 300-foot intervals, or as required by Appendix C California Fire Code.
74. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved onto or within the city of Porterville. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
75. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
76. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

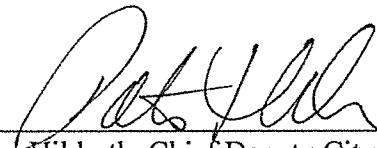
77. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.

78. A Knox box will be required. A "Grand Master" key that opens all locked areas will also be required and placed inside the Knox box. Knox box ordering may be accomplished online at www.knoxbox.com.

PASSED, APPROVED AND ADOPTED this 1st day of December 2015.


Milt Slowe, Mayor

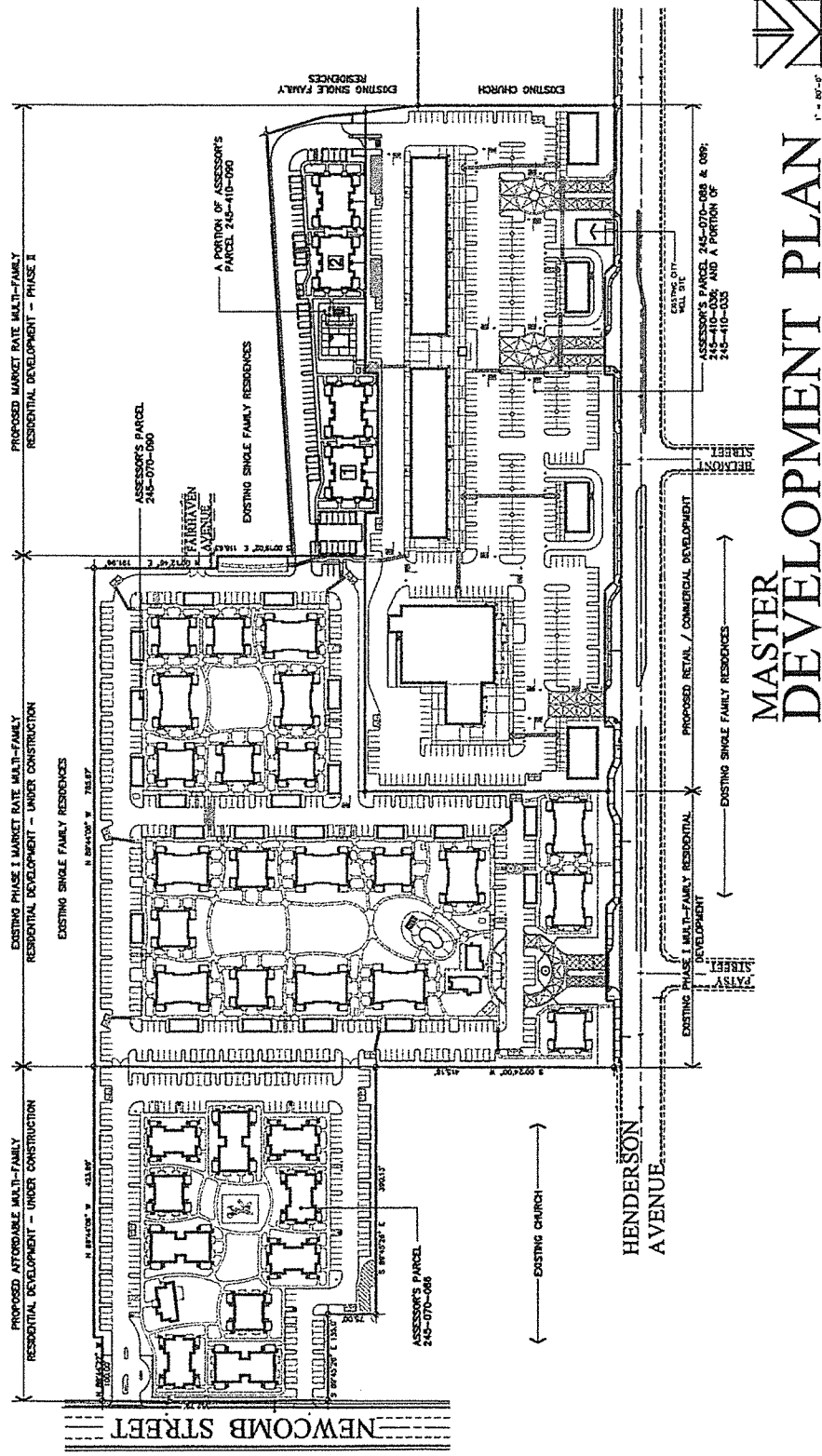
ATTEST:
John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

T H E
VINCENT
COMPANY
ARCHITECTS INC.
1500 West Shaw, Ste. 304
Fresno, California 93711
Phone: 559-225-2402

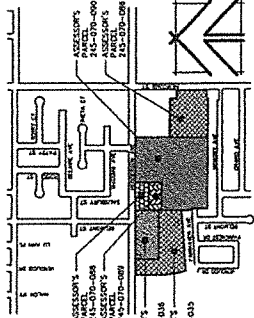
Project: _____
Date: _____
Scale: _____

PROPOSED DEVELOPMENT FOR:
VILLAGE AT
HENDERSON II
1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA



MASTER DEVELOPMENT PLAN

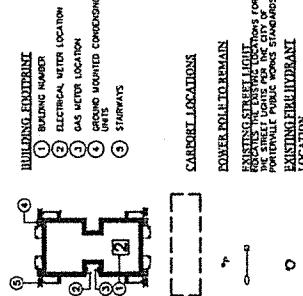
VICINITY MAP



STATISTICS

MULTI-FAMILY RESIDENTIAL		MASTER DEVELOPMENT	
EXISTING	PROPOSED	EXISTING	PROPOSED
1. TOTAL AREA: 10.0 ACRES	1. TOTAL AREA: 10.0 ACRES	1. TOTAL AREA: 10.0 ACRES	1. TOTAL AREA: 10.0 ACRES
2. TOTAL FLOOR AREA: 100,000 SF	2. TOTAL FLOOR AREA: 100,000 SF	2. TOTAL FLOOR AREA: 100,000 SF	2. TOTAL FLOOR AREA: 100,000 SF
3. TOTAL UNITS: 100	3. TOTAL UNITS: 100	3. TOTAL UNITS: 100	3. TOTAL UNITS: 100
4. TOTAL GARAGES: 100	4. TOTAL GARAGES: 100	4. TOTAL GARAGES: 100	4. TOTAL GARAGES: 100
5. TOTAL PARKING: 100	5. TOTAL PARKING: 100	5. TOTAL PARKING: 100	5. TOTAL PARKING: 100
6. TOTAL LANDSCAPE: 100	6. TOTAL LANDSCAPE: 100	6. TOTAL LANDSCAPE: 100	6. TOTAL LANDSCAPE: 100
7. TOTAL UTILITIES: 100	7. TOTAL UTILITIES: 100	7. TOTAL UTILITIES: 100	7. TOTAL UTILITIES: 100
8. TOTAL PUBLIC WORKS: 100	8. TOTAL PUBLIC WORKS: 100	8. TOTAL PUBLIC WORKS: 100	8. TOTAL PUBLIC WORKS: 100
9. TOTAL FUTURE: 100	9. TOTAL FUTURE: 100	9. TOTAL FUTURE: 100	9. TOTAL FUTURE: 100
10. TOTAL OTHER: 100	10. TOTAL OTHER: 100	10. TOTAL OTHER: 100	10. TOTAL OTHER: 100

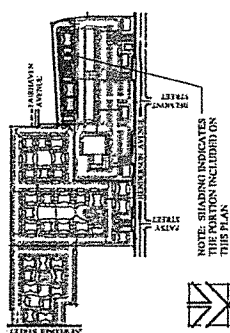
SYMBOLS





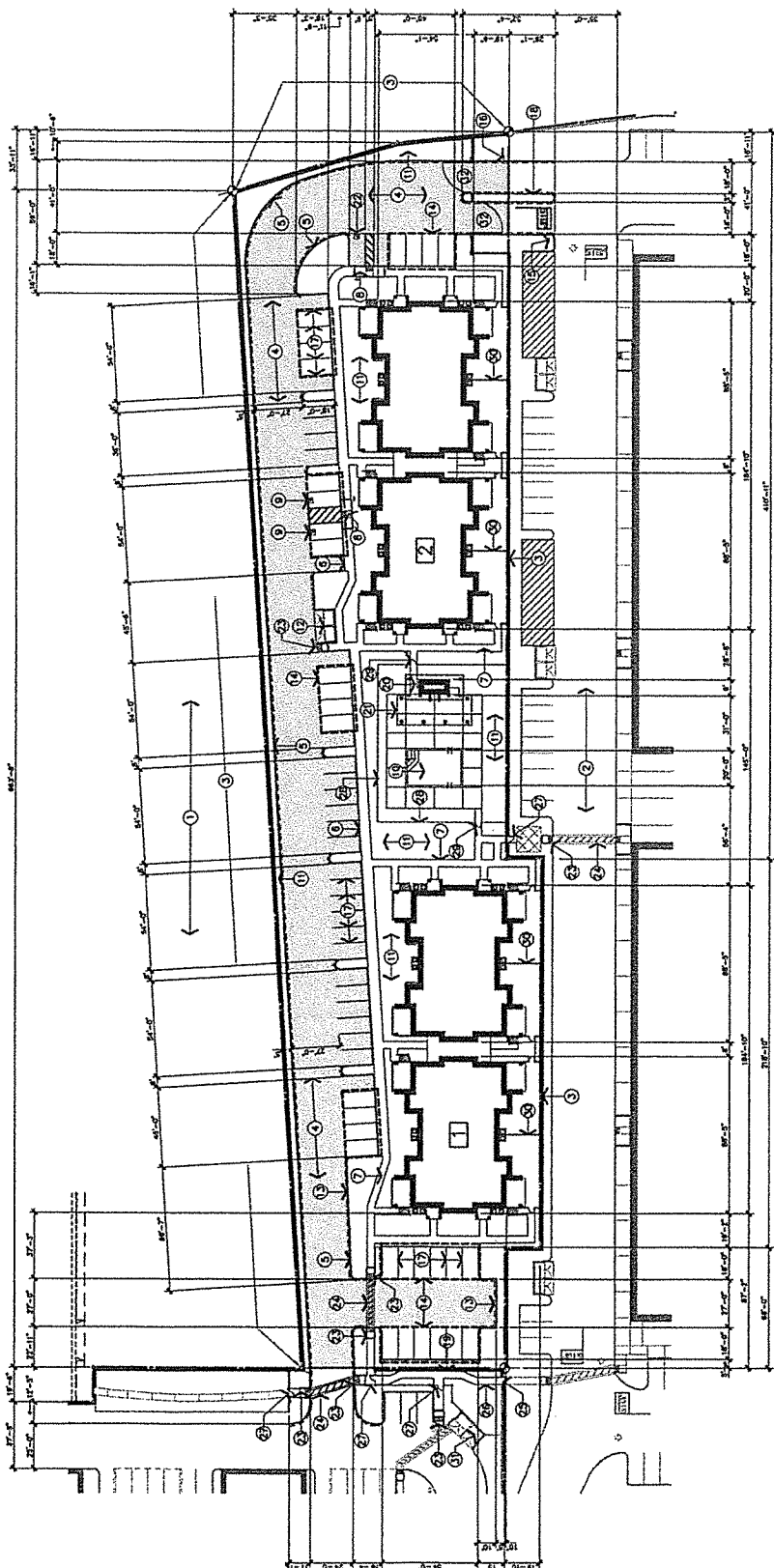
PHASE II SITE PLAN

REFERENCE PLAN



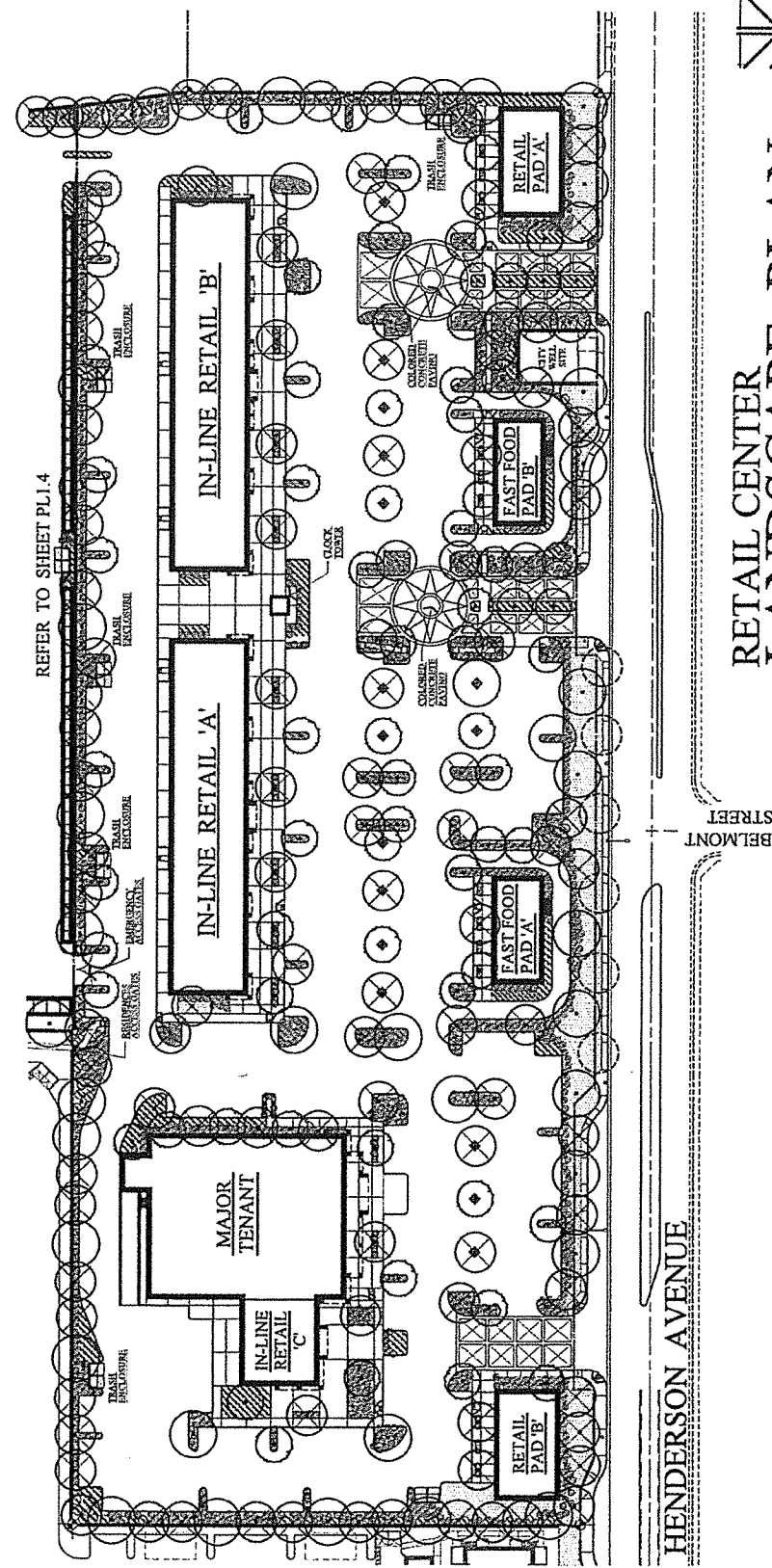
NOTE: SHADING INDICATES THE PORTION INCLUDED ON THIS PLAN

PL



KEYNOTES

- [illegible]



RETAIL CENTER LANDSCAPE PLAN 1" = 40'-0"

- ## SYMBOLS PLANT MATERIALS LANDSCAPE NOTES
- THE FOLLOWING IS A SUMMARY OF PLANT MATERIALS TO BE USED IN THE LANDSCAPE. PLANT MATERIALS SHOULD BE SELECTED IN ACCORDANCE WITH THE FOLLOWING NOTES:
1. PLANT MATERIALS SHOULD BE SELECTED IN ACCORDANCE WITH THE FOLLOWING NOTES:
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- PLANT MATERIALS TO BE USED IN THE LANDSCAPE:
- 1. CALIFORNIA ANEMONE (CALIF. ANEMONE)
 - 2. CALIFORNIA ANEMONE (CALIF. ANEMONE)
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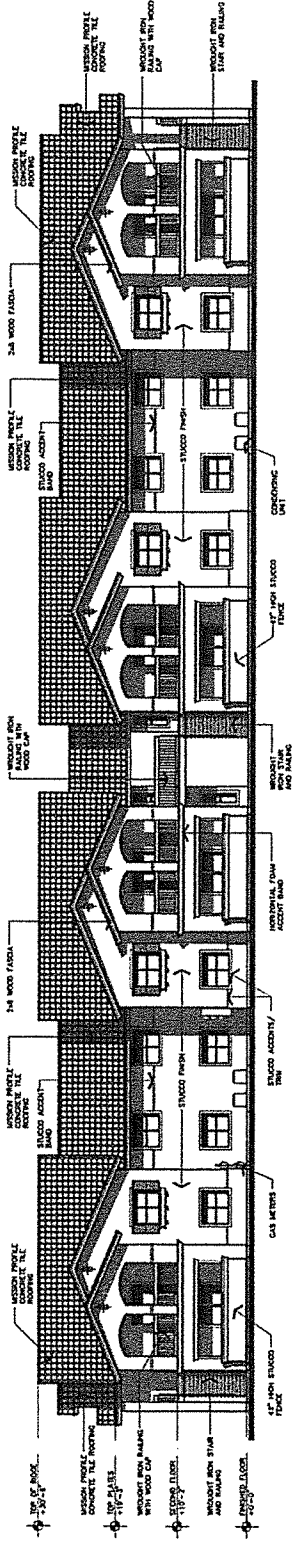


T H E
VINCENT
COMPANY
1500 West Shaw, Ste. 304
Fresno, California 93711
Phone: 559-235-2602
Address: _____
City: _____
State: _____
Zip: _____

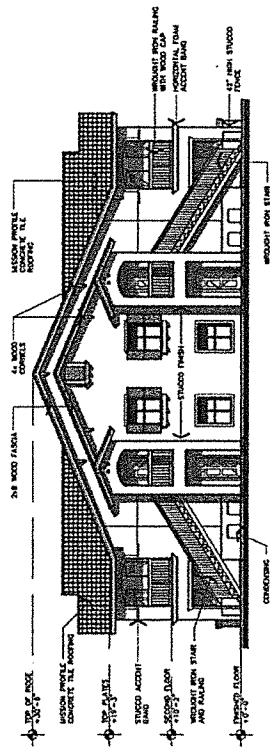
VILLAGE AT
HENDERSON II
PROPOSED DEVELOPMENT FOR
1711 WEST HENDERSON AVENUE
PORTERVILLE, CALIFORNIA



PP5
POOL BUILDING
FLOOR PLAN
3/16" = 1'-0"

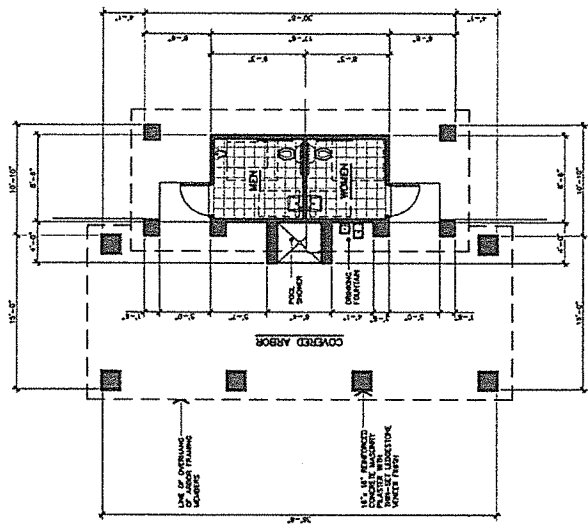


RESIDENTIAL BUILDING
FRONT/REAR ELEVATION
1/8" = 1'-0"

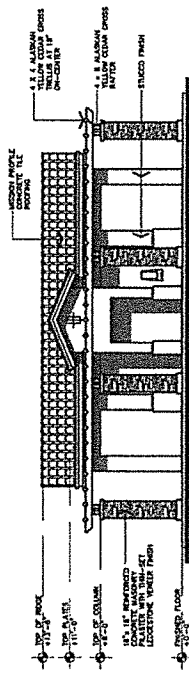


RESIDENTIAL BUILDING
SIDE ELEVATION
1/8" = 1'-0"

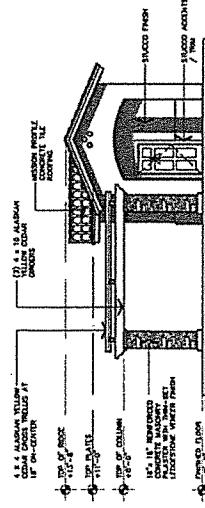
EXTERIOR
ELEVATIONS



POOL BUILDING
FLOOR PLAN
3/16" = 1'-0"



POOL BUILDING
FRONT ELEVATION
3/16" = 1'-0"



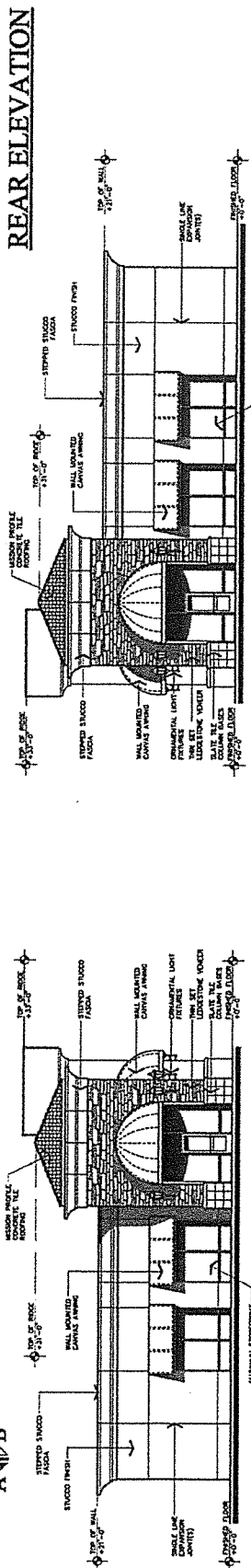
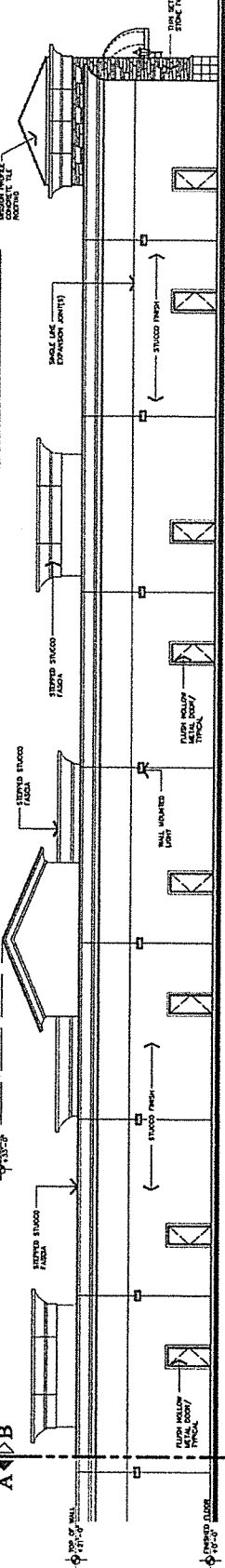
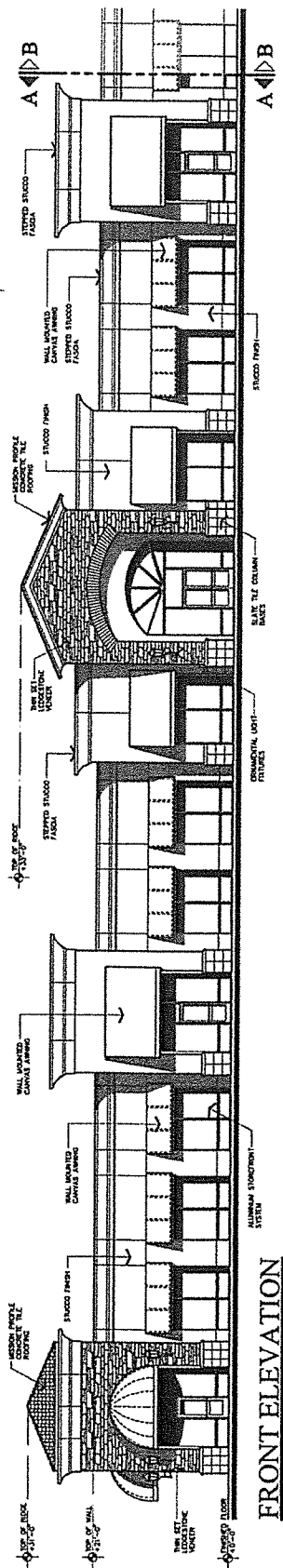
POOL BUILDING
SIDE ELEVATION
3/16" = 1'-0"

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RETAIL 'A' ELEVATIONS

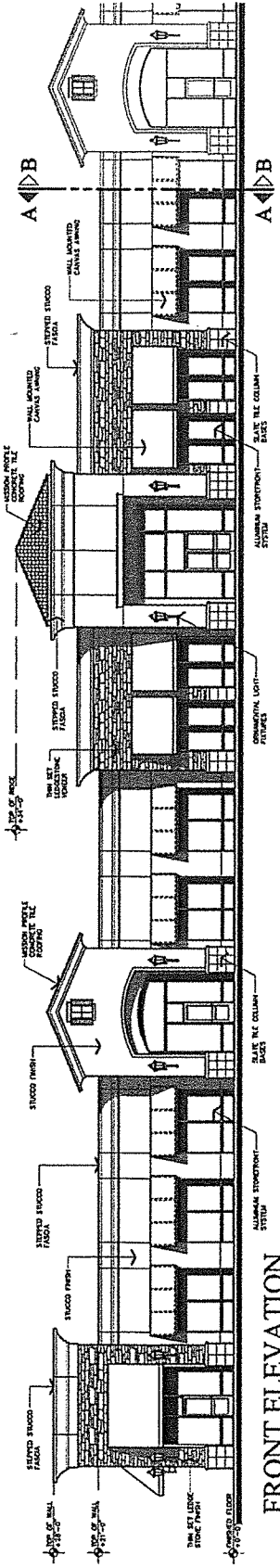
RIGHT ELEVATION

LEFT ELEVATION

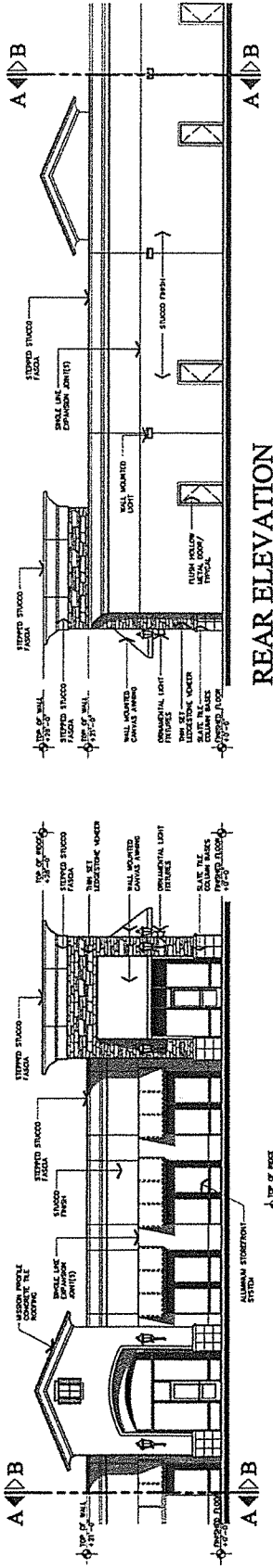




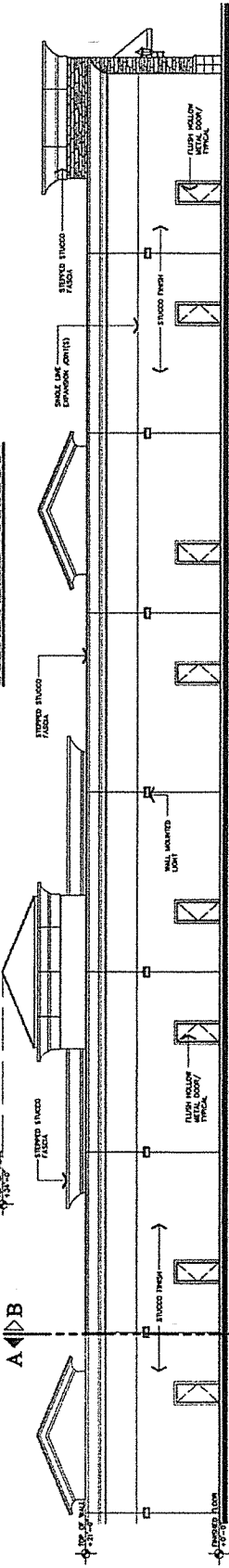
DATE	12/15/11
BY	TH E
FOR	PP2.3
PROJECT	HENDERSON VILLAGE
LOCATION	KORTHEVILLE, CALIFORNIA
SCALE	1/8" = 1'-0"
DATE	12/15/11
BY	TH E
FOR	PP2.3
PROJECT	HENDERSON VILLAGE
LOCATION	KORTHEVILLE, CALIFORNIA
SCALE	1/8" = 1'-0"



FRONT ELEVATION



REAR ELEVATION



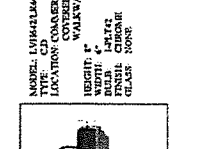
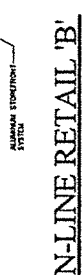
LEFT ELEVATION



RIGHT ELEVATION

RETAIL 'B'
ELEVATIONS

1/8" = 1'-0"



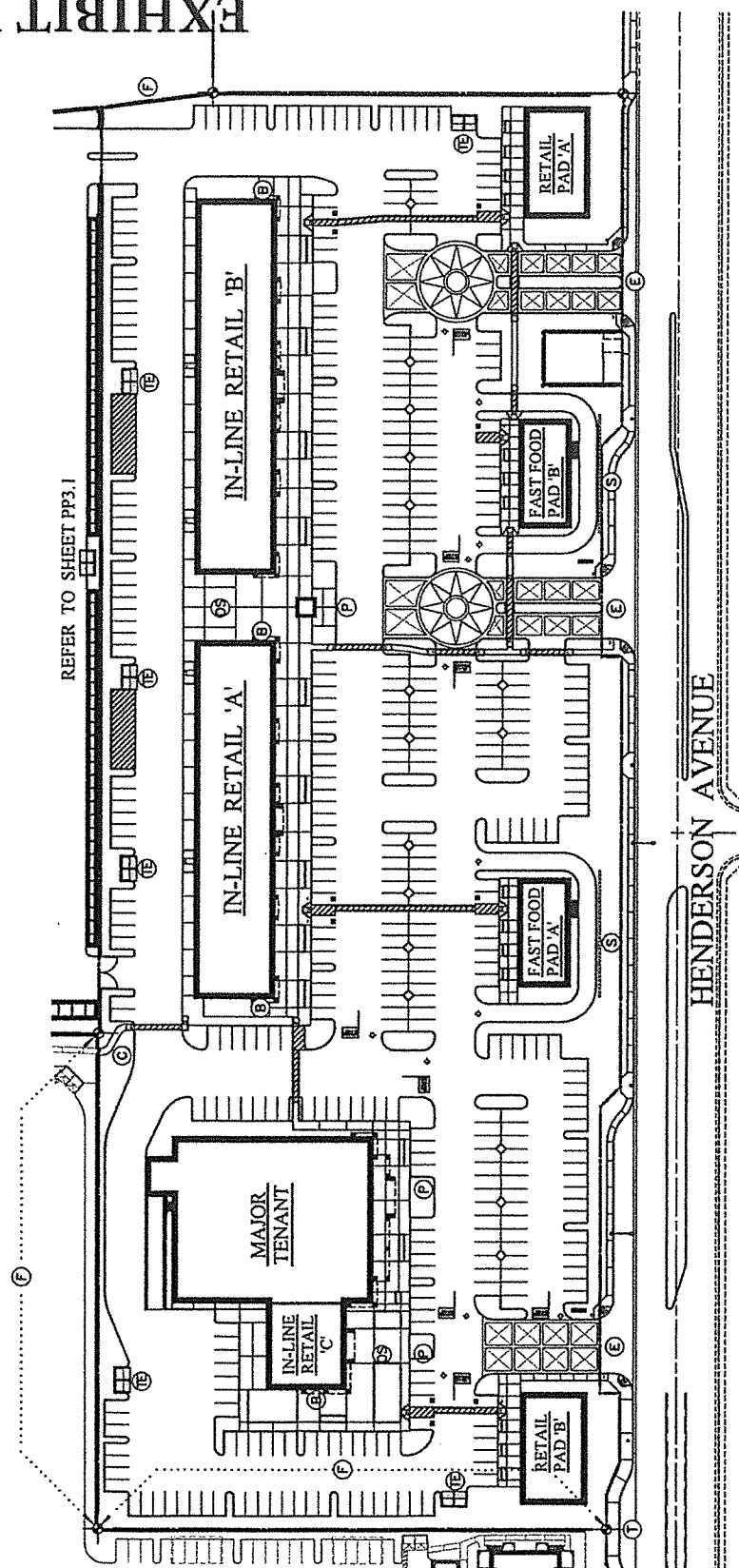
T H E
VINCENT
COMPANY
ARCHITECTS INC.
1500 West Shaw, Ste. 31
Fremont, California 9371
Phone: 559.225.2602

HENDERSON
VILLAGE
PROPOSED DEVELOPMENT FOR
WEST HENDERSON AND NORTH NEWCOMB



Revisions:	Date:
1. DESIGN DEVELOPMENT	
2. PERMITTING	
3. BACKLOG	
4. COMMENTS	
5. ALL	
6. ALL	
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EXHIBIT I



REFER TO SHEET PP3.1

HENDERSON AVENUE

LEGEND:

- (B) BICYCLE PARKING AREAS
- (C) COMMUNITY ACCESS TO ADJACENT SUBDIVISION
- (E) SITE ENTRANCE FEATURE
- (F) 6'-0" HIGH CONCRETE MASONRY FENCE WHERE ADJACENT TO RESIDENTIAL USES
- (OS) OUTDOOR OPEN SPACE (947 S.F. PROVIDED)
- (P) ENTRANCE PLAZA/PASSENGER LOADING AREA WITH LANDSCAPE FEATURES AND VISITOR SEATING
- (S) SCREENING OF DRIVE-THROUGH FACILITIES WITH WALLS AND BERMIS
- (T) TRANSIT STOP
- (TE) TRASH ENCLOSURE

AMENITIES SITE PLAN



T H E
 VINCENT
 COMPANY
 1500 West Shaw, Ste. 304
 Fresno, California 93711
 Phone: 559-225-2602

Project: _____
 Date: _____
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 A
 A
 A
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PROPOSED DEVELOPMENT FOR
 HENDERSON
 VILLAGE
 WEST HENDERSON AND NORTH NEWCOMB
 PORTERVILLE, CALIFORNIA

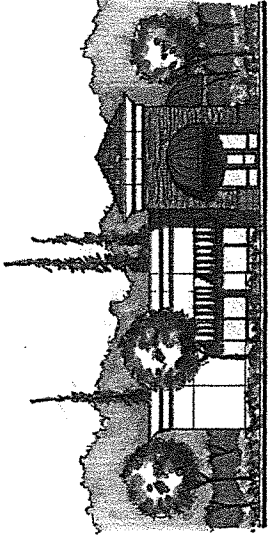
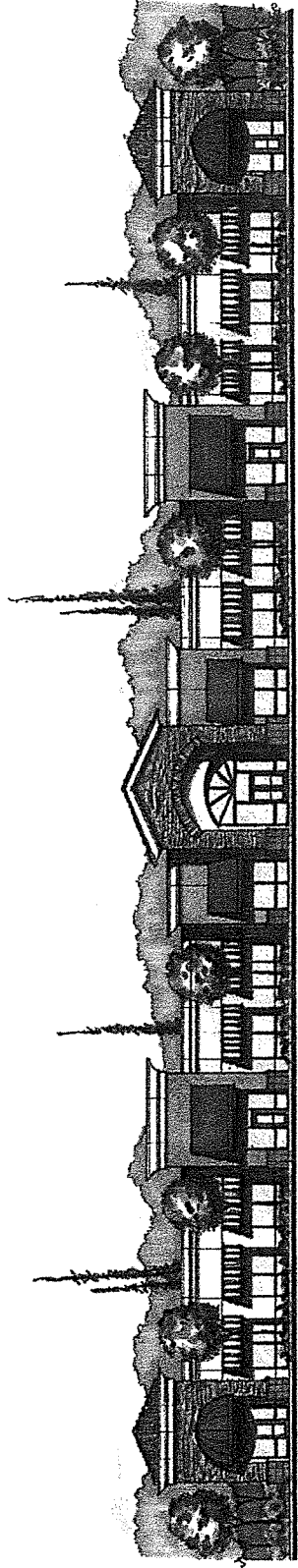


I hereby certify that the above is a true and correct copy of the original as the same appears in the files of the City of Porterville, California.

City Clerk
 City of Porterville, California

I hereby certify that the above is a true and correct copy of the original as the same appears in the files of the City of Porterville, California.

City Clerk
 City of Porterville, California



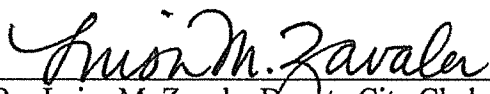
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 1st day of December, 2015.

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



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Budget Adjustment/Citizens' Option for Public Safety (COPS) Funding

SOURCE: Police

COMMENT: The Porterville Police Department has regularly received annual funding from the State of California through the Citizens' Option for Public Safety (COPS) Grant Program. The Department is again programmed to receive \$100,000 for fiscal year 2020-2021, and a Public Hearing on the intent of the expenditures is required.

The Department has historically used these funds in support of personnel assigned to the Patrol Division, including all necessary training, equipment, and overtime costs, and it is the intent to continue. The expenditure of these funds in this manner is in proper adherence to the requirements as specified in Assembly Bill 3229.

RECOMMENDATION: That the City Council:

1. Conduct the Public Hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the Police Department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Adopt the draft Resolution accepting the Citizens' Option for Public Safety grant funds and approving a budget adjustment increasing the Police Department's Patrol Division budget by \$100,000 to support said costs.

ATTACHMENTS:

1. Draft Resolution
2. Assembly Bill 3229

Appropriated/Funded:

Review By:

Department Director:

Eric Kroutil, Police Chief

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING CITIZENS' OPTION FOR
PUBLIC SAFETY (COPS) GRANT FUNDS AND APPROVING A BUDGET
ADJUSTMENT TO THE PORTERVILLE POLICE DEPARTMENT BUDGET

BE IT HEREBY RESOLVED by the City Council of the City of Porterville as follows:

1. That the City of Porterville accepts the 2020/2021 Citizens' Option for Public Safety (COPS) Grant Funds; and
2. Police Department's Special Safety Grants - Citizens' Option for Public Safety (COPS) budget is increased by \$100,000 to allow for expenditure of these Grant Funds in support of personnel assigned to the Patrol Division and their operational costs.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

BILL NUMBER: AB 3229 CHAPTERED
BILL TEXT

CHAPTER 134
FILED WITH SECRETARY OF STATE JULY 10, 1996
APPROVED BY GOVERNOR JULY 10, 1996
PASSED THE SENATE JULY 8, 1996
PASSED THE ASSEMBLY JULY 8, 1996
AMENDED IN SENATE JULY 8, 1996
AMENDED IN SENATE JUNE 11, 1996
AMENDED IN ASSEMBLY MAY 24, 1996
AMENDED IN ASSEMBLY APRIL 24, 1996

INTRODUCED BY Assembly Member Brulte and Senator Lockyer
 (Coauthor: Assembly Member Bowen)
 (Coauthor: Senator Wright)

FEBRUARY 23, 1996

An act to add Chapter 6.7 (commencing with Section 30061) to Division 3 of Title 3 of the Government Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3229, Brulte. Local law enforcement: supplemental funding.

Existing provisions of the California Constitution and related implementing statutes provide for the imposition of a specified statewide sales and use tax rate, and require that the revenues derived from that rate be allocated to qualifying local agencies, as described, to supplement otherwise available funding for local public safety services, as defined.

This bill would require the Controller, pursuant to written requests from a county or city and county, to allocate \$100,000,000, which is appropriated by the Budget Act of 1996, to counties, cities, and a certain special district in the County of San Mateo, for purposes of the Citizens Option for Public Safety (COPS) Program established by this bill.

This bill would, pursuant to the COPS program, require all Local Law Enforcement Fund moneys allocated to a county pursuant to this bill to be deposited in a Supplemental Law Enforcement Services Fund (SLESF), as provided, for allocation in accordance with specified formulas and procedures to the county sheriff, district attorney, the county, cities, and a certain special district in the County of San Mateo, to be expended exclusively, except as otherwise provided for certain counties with respect to misdemeanor prosecutions, for county jails, police, sheriff, and district attorney services. This bill would require a city receiving a SLESF allocation to deposit that allocation in its own SLESF, prior to expending those moneys as required by this bill. This bill would, as provided, require each county auditor and city treasurer to regularly report with respect to SLESF allocations to, among other local bodies, a Supplemental Law Enforcement Oversight Committee (SLEOC) established in each county, and also require each SLEOC to at least annually review expenditures by local law enforcement officials of SLESF moneys. By imposing additional duties upon local officials in connection with the administration of a city or county SLESF, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the

state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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

This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature hereby finds and declares that there is a compelling need for additional resources to be applied at the local level for the purpose of ensuring public safety, and to that end the Legislature hereby enacts the Citizen's Option for Public Safety Program (COPS).

(b) In light of the Legislature having appropriated one hundred million dollars (\$100,000,000) in the Budget Act of 1996 for the support of the COPS program in the 1996-97 fiscal year, the Controller shall allocate those budgeted moneys among each Supplemental Law Enforcement Services Fund (SLESF), established by each county and city and county pursuant to subdivision (a) of Section 30061 of the Government Code, in accordance with the proportionate share of the state's total population that resides in each county and city and county, as determined on the basis of the most recent January population estimates developed by the Department of Finance. The Controller shall make all disbursements upon the request of an individual county or city and county that has established a SLESF, and has established an oversight committee pursuant to Section 30064 of the Government Code for the 1996-97 fiscal year no later than September 15, 1996.

SEC. 2. Chapter 6.7 (commencing with Section 30061) is added to Division 3 of Title 3 of the Government Code, to read:

CHAPTER 6.7. SUPPLEMENTAL LOCAL LAW ENFORCEMENT FUNDING

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Fund (SLESF), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives money to be expended for the implementation of this chapter, the county auditor shall allocate moneys in the county's Supplemental Law Enforcement Services Fund (SLESF), including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the following requirements:

(1) Twelve and one-half percent to the county sheriff for county jail construction and operation.

(2) Twelve and one-half percent to the district attorney for criminal prosecution.

(3) Seventy-five percent to the county and the cities within the county, and, in the case of the County of San Mateo, also to the Special District of Broadmoor, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Special District of Broadmoor in the County of San Mateo, as specified in the most recent January estimate by the population research unit of the Department of Finance. No person residing within the Special District of Broadmoor shall also be counted as residing within the unincorporated area of the County

of San Mateo or within any city located within that county. Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESF, and moneys allocated to a city pursuant to this subdivision shall be deposited in a SLESF established in the city treasury.

(c) Subject to subdivision (d), for each fiscal year in which the county and each city, and the Special District of Broadmoor, receives moneys pursuant to paragraph (3) of subdivision (b), the county and each city shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide front line law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the front line law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs. The board shall, at a public hearing held in September in each year that the Legislature appropriates funds for purposes of this chapter, consider and determine each submitted request within 60 days of receipt, pursuant to the decision of a majority of a quorum present. The board shall consider these written requests separate and apart from the process applicable to proposed allocations of the county general fund.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city. These written requests shall be acted upon by the city council in the same manner as specified in paragraph (1) for county appropriations.

(3) In the case of the Special District of Broadmoor, within the County of San Mateo, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district. These written requests shall be acted upon by the legislative body in the same manner specified in paragraph (1) for county appropriations.

(d) For each fiscal year in which the county, a city, or the Special District of Broadmoor within the County of San Mateo receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

30062. (a) Except as required by paragraphs (1) and (2) of subdivision (b) of Section 30061, moneys allocated from a SLESF to a recipient entity shall be expended exclusively to provide front line law enforcement services. These moneys shall supplement existing services, and shall not be used to supplant, any existing funding for law enforcement services provided by that entity.

(b) In the Counties of Los Angeles, Orange, and San Diego only, the district attorney may, in consultation with city attorneys in the county, determine a prorated share of the moneys received by the district attorney pursuant to this section to be allocated to city attorneys in the county in each fiscal year to fund the prosecution by those city attorneys of misdemeanor violations of state law.

(c) In no event shall any moneys allocated from a SLESF be expended by a recipient agency to fund either of the following:

(1) Administrative overhead costs in excess of 0.5 percent of a

recipient entity's SLESF allocation for that year.

(2) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (3) of subdivision (b) of Section 30061 that does not directly support front line law enforcement services.

(d) For purposes of this chapter, "front line law enforcement services" and "front line municipal police services" each include antigang and community crime prevention programs.

30063. (a) The Supplemental Law Enforcement Services Fund (SLESF) in each county or city is to be expended exclusively as required by this chapter. Moneys in that fund shall not be transferred to, or intermingled with, the moneys in any other fund in the county or city treasury, except that moneys may be transferred from the SLESF to the county's or city's general fund to the extent necessary to facilitate the appropriation and expenditure of those transferred moneys in the manner required by this chapter.

(b) Moneys in a SLESF may only be invested in safe and conservative investments in accordance with those standards of prudent investment applicable to the investment of trust moneys. The treasurer of the county and each city shall provide a monthly SLESF investment report to either the police chief or the county sheriff and district attorney, as applicable.

(c) The county auditor and city treasurer shall monthly detail and summarize allocations from the county's or city's SLESF, as applicable, in a written, public report filed with the Supplemental Law Enforcement Oversight Committee (SLEOC), the county board of supervisors or city council, as applicable, and the county sheriff or police chief, as applicable. On or before September 1, 1998, and annually on or before September 1 thereafter, the county auditor and each city treasurer shall file with those entities or persons specified in the preceding sentence a consolidated written report, of the same nature as the monthly report required pursuant to the preceding sentence, with respect to SLESF allocations for the entirety of the immediately preceding fiscal year.

30064. (a) There is in each county a Supplemental Law Enforcement Oversight Committee (SLEOC), consisting of five members as follows:

- (1) One municipal police chief.
- (2) The county sheriff.
- (3) The district attorney.
- (4) The county's executive officer.
- (5) One city manager.

(b) (1) The cities in each county shall organize as a city selection committee for the purposes of appointing a city manager and a municipal police chief to the Supplemental Law Enforcement Oversight Committee. Each appointment shall be made by not less than a majority of all the cities in the county having not less than a majority of the population of all the cities in the county. For purposes of the preceding sentence, population figures shall be determined on the basis of the most recent census data developed by the Department of Finance.

(2) The SLEOC shall determine whether recipient entities have expended moneys received from the Supplemental Law Enforcement Services Fund (SLESF) in compliance with this chapter. For this purpose, the SLEOC shall at least annually review the expenditure of SLESF funds by city police departments, the county sheriff, and the district attorney, and shall make its annual review report available to the public.

30065. In no event shall this chapter be construed to affect in any manner the public safety service allocations required by Chapter 6.5 (commencing with Section 30051).

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7

(commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide timely and critically needed fiscal resources and legal authority to local agencies that will assist those agencies in keeping the peace and maintaining public safety, and to safeguard the life and property of each and every California citizen, it is necessary that this act take effect immediately.



CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Citrus Blossom Subdivision Project - Continued Deliberation

SOURCE: Community Development

BACKGROUND: On June 12, 2019, the Project Review Committee reviewed PRC 2019-020, a tentative subdivision map proposed to annex and develop an ±11.47 acre parcel in northwest Porterville, at the southwest corner of Linda Vista Avenue and Newcomb Street. The Citrus Blossom Subdivision would subdivide APN 243-130-042 into up to fifty (50) detached single-family residential lots, a ±18,500 square foot pocket park and internal streets. The project would also include improvements to both Newcomb Street and Linda Vista Avenue. The parcel is currently identified in the 2030 General Plan Land Use Element as Low Density Residential, and is currently zoned for RS-1 (Very Low Density Residential) development, but requires a zone change to RS-2 (Low Density Residential) as well as annexation and an Urban Development Boundary adjustment.

COMMENT: As is consistent with planning practices and principles for projects located within a jurisdiction's Urban Area Boundary, upon receipt of an application for development near the city's corporation limits, the Resource Management Agency of Tulare County referred the application to the Community Development Department for input from the City. Staff determined that best planning practices required the Citrus Blossom Tentative Subdivision Map be processed as a City of Porterville development application.

At its meeting on October 6, 2020, the City Council conducted a Public Hearing for the Citrus Blossom Subdivision Project. Members of the community shared concerns regarding the City's standard processing for projects of this type, transit connectivity to the project area, water usage, land use compatibility, traffic connectivity, and had questions about the proposed park. After receiving a total of seven comments, and having received no further comments at that time, the Public Hearing was closed. In light of questions raised by members of Council in response to the concerns noted above, the Council moved to continue the item as a Scheduled Matter to the meeting of October 20, 2020, to allow for additional deliberation.

ANALYSIS:

This section seeks to clarify points regarding each of the aforementioned concerns raised at the meeting of October 6th.

Process:

Concerns were raised regarding the City's standard practice to consider all entitlement actions at a single meeting. This process is codified in Section 601.04 of the Development Code, which states Applications requiring multiple approvals, permits, adjustments, or entitlements under this Ordinance shall be heard and acted upon at the same time. Those items requiring public notification shall be notified together.

Transit:

One commenter raised concerns that residents without access to a vehicle would have a significant walk to other community resources, namely parks, and that the area lacks access to a bus stop. During the Council's discussion after the Public Hearing, it was noted that transit routes are regularly updated to reflect new projects post-construction. A bus turnout was not recommended as a condition of approval due to the relatively low density of development and prospective riders, a bus stop could be accommodated at such time in the future that the project is constructed and there is ridership demand. Further, as regional transit options continue to evolve, staff will work with partnering agencies to ensure a variety of mobility options are available.

Water:

The subject site is currently farmed as a citrus grove and is the site of a single-family residence. The proposed redevelopment of the site from agricultural to residential raised concerns regarding water usage. The University of California Agriculture and Natural Resources division determined that citrus groves in the Central Valley use approximately 4.5 acre-feet per acre per year. The City of Porterville identifies the average usage for residential development to be significantly lower than agricultural practices, with the City's municipal water use data reflecting an average of 0.8 acre-feet per acre per year. With the implementation of SGMA, City staff is working in conjunction with the Eastern Tule GSA to ensure an adequate water supply is always present in the water table to support continued development of the subject jurisdictions and preserve the economic and environmental feasibility of the Greater Porterville agricultural industry. The proposed subdivision is expected to develop and use similar water levels as surrounding existing subdivisions. Water use was analyzed in Section X – Hydrology and Water Quality, of the Initial Study.

Land Use Compatibility:

The proposed project is consistent with the Porterville General Plan, as it is Low Density Residential development. The current "pre-zoning" of the subject site is RS-1- Very Low Density Residential, which limits development to parcels greater than 12,500 square feet in size. The

proposed development has parcels ranging in size from 6,003 square feet to 11,086 square feet. These parcels sizes are consistent with the RS-2- Low Density Residential zoning, hence the proposed zone change.

Traffic:

The 2030 General Plan Land Use Element, as adopted March 4, 2008, has identified the area between West North Grand Avenue and Zachary Court as Low Density Residential. This area includes the subject site located at the southwest corner of Linda Vista Avenue and Newcomb Street. This Land Use Element Designation allows for development of residential lots and subdivisions up to a maximum density of 6.0 units per gross acre. As proposed, the current density of the Citrus Blossom Subdivision is 4.38 units per gross acre, well under the maximum allowed. The development of residential units at this subject site aligns with the General Plan's goal of creating "sustainable, balanced land use patterns that respond to existing and future needs of the City." (LU-G-1).

Presently, the General Plan Circulation Element identifies an unnamed road in the vicinity of Rose Street to serve as a collector street from North Grand Avenue to Avenue 181. However, since the adoption of the General Plan, development patterns and needs have changed. As such, staff is in the process of initiating traffic studies and it is anticipated that would result in an update to the Circulation Element, which could include a reclassification of Rose Street to a local street. This would lower the anticipated rate of traffic in the concerned area. This reclassification would help ensure that the connection between Rose Street and Linda Vista Avenue will carry neighborhood residential and ancillary traffic only. The anticipated traffic loads are not expected to negatively impact surrounding areas, and the route of circulation in the area would be evaluated in more detail prior to connection between the two road stubs.

It is important, however, in order to comply with the City's General Plan, Development Standards, and the Fire Code, to provide multiple points of connectivity. Rose Street is approximately 1500 feet in length from North Grand Avenue, and as such access is limited. While this is a noted asset in the opinion of some of the public comments received, it is a liability in terms of providing emergency services due to the lack of secondary access and redundant water supply. The street was constructed as a stub to accommodate future connectivity to the north. At this time, no connection is being proposed, but much like Rose Street, the stub on the south side of the proposed subdivision provides for future connection in the event that the underdeveloped parcels south of the project ever proceed to redevelop or subdivide.

Parks:

As has been the direction of Council, when presented with proposed subdivisions, staff has been including conditions of entitlement that include the construction of park facilities within residential subdivisions. While the Development Ordinance does allow for fees to be paid in-lieu of the

construction of parks and facilities by developers, staff has been conditioning developers to not only dedicate but also improve and maintain the park space located within the development. Following this precedent, the Citrus Blossom Subdivision has been conditioned to develop the park space before dedicating it to the City. The General Plan Park Element establishes 5 acres per 1000 residents as the standard ratio for parkland in the City.

In accordance with the Quimby Act, the Development Ordinance requires as a condition of approval of a tentative map, the City shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for neighborhood and community open space, park and recreational purposes. In order to conform to the policies of the General Plan and maintain existing standards for parks and recreation facilities, the park area required to be dedicated shall be equal to the ratio of the ultimate population of the subdivision to the current population of the city multiplied by the total park area within the city's planning area at the time of filing of the tentative but in no case shall be less than three (3) acres of park area per one thousand (1,000) persons nor more than five (5) acres per one thousand (1,000) persons who will live in the subdivision.

Based on these criteria, the minimum park space required in lieu of payment would be 21,707 square feet of park land (0.498-acres), which is the result of the calculation based on an average of 3.39 persons per household (per the City's 2015 Housing Element), multiplied by the number of parcels, multiplied by 3, divided by 1000. However, as noted in the excerpted code section above, the City shall require the subdivider to dedicate, pay a fee in lieu thereof, or a combination of both. Because the City has consistently required that the land not be dedicated as a vacant site, which would require City resources to develop, but as a completed park, the applicants have been granted a credit for that, in the form of slightly reduced area. In this case, the developer is dedicating 18,548 square feet (0.426-acres), a ratio of 2.57 acres per thousand residents, with the added valuation of infrastructure and amenities. The applicant's agent has offered to increase the improved park space by 3,145 square feet to meet the minimum of 3 acres per thousand residents, as it seems such an important point to the Council. Staff would request clarification for projects moving forward, as to the Council's expectation of area of improved park space per project.

The properties located to the south of the project area (APNs 243-130-007, -004, and -006) are currently developed as single-family residences, with -007 and -006 at ± 8.3 acres and ± 4.5 acres respectively. At this time, these parcels would be part of the City's request to amend the Urban Development Boundary/Sphere of Influence limit consistent with Tulare County Local Agency Formation Commission (LAFCO) guidelines and recommendations, but would not be annexed into the City's corporation limits with the Citrus Blossom Subdivision. These parcels would not be

required to connect to City services; however, at such time these properties choose to redevelop at a higher density, any discretionary actions would be subject to Public Hearing requirements and open to public comment prior to approval.

ENVIRONMENTAL REVIEW: On September 2, 2020 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, Noise, Greenhouse Gas Emissions, and Mandatory Findings of Significance. The Initial Study and proposed Mitigated Negative Declaration have been transmitted to interested agencies, groups, and individuals for a thirty (30) day review period from September 5, 2020 to October 5, 2020. In addition to the comments noted above, on October 7, 2020, staff received comments from the California Department of Fish and Wildlife (CDFW) requesting clarification and addition of mitigation measures related to Swainson's Hawk (*Buteo swainsoni*). As a Trustee Agency pursuant to CEQA, the CDFW requested specific phrasing. The originally proposed measures encouraged scheduling construction activities to avoid Swainson's Hawk nesting season, and required pre-construction surveys to look specifically for Swainson's Hawk nests, and a ½ mile avoidance buffer around any such nests should they be found. The revised phrasing clarifies that specific protocols are defined by the CDFW and includes more specific details as to the no-disturbance buffer. In the event such an avoidance buffer cannot feasibly be implemented, a new mitigation measure outlines procedures to obtain an incidental take permit. The amendments to the mitigation measures have been incorporated into the Mitigation Monitoring and Reporting Program.

RECOMMENDATION: That the City Council:

- 1) Adopt the draft Resolution for a Mitigated Negative Declaration of environmental impact;
- 2) Adopt the draft Resolution making application to Tulare LAFCO for consideration of a UDB/SOI amendment and annexation;
- 3) Adopt the draft Ordinance approving a change in zoning of the 11.47 acre site of the proposed subdivision; and
- 4) Adopt the draft Resolution approving the Citrus Blossom Tentative Subdivision Project

ATTACHMENTS:

1. Locator Map
2. Tentative Subdivision Map
3. Draft Resolution - CEQA
4. Draft Resolution - LAFCO
5. Draft Ordinance - Zoning
6. Draft Resolution - Tentative Subdivision Map

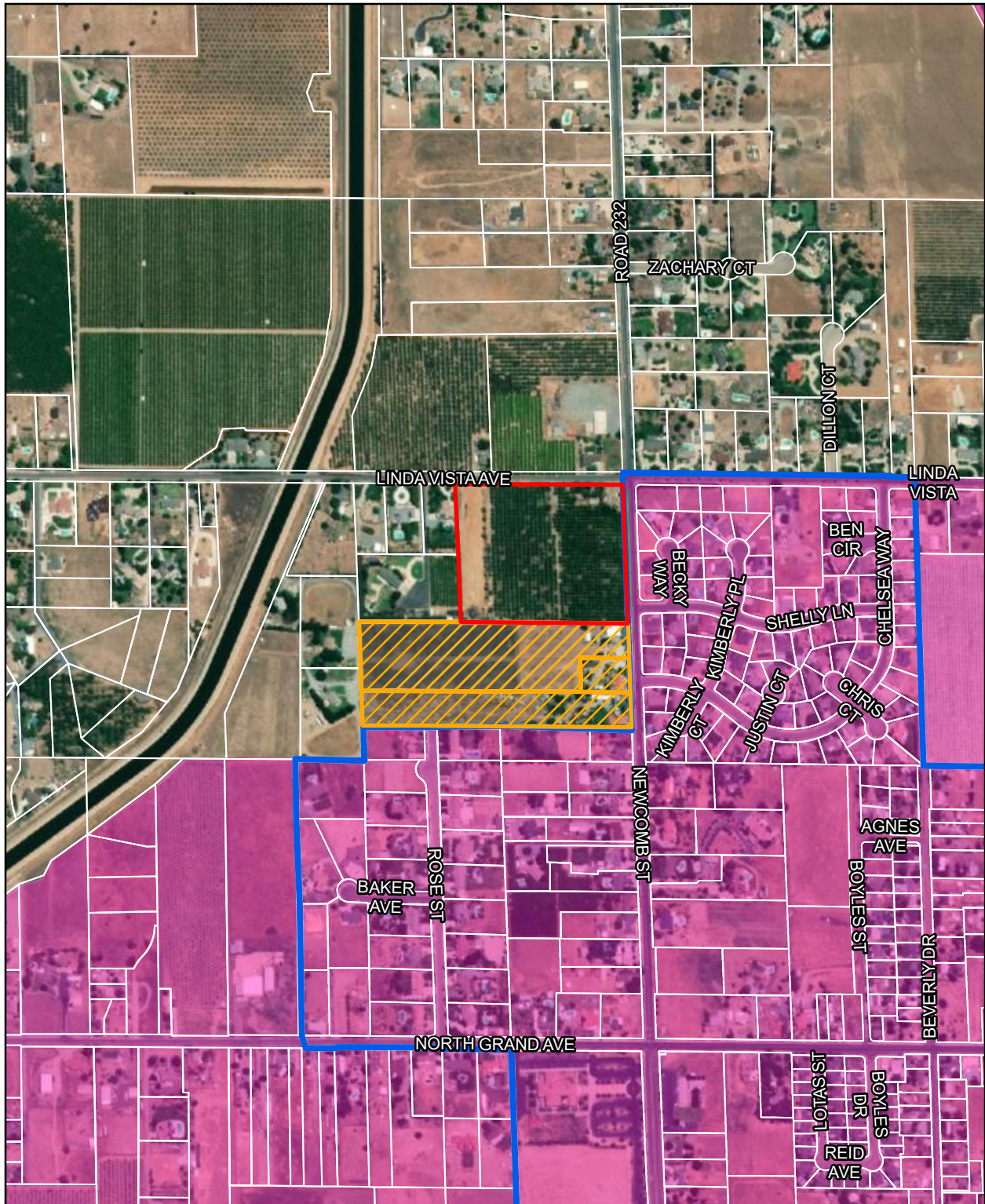
Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Locator Map PRC 2019-020



**Citrus Blossom TSM
@ SWC of Linda Vista Ave.
and Newcomb St**

1 in = 700 feet

- Annexation
- UBD Change
- City Limits
- UDB



Date Printed: 8/26/2020 by the Community Development Department

Citrus Blossom TENTATIVE SUBDIVISION MAP

BEING A SUBDIVISION WITHIN THE SOUTH HALF OF THE NORTHEAST 1/4, SECTION 16, T.21S., R.27E.,
M.D.B.&M., IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

FOR:
SKIP BARWICK
P.O. BOX 244
CASTAIC, CA 91310
(559) 280-6090

BY:
QK
150 WEST MORTON AVENUE
PORTERVILLE, CA 93257
TEL: (559) 781-2700
WWW.QKINC.COM

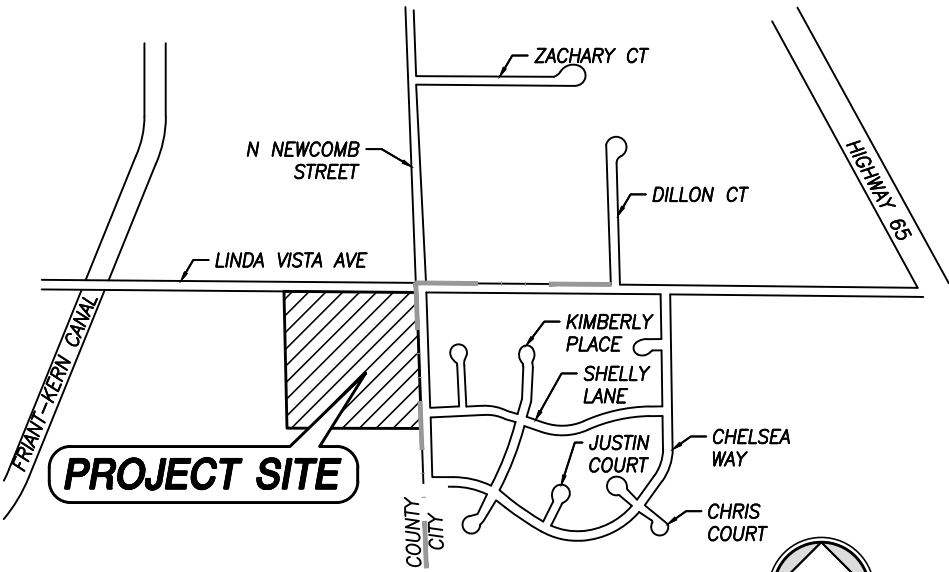
JULY 2020

NOTES

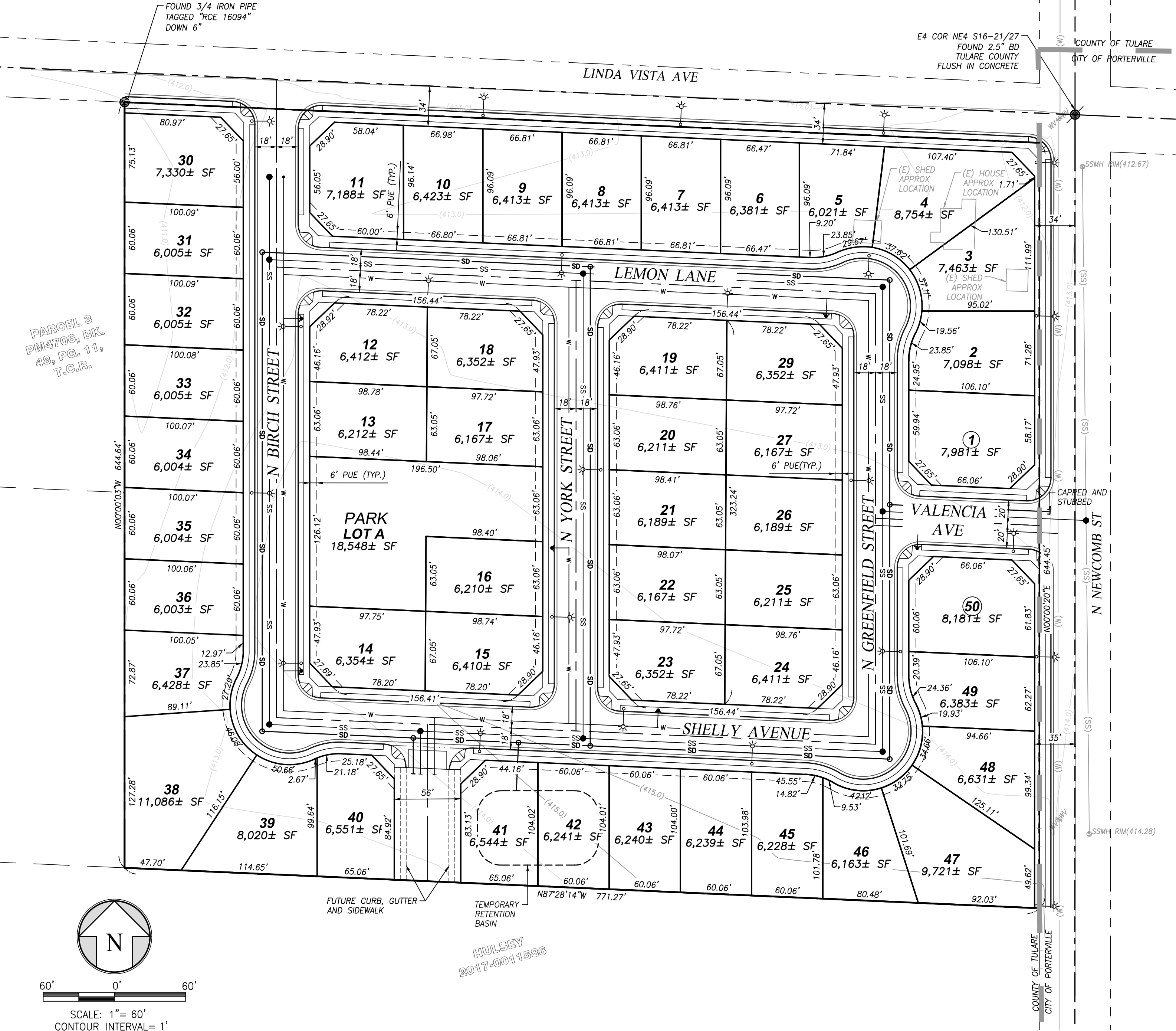
1. DATE OF PREPARATION: AUGUST 26, 2020
2. ZONE: RS-2. GENERAL PLAN: LOW DENSITY RESIDENTIAL.
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
4. GROSS PARCEL AREA = 11.40 ACRES; GROSS DENSITY = 4.38 UNIT/ACRES;
NET PARCEL AREA = 7.37 ACRES. LOT A = 0.43 ACRES PARK.
5. EXISTING LAND USE: ORCHARD.
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE).
7. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
8. EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO INUNDATION OR OVERFLOW, UNLESS OTHERWISE NOTED.
10. NATURAL GAS BY: THE GAS COMPANY
11. TELEPHONE BY: SBC
12. POWER BY: SOUTHERN CALIFORNIA EDISON CO.
13. CABLE T.V. BY: CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY: CITY OF PORTERVILLE
15. SEWAGE DISPOSAL BY: CITY OF PORTERVILLE
16. REFUSE COLLECTION BY: CITY OF PORTERVILLE
17. DRAINAGE: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM.
18. WATER QUANTITY: AS PER CITY STANDARDS.
19. OFF STREET PARKING: 2 SPACES/UNIT.

LEGEND

---	PROPERTY BOUNDARY
---	ROAD CENTERLINE
---	PROPERTY LINE
---	CITY LIMITS
(W)	EXISTING WATER LINE
(SS)	EXISTING SANITARY SEWER LINE
IOD	IRREVOCABLE OFFER OF DEDICATION
W	PROPOSED WATER LINE
SS	PROPOSED SANITARY SEWER LINE
SD	PROPOSED STORM DRAIN LINE
☼	PROPOSED STREET LIGHT
●	PROPOSED FIRE HYDRANT
○	PROPOSED SANITARY SEWER MAN HOLE
○	PROPOSED STORM DRAIN MAN HOLE
●	PROPOSED WATER BLOW OFF VALVE



LOCATION MAP
NOT TO SCALE



HULSEY
2017-0011586

RESOLUTION NO.____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED
NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE
PROPOSED CITRUS BLOSSOM SUBDIVISION PROJECT (PRC 2019-020)

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 6, 2020, conducted a public hearing to consider the approval of the Mitigated Negative Declaration which evaluates the environmental impacts of a Tentative Subdivision Map and related entitlements to accommodate the division of ±11.5 acres into 50 lots located at the southeast corner of Newcomb St. and Linda Vista Ave, hereby referred to as the “Citrus Blossom Subdivision,” (APN 243-130-042); and

WHEREAS: At the conclusion of the public hearing, the City Council moved to continue the item to the meeting of October 20, 2020 to allow for additional deliberation; and

WHEREAS: On September 2, 2020, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the Tentative Subdivision Map and subsequent development of the Citrus Blossom Tentative Subdivision Map in a manner consistent with City codes and plans; and

WHEREAS: The proposed Project is consistent with the goal, policies, and land use designation of the Porterville 2030 General Plan. The General Plan designates the site as Low Density Residential; however, the site requires a zone change from RS-1 (Very Low Density Residential) to RS-2 (Low Density Residential), as supported in Resolution_-2020; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the goal, policies, and land use designation of the Porterville 2030 General Plan. The General Plan designates the site as Low Density Residential. The proposed subdivision will be developed within the density allowed by the General Plan.
2. The Initial Study prepared for this project is in compliance with the California Environmental Quality Act, and indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result of the impacts addressed will be less than significant.
3. On September 2, 2020 the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, Noise, Greenhouse Gas Emissions, and Mandatory Findings of Significance. The Initial Study and proposed Mitigated Negative Declaration have been transmitted to interested agencies, groups, and individuals for a 30 day review period from September 5, 2020 to October 5, 2020. At the time of writing of the staff report, no comments were received.

4. That review of the environmental circumstances regarding this project indicates that no adverse impacts would occur to biological resources, cultural resources, greenhouse gas and noise when the mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated in the Mitigation Monitoring Program which is attached as an exhibit to the Mitigated Negative Declaration (Exhibit A). In addition to these mitigation measures, any further mitigation measures recommended by a responsible or trustee agency shall be upheld at the expense of the applicant with the oversight of the City and said responsible or trustee agency.
5. That the proposed location the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. The General Plan designates the site for Low Density Residential development. Conditions of approval are included to ensure adequate development standards are met.
6. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.
7. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. The developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the Tentative Subdivision Project, and the subsequent development of the Citrus Blossom Subdivision in a manner consistent with City codes and plans, and that the mitigation measures defined in Exhibit A shall be implemented by the developer/applicant or their partners and successors with project implementation.

PASSED, APPROVED AND ADOPTED this 20th of October, 2020.

By: _____

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Porterville’s Citrus Blossom Tentative Subdivision Map Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

The first column of the Table identifies the mitigation measure. The second column, entitled “Party Responsible for Implementing Mitigation,” names the party responsible for carrying out the required action. The third column, “Implementation Timing,” identifies the time the mitigation measure should be initiated. The fourth column, “Party Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<u>Swainson's hawk Protection Measures</u> BIO-1: To the extent practicable, construction shall be scheduled to avoid the Swainson's hawk nesting season, which extends from March 1 through September 15. BIO-2: If it is not possible to schedule work between September and February, a qualified biologist shall conduct a survey for active Swainson's hawk nests within 0.50 miles of the Project site no more than 10 days prior to the start of construction. In a manner consistent with the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000). If an active nest is found within 0.50 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW. BIO-3: If an active nest is found within 0.50 miles, and the qualified biologist determines that Project activities would disrupt nesting, a construction-free buffer or limited operating period shall be implemented in consultation with the CDFW. CDFW recommends a minimum no-disturbance buffer of 0.50 miles be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. BIO-4: CDFW recommends that in the event an active SWHA nest is detected during surveys and the 0.50 mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the	Project Applicant	Prior to and during construction	Project Applicant / City of Porterville	

issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. In addition, compensatory habitat mitigation would be warranted to offset impacts to nesting habitat or habitat utilized by migrating individuals.

Migratory Bird Protection Measures

BIO-3: To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to schedule construction between September and January, a pre-construction clearance survey for nesting birds shall be conducted by a qualified biologist to ensure that no active nests will be disturbed during the implementation of the Project. A pre-construction clearance survey shall be conducted no more than 14 days prior to the start of construction activities. During this survey, the qualified biologist shall inspect all potential nest substrates in and immediately adjacent to the impact areas, including within 250 feet in the case of raptor nests. If an active nest is found close enough to the construction area to be disturbed by

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
these activities, the qualified biologist shall determine the extent of a construction-free buffer to be established around the nest. If work cannot proceed without disturbing the nesting birds, work may need to be halted or redirected to other areas until nesting and fledging are completed or the nest has failed for non-construction related reasons.				
<u>Cultural Resources Protection Measures</u> CUL-1: • Before initiation of construction or ground-disturbing activities associated with the Project, the Project proponent for all Project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; • The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and • If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the	Project Applicant	Prior to and during construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures. CUL-2: The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.				

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<u>Greenhouse Gas Emissions Reduction Measures</u> GHG-1: The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project: • The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities. • The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as wells, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized. • Any transit stops associated with the project shall be provided with safe and convenient bicycle/pedestrian access and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting). • The project applicant shall install energy efficient roofing materials. • The project applicant shall incorporate bike lanes and routes into the street system. • The project applicant shall plant trees to provide shade. • The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.	Project Applicant	During project design and construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<u>Noise Reduction Measures</u> NOI-1: During construction activities, delivery trucks serving the Project shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. NOI- 2: Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year’s Day). NOI-3: The Project Applicant shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer’s specifications) and by shrouding or shielding impact tools.	Project Applicant	During construction and operation	Project Applicant	

Resolution No. _____

A RESOLUTION OF APPLICATION BY THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR
ANNEXATION 485

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 6, 2020, conducted a public meeting to consider the approval of the Citrus Blossom Tentative Subdivision Map, a proposed subdivision of 50 single family homes with an ± 0.43 acre pocket park on ± 11.5 acres. This annexation would consequently require an amendment to the Urban Development Boundary and the Sphere of Influence, and due to the current configuration of those boundaries, the request that LAFCo would include three additional parcels, not a part of the annexation, into the Urban Development Boundary and Sphere of Influence. A Mitigated Negative Declaration was prepared that evaluated all components of the proposed project; and

WHEREAS: At the conclusion of the public hearing, the City Council moved to continue the item to the meeting of October 20, 2020 to allow for additional deliberation; and

WHEREAS, the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 485; and

WHEREAS, the territory proposed to be annexed to the city totals approximately $11.5\pm$ acres, and is substantially underdeveloped with one single family residence and citrus groves; and

WHEREAS, this proposal is beyond the Sphere of Influence for the affected city. An amendment to the Sphere of Influence and the Porterville Urban Development Boundary would be required to accommodate the project. This amendment would include three underdeveloped parcels to the south of the area to be annexed, to ensure the future development occur in an orderly manner; and

WHEREAS, Notice of a Public Hearing was published in a newspaper of general circulation, *The Porterville Recorder*, and individually mailed to all property owners within the subject area and within a 300-foot radius surrounding the subject area on September 4, 2020; and

WHEREAS, this proposal is made pursuant to Sections 56654 and 56428 of the California Government Code; and

WHEREAS, the reasons for this proposal are as follows:

1. To ensure compatible land use planning practices are implemented and to steer sustainable future development in a growing area near the current City limits.
2. To add much needed developable land to the City to aide in meeting fifth cycle Regional Housing Needs Allocation quotas.
3. To maintain a definitive and organized city boundary and ensure efficient provision of services and facilities needed for high quality of life in the project area.

WHEREAS, the proposed annexation area and proposed development thereof would be subject to compliance with the Porterville Municipal Code and Porterville General Plan.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation and modification of the Porterville Urban Development Boundary for the territory as described in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the detachment of the same area from County Services Area #1.

PASSED, APPROVED AND ADOPTED this 20th of October, 2020.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2019-020-Z) FROM RS-1 (VERY LOW DENSITY
RESIDENTIAL) TO RS-2 (LOW DENSITY RESIDENTIAL) FOR THAT 11.5± ACRE SITE
LOCATED GENERALLY AT THE SOUTHWEST CORNER OF LINDA VISTA AVENUE
AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 6, 2020, conducted a public hearing to approve findings and consider Zone Change (PRC 2019-020) being a change in zone from RS-1 (Very Low Density Residential) to RS-2 (Low Density Residential) for one parcel, totaling 11.5± acres, to support the project located on the west side of Newcomb Street, south of Linda Vista Avenue, identified as APN 243-130- 042; and

WHEREAS: At the conclusion of the public hearing, the City Council moved to continue the item to the meeting of October 20, 2020 to allow for additional deliberation; and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2019-020) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: On October 20, 2020, the City Council approved a Mitigated Negative Declaration of environmental impact for the proposed project; and

WHEREAS: The City Council made the following findings 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.

- a. The project supports and complies with the following General Plan guiding policies:
 - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
 - LU-G-3: Promote sustainability in the design and development of public and private development projects.
 - LU-G-5: Ensure that new development pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.
 - PSCF-G-1: Establish and maintain a high-quality, enjoyable, and attractive park system for the entire community.
 - PSCF-G-2: Provide park and recreation facilities within close proximity to residents they are intended to serve.
 - C-G-1: Promote safe and efficient vehicular circulation
- b. Development of the site as proposed would be subject to the City's development standards.

- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when standards of the Development Ordinance and General Plan are applied to the subsequent development project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2019-020, is hereby rezoned from RS-1 (Very Low Density Residential) to RS-2 (Low Density Residential), pursuant to Section 2 below, for the parcel described herein as Assessor's Parcel Numbers 243-130-042 located generally at the southwest corner of Linda Vista Ave. and Newcomb St.; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RS-1 (Very Low Density Residential) to RS-1 (Low Density Residential) for the parcel described above, more particularly shown on the attached map as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 20th day of October, 2020.

By:_____

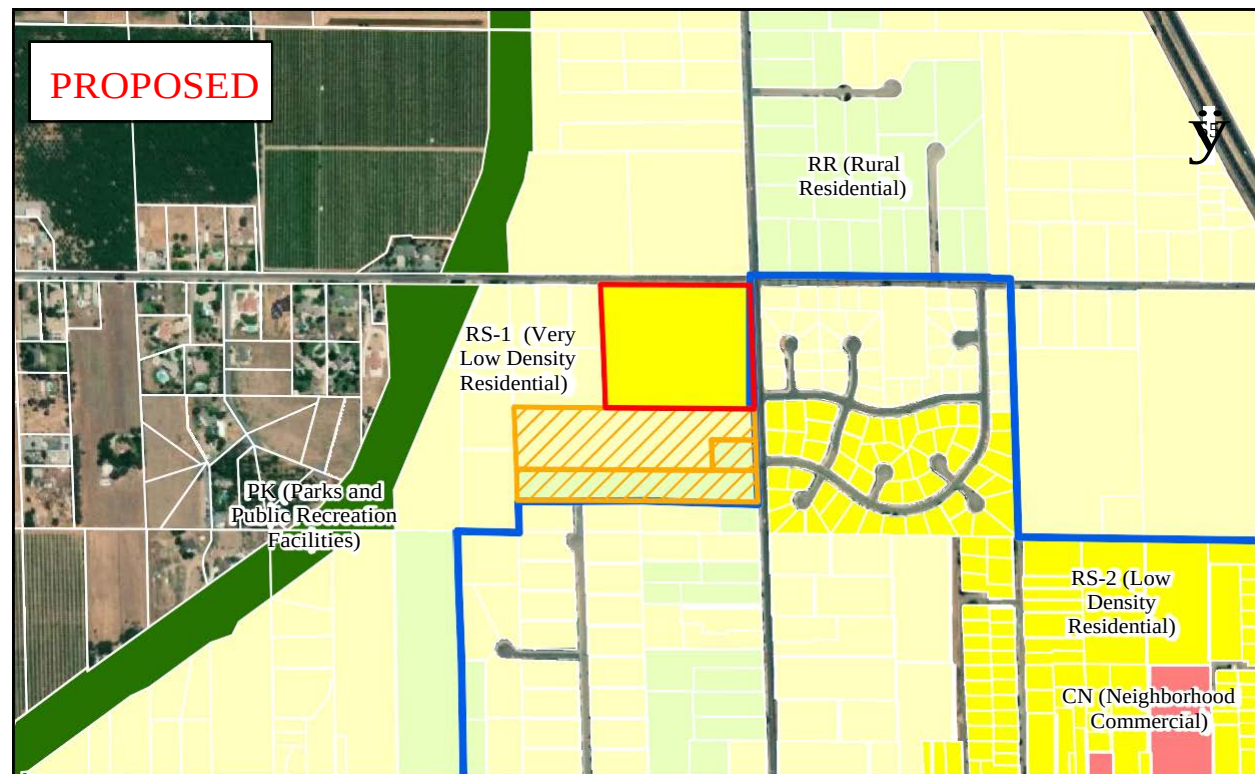
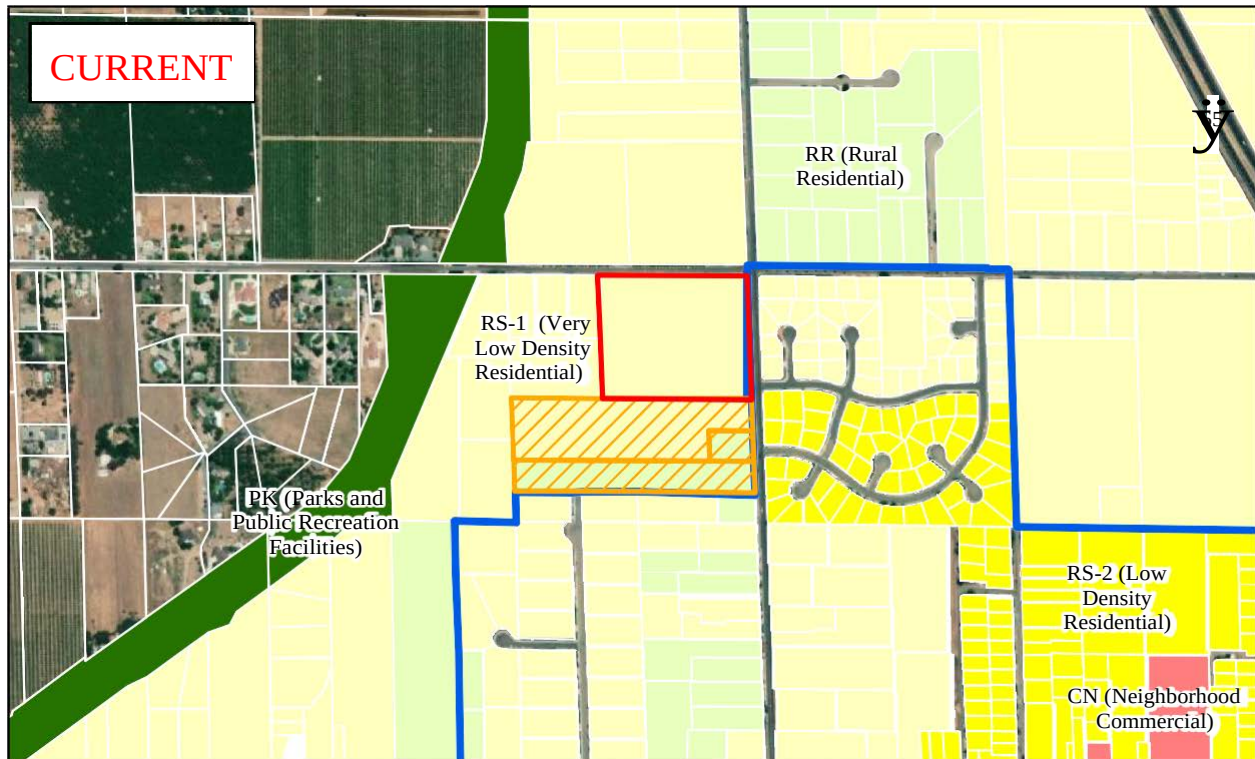
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By:_____

Patrice Hildreth, Chief Deputy City Clerk

Zoning PRC 2019-020



Citrus Blossom TSM
@ SWC of Linda Vista Ave.
and Newcomb St

1 in = 1,000 feet

- Annexation
- UBD Change
- City Limits



RESOLUTION NO.____-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR THE CITRUS BLOSSOM
TENTATIVE SUBDIVISION MAP FOR THAT ±11.5 ACRE UNDERDEVELOPED SITE
GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NEWCOMB STREET
AND LINDA VISTA AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 6, 2020, conducted a public meeting to consider approval of the Citrus Blossom Tentative Subdivision Map (Exhibit A). The proposed tentative subdivision map would divide the ±11.5 acres identified as Tulare County APN 243-130-042 into 50 parcels for development of as many detached single-family residences with an ±0.43 acre pocket park. The project as proposed meets the requirements of the Development Code and General Plan, except where otherwise conditioned, and includes such features as sidewalks with parkway strips, street trees, streetlights, a dedicated park space, and circular access within the subdivision, which would take access onto the City's circulation network from Newcomb Street and Linda Vista Avenue. The project would also include improvements to both Newcomb Street and Linda Vista Avenue along the frontages of the subject site and a road stub to the south for future connectivity to the underdeveloped area to the south of the site; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed Project; and

WHEREAS: At the conclusion of the public hearing, the City Council moved to continue the item to the meeting of October 20, 2020 to allow for additional deliberation; and

WHEREAS: At the conclusion of the deliberation, the City Council adopted a resolution approving a Mitigated Negative Declaration for the proposed project; and

WHEREAS: The City Council adopted an ordinance approving change in zone from RS-1 (Very Low Density Residential) to RS-2 (Low Density Residential); and

WHEREAS: The City Council made the following findings:

1. That the proposed Project is consistent with the goal, policies and land use designation of the Porterville 2030 General Plan. The General Plan designates the site as Low Density Residential, and is supported by as supported by the proposed RS-2 (Low Density Residential) zoning. The proposed subdivision will be developed within the density allowed by the General Plan.
2. The Initial Study prepared for this project is in compliance with the California Environmental Quality Act, and indicates that all potential impacts will be mitigated to less than significant levels. Through the implementation of the mitigation measures contained in the Mitigation Monitoring Program, the result of impacts addressed will be less than significant.

3. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. The General Plan designates the site for Low Density Residential development. Conditions of approval are included to ensure adequate development standards are met.
4. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Development Ordinance. The proposed project complies with all of the requirements of Series 400 Land Divisions, of the Porterville Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Citrus Blossom Tentative Subdivision Map (PRC 2019-020) subject to the following conditions:

1. Approval of the tentative subdivision map is contingent upon a successful application to the Tulare County LAFCo for annexation and amendment of the Sphere of Influence and Urban Development Boundary.
2. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.
3. Due to the size of the project and the proximity of the project to a community park, a pocket park is proposed as a part of the map. The developer/applicant has shown a $\pm 18,548$ sf pocket park, Lot A, to be located on N. Birch Street. The park shall be improved to City Standards.
4. The developer/applicant shall develop a road stub in the southerly portion of the development, as shown in the tentative map, between Lots 40 and 41. This is to ensure connectivity with Rose Street to the southwest at such time the properties to the south are developed at a higher density or subdivided. This stub is to be fully improved consistent with all other streets within the subdivision.
5. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District, Benefit Assessment District or similar district to include: (1) Lighting; (2) Recreational Open Space; (3) Common Public Landscaping along Newcomb and Linda Vista Streets; (4) Public walls/fences, if any; (5) Drainage reservoir, if any; and (6) any other public improvement complying with Series 400, Section 407.03 (i) of the Development Ordinance. The developer/applicant shall submit a processing fee of \$375 with the executed petition form.

6. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.
7. In accordance with Series 400, Section 407.02 (g) or (h) of the Development Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.
8. Prior to recording the final subdivision map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
9. Building permits shall not proceed further than the installation of the foundation until all of the following items are accepted as complete:
 - a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 - e. The sewer system is completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision;
 - f. Lot corners are marked;
 - g. Fire hydrants are accepted by the Fire Department and the Engineering Division.
10. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

11. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
12. The developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets to accommodate refuse vehicles and street sweepers.
13. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.
14. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
15. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.
16. The developer/applicant shall construct street improvements that comply with the intention of the adopted Development Ordinance and per the attached details. The right of way width for interior streets shall be 56 feet wide with a parkway between the back of curb and sidewalk. The ultimate right of way width on Newcomb Street shall be 68 feet wide (34' width from centerline to property line) with a parkway between the back of curb and sidewalk, followed by a 10' wide landscape easement. The ultimate right of way width on Linda Vista Ave shall be 68 feet wide (34' width from centerline to property line). An additional 9' right of way dedication will be required along Linda Vista followed by an additional 10' wide landscape easement. Dry public utilities shall be located within an easement outside of the public right of way.
17. Prior to recording the final subdivision map, the developer/applicant shall provide improvements by the method indicated below:
 - a. Pursuant to Section 66411.1(b) of the Government Code, the developer applicant shall construct curbs, gutters, sidewalks, curb returns per City Standards, sewer laterals, water services, fire hydrant relocation, street lights, connecting pavement along the full frontage of the proposed land division parcels.
 - b. Additional improvements include a functional drainage system, connection of existing house to City's sewer system, abandonment of existing septic system(s), well abandonment (if any and not in compliance with the City's Backflow Ordinance), curing of leaks in irrigation lines (if any), and other improvements necessary for public health and safety, except where they exist to Federal, State and City standards and are in good condition in the opinion of the City Engineer.
18. Prior to approval of the final map, the developer/applicant shall provide public improvement plans prepared by a Civil Engineer that include specific on-site grading

details and specifications for City approval.

19. The developer/applicant shall comply with Appendix J, "Grading" of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
20. The developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the current California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc. where required for the construction of public improvements. The developer/applicant is advised that this area has previously been identified as an area of high soil expansion potential.
21. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ord. No. 1306).
22. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development Ordinance and driveway separation from property line per City standards.
23. The developer applicant is hereby notified that the extension of a water line and sewer line in Linda Vista Avenue is required from the intersection of Newcomb Street to the westerly property line. Fire flow requirements will require the extension of a separate waterline in order to create a looped water system. The City will provide additional information if lines are determined to be a part of master plan facilities and will be subject to reimbursement.
24. The developer/applicant shall comply with City Standard for "backflow" prevention pursuant to Resolution No. 9615 (1981). A double backflow preventer is required off the water main and is to be located in an above ground enclosure.
25. The developer/applicant shall design on-site water systems meeting the requirements of the current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
26. The developer/applicant shall submit design master plans consisting of combined grading & drainage and sewer & water utilities to ensure the proper functioning and/or phasing of the development. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street. The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. A minimum amount of runoff must be contained onsite per the State's MS4 requirements.

Drainage calculations must be submitted to verify that onsite drainage area/s will capture necessary runoff. The site shall be designed to convey water to the City drainage system without crossing driveways. The developer/applicant is required to install a sidewalk channel drain at the low side of the driveway, where applicable.

27. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction. The City will provide additional information if lines are determined to be a part of master plan facilities and will be subject to reimbursement.
28. The developer/applicant shall move existing utility structures (i.e., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless the utility structures are below grade (Title 24 DSA).
29. The developer/applicant shall provide 3000K LED streetlights on Marbelite poles (spaced at staggered 320' intervals) following Southern California Edison Company specifications, as approved by the City Engineer. Wood poles are expressly prohibited without prior written approval of the City Engineer.
30. The developer/applicant shall comply with the City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
31. For residential development, the developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 5,000 square feet or more. The City will require payment of impact fees based on estimated usage and will monitor actual water usage for one year.
32. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (for example, foundations, septic tanks, irrigation pipes, etc.).
33. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Services Division. The developer/applicant is required to provide the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
34. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection.

35. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
36. The developer/applicant is advised that they are obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins the proponent must:
- a. Submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB).
 - b. Prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain, at a minimum:
 1. All items listed in Section A of the permit.
Descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and all temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States.
 - c. If portions of the project area are to be sold off before the entire project is completed, the proponent must:
 1. Submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining.
 2. Informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and prepare their own SWPPP.

PASSED, APPROVED AND ADOPTED this 20th day of October, 2020.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Citrus Blossom TENTATIVE SUBDIVISION MAP

BEING A SUBDIVISION WITHIN THE SOUTH HALF OF THE NORTHEAST 1/4, SECTION 16, T.21S., R.27E.,
M.D.B.&M., IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

JULY 2020

FOR:

SKIP BARWICK
P.O. BOX 244
CASTAIC, CA 91310
(559) 280-6090

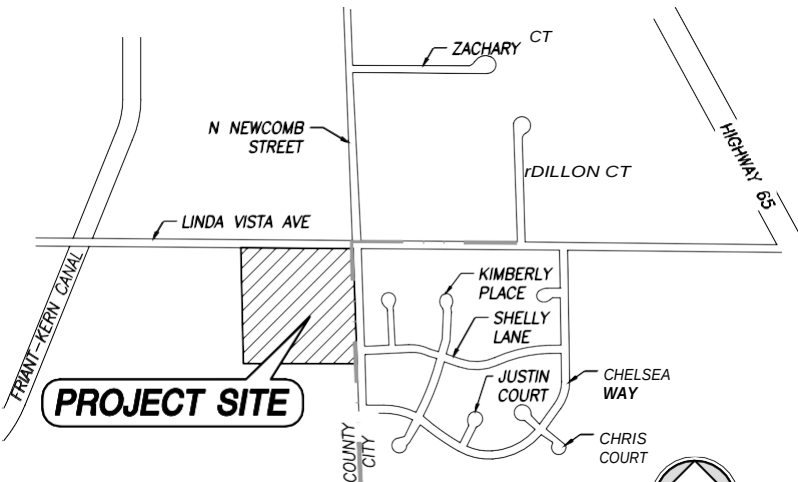


NOTES

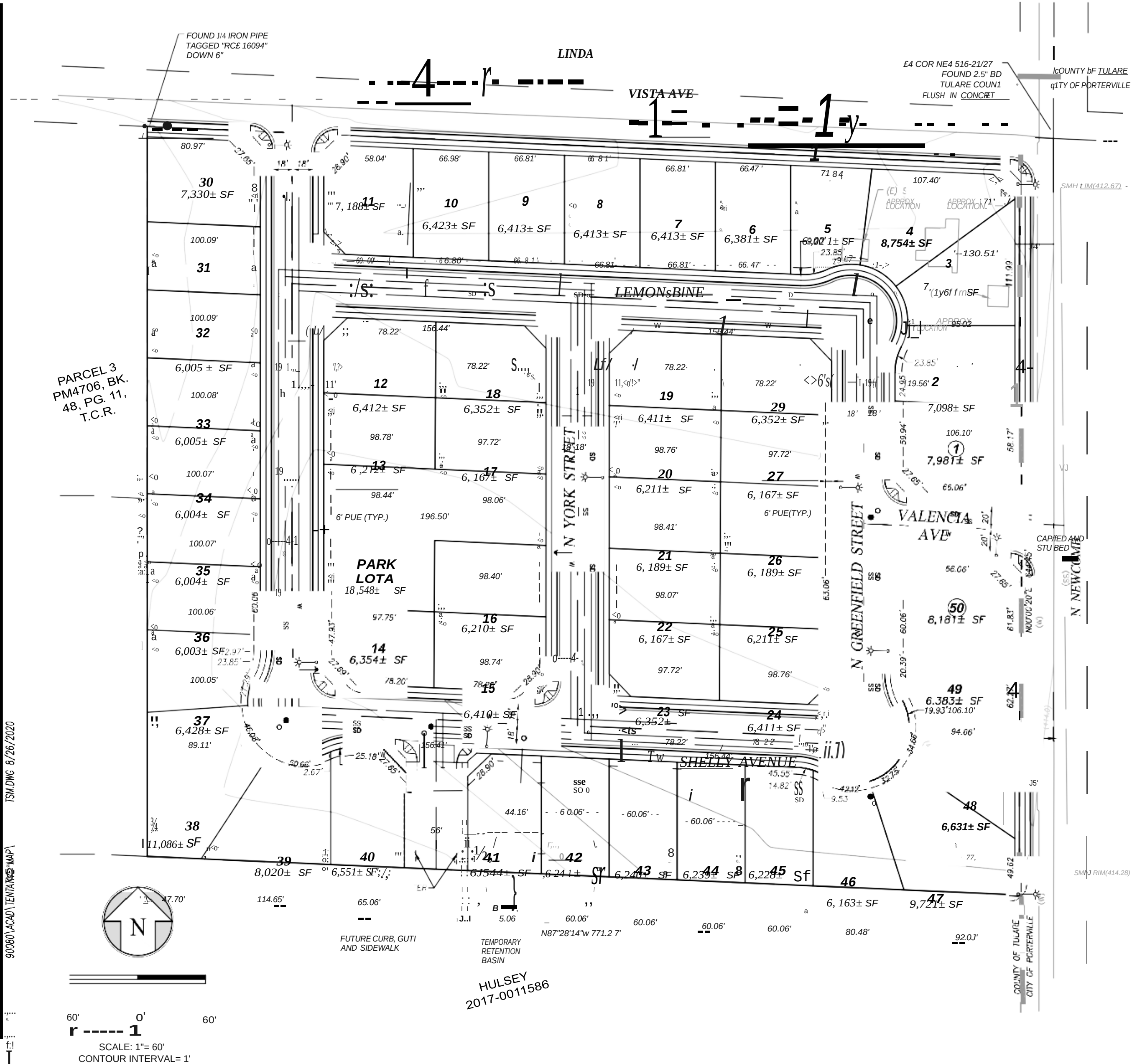
- DATE OF PREPARATION: AUGUST 26, 2020
- ZONE: RS-2. GENERAL PLAN: LOW DENSITY RESIDENTIAL.
- GROSS PARCEL AREA = 11.40 ACRES; GROSS DENSITY = 4.18 UNIT/ACRES;
- NET PARCEL AREA = 7.37 ACRES. LOT A = 0.41 ACRES PARK.
- EXISTING LAND USE: ORCHARD.
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE)
- IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
- EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
- NOT SUBJECT TO INUNDATION OR OVERFLOW, UNLESS OTHERWISE NOTED.
- NATURAL GAS BY: THE GAS COMPANY
- TELEPHONE BY: SBC
- POWER BY: SOUTHERN CALIFORNIA EDISON CO.
- CABLE T.V. BY: CHARTER COMMUNICATIONS
- DOMESTIC WATER BY: CITY OF PORTERVILLE
- SEWAGE DISPOSAL BY: CITY OF PORTERVILLE
- REFUSE COLLECTION BY: CITY OF PORTERVILLE
- DRAINAGE: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM.
- WATER QUANTITY: AS PER CITY STANDARDS.
- OFF STREET PARKING: 2 SPACES/UNIT.

LEGEND

	PROPERTY BOUNDARY
	ROAD CENTERLINE
	PROPERTY LINE
	CITY LIMITS
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	IRREVOCABLE OFFER OF OED/CATION
	PROPOSED WATER LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED STORM DRAIN LINE
	PROPOSED STREET LIGHT
	PROPOSED FIRE HYDRANT
	PROPOSED SANITARY SEWER MAN HOLE
	PROPOSED STORM DRAIN MAN HOLE
	PROPOSED WATER BLOW OFF VALVE



LOCATION MAP
NOT TO SCALE





CITY COUNCIL AGENDA – OCTOBER 20, 2020

SUBJECT: Local Initiatives Navigation Center Committee

SOURCE: City Manager's Office

COMMENT: As a Consent Calendar item on the City Council Agenda for its meeting of October 6, 2020, Council Member Peñaloza had requested that the Council consider discussing the formation of a Porterville Homeless Committee as a Scheduled Matter at the Council's meeting of October 20, 2020. Vice Mayor Reyes requested that the item be removed from the Consent Calendar and was considered by Council as a Scheduled Matter, which after discussion, Council approved the review of the newly-formed Local Initiatives Navigation Center (LINC) Committee and potentially appointing a Member of Council to represent the City.

With its inception in 1999, the City was integral in the formation of the Kings/Tulare Continuum of Care on Homelessness, also known as the Kings/Tulare Homeless Alliance (KTHA), which started as a group of different organizations with a similar interest in addressing homelessness. In 2009, the group became a recognized 501(c)3 organization, which operated with a volunteer Board of Directors and without staff but did engage consultants. In 2015, KTHA hired an Executive Director as its first paid staff to assist in securing additional Federal and State grants for programs.

Today, KTHA is a broad-based coalition of homeless housing and service providers, advocates, government representatives and consumers working together to shape regional planning and decision-making by: 1) identifying the needs of homeless households and prioritizing state and federal funding to meet those needs; 2) coordinating joint applications for homeless housing and service funding through the U.S. Department of Housing and Urban Development's (HUD) Continuum of Care Program Funding; 3) tracking trends and adjusting priorities to meet the changing needs of homeless households; and 4) advocating for increased services and funding to meet the needs of people experiencing homelessness. As part of its HUD-approved Community Development Block Grant (CDBG) program, the City provides \$5,000 annually in support of KTHA and its purpose.

Beginning in 2008 and for the successive twelve (12) years under the administration of KTHA, a local planning committee has presented the annual Project Homeless Connect (PHC), which brings needed resources to a single location on one day so that individuals that are experiencing homelessness could navigate and be connected to services that will assist them overcome barriers

they face when securing housing. The PHC committee has met monthly to plan the annual event and secure necessary partners and resources to make the event impactful for those seeking services. City staff has chaired the committee the first ten (10) years and have co-chaired the past two. In addition to the PHC, the committee also plans an annual coat and shoe drive in the winter. Members of the local committee, which includes KTHA staff, also attend KTHA membership meetings for both local and regional coordination purposes.

With the recent opening of the Porterville Navigation/Welcome Center and a local location designed to better and regularly serve the needs of individuals experiencing homelessness, the PHC committee is transitioning to a newly-forming LINC Committee. Continuing to meet once a month at the Center, the LINC Committee is comprised of local non-profits and other entities to connect homeless and people at-risk of homelessness with critical services such as health and dental care, employment assistance, housing assistance, legal services, social services and access to mainstream benefits. Through the Center, instead of once annually, the Committee will be planning twice a month to provide consumable supplies and services to clients such as DMV reduced-fee ID cards, food, hygiene kits, prescription eyeglasses, sleeping bags, transit passes, as well as dental and medical services.

As previously stated, City staff currently co-chair the Committee, but is certainly supportive if a Member(s) of Council desire to be appointed to serve on the newly-forming Committee.

RECOMMENDATION: That the City Council review the newly-forming LINC Committee and consider appointing a Member of Council to represent the City.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – OCTOBER 20, 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 October 6, 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 at the time of this report, Governor Newsom has issued fifty-three (53) 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. On October 9, 2020, apparently in consideration of the approaching holidays (e.g. Halloween, Thanksgiving, Christmas, etc.), the State issued guidance to allow up to three households to gather outdoors, including in a public park or outdoor space, allowing for social distancing, hand hygiene and wearing of face coverings unless eating or drinking, and not to exceed two hours in duration.

The County and most cities across the county have either closed or instituted soft-closings of its parks, including the closing of arbors, playgrounds and restrooms. At its meeting of April 7, 2020, the Council acted to soft-close City parks, including arbors, playgrounds, skatepark and sports courts (keeping

restrooms open for hygiene purposes) and that gatherings of any size not occur. Consistent with the State and County's modified Orders regarding outdoor recreation and operating restrictions, at its meeting of May 5, 2020, the Council acted to reopen the City's golf course (including requiring participants to wear face coverings), OHV Park and tennis courts. 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 prepared new individual outdoor recreation opportunities for the community, such as cross-country running. On June 5, 2020, the State also provided guidance on the opening of day camps beginning June 12, 2020, which staff also prepared for opening consistent with the State's guidelines and necessary precautions and preparations, and subsequently was completed on July 31, 2020. On September 28, 2020, the State allowed public playgrounds to reopen with guidance and restrictions, which at its meeting on October 6, 2020, the Council acted to keep playgrounds closed until further action.

Having already suffered the cancellation of the Iris Festival, Cinco de Mayo Parade, Porterville Fair, Military Banner Ceremony, KJUG Summer Concert Series, Freedom Fest and Pioneer Days among other community events to avoid mass gatherings, it is becoming apparent that the shelter-at-home Order could have continued affects on community events with the approaching 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, although has begun to accumulate. Since the Council's action on March 17, 2020, there is currently \$617,515 in unpaid utility accounts (water: \$382,718; sewer: \$235,537; and refuse: \$211,240), with the corresponding total loss in late fees of \$177,617 - approximately double the City's experience prior to the Governor's Executive Order. 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 one hundred and thirty-three (133) total hotel rooms available to homeless individuals participating in the Project Roomkey program across the county, with eighty-seven (87) of the rooms occupied. 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, Turning Point of Central California, has been issued building permits and was making necessary improvements for anticipated opening in the month of July, with the installation of the fire monitoring and suppression system the final improvement needed to be completed. 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 two-thirds capacity and meet State guidelines for healthy and safe operations. Given the delay in the installation of the fire monitoring and suppression system, at its meeting on August 4, 2020, the Council gave staff direction to consider opening the navigation center restricted to providing services without housing, which Turning Point opened and began offering daily services only on August 18, 2020. Turning Points is planning for the fire suppression and monitoring system to be soon complete and permitted to begin offering emergency shelter and transitional housing the week of October 18, 2020.

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 during the 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 was scheduled for Public Hearing and was approved by the Council at its meeting of July 21, 2020. In enforcement of the emergency Ordinance since adoption by Council, the Fire Department's Code Enforcement Division has six documented business-oriented incidents, and the Police Department has nineteen (19) documented incidents involving individuals.

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 initially declared that barbershops and esthetic, hair and nails salons are required to operate indoors and may not operate outdoors and therefore must be closed, however, the State Board subsequently determined to allow these businesses to be open with modifications to operate outdoors.

On August 28, 2020, Governor Newsom announced that the State was implementing a new County Monitoring List system known as the Blueprint for a Safer Economy, incorporating standardized four tiers dependent upon a county's daily new cases per 100,000 population and testing positivity rates and the corresponding effect on economic sectors guidelines for operation. Tulare County is currently in the Purple (Widespread) tier given its daily positive case rate per 100,000 population exceeds seven (9.2 at the time of this report),

although the positivity rate is less than the maximum eight percent (5.8% at the time of this report). At the time of this report, there are ten (10) counties in the Purple (Widespread) tier, twenty-eight (28) counties in the Red (Substantial) tier, twelve (12) counties in the Orange (Moderate) tier and eight counties in the Yellow (Minimal) tier. Under the new system, the State allowed barber and hair salons to reopen indoor operations on August 31, 2020, if permitted by local county public health officials. The State further allowed nail salons to reopen indoor operations on September 22, 2020, if permitted also by local county public health officials.

On September 30, 2020, the State announced a new health equity metric to be included in the Blueprint for a Safer Economy, requiring that test positivity rates in disadvantaged communities that comprise the lowest quartile of a county's Healthy Places Index census tracts do not significantly lag behind overall county test positivity rates. In order to advance to the next less restrictive tier (e.g. Purple-widespread to Red-substantial), a county will need to meet an equity metric and/or demonstrate targeted investments to eliminate disparities in levels of transmission. According to Tulare County's report as of October 13, 2020, the lowest quartile does not include Porterville areas exceeding 8% positivity, with the census tracts of Cutler/Yettum (24.4%), Pixley/Teviston (18.9%), Earlimart (15.6%), Alpaugh/Allensworth/Richgrove (15.4%), South-Central Tulare (13.3%), Tipton/Woodville (12.5%), West-Central Tulare (11.8%) and Orosi (8.9%) being of greatest concern. As referenced by a Member of Council, at its meeting on October 6, 2020, the Tulare County Board of Supervisors adopted a Resolution, demanding clarity, consistency, and continuity from Governor Newsom regarding COVID-19 directives to counties.

The new State Blueprint also provided a waiver process to allow TK-6th Grade students to receive in-person instruction with prior County and State approval, which locally St. Anne's School received such approval and began instruction on September 14, 2020. Also locally, Hope Elementary School received waiver approval and began in-person instruction on September 28, 2020, and both Rockford Elementary and Pleasant View Elementary have recently received both County and State waiver approval.

At its meeting on August 4, 2020, the Council considered and gave direction to staff evaluate opportunities for local restaurants to operate outdoors in the City's public right-of-way. At its meeting on August 18, 2020, given City liability considerations, the Council gave direction to work with local restaurants individually through an application and guidelines developed in coordination with the Council's Ad Hoc Committee. On August 24, 2020, the Council Ad Hoc Committee met with staff to review draft guidelines for the opening of outdoor dining by restaurants in public right-of-way, which the final guidelines are provided as an attachment. Consistent with the guidelines and the proposed City's support for protecting restaurant patrons dining in the public right-of-way, at its meeting on September 1, 2020, the Council authorized an appropriation of \$100,000 from the City's Emergency/Catastrophic Reserve Fund for the purchase of necessary traffic and sidewalk barriers and other complimentary amenities, with any expenditure of funds to be documented for potential

reimbursement should future federal and/or state funding be made available to mitigate COVID-19 activities. At the time of this report, nine entities have been approved to provide outdoor dining, including the Elks Lodge #1342, New China Restaurant, El Jacalito Taqueria, Pho Sho Fusion House, Pizza Factory, El Maguey Mexican Restaurant, Mariscos El-30, RJ's Cafe & Bakery, El Nuevo Mexicali II, and several more are considering application.

Due to increasing virus spread in the Central Valley resulting in increased cases and hospitalizations, on July 27, 2020, the Governor announced the appropriation of \$52 million in support of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare in the implementation of three Unified Support Teams to provide hands-on technical assistance in support of testing, contact tracing, isolation and quarantine efforts. On August 12 and 13, 2020, the State's Unified Support Team met with local representatives in developing strategies reducing community spread in Tulare County.

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. On August 31, 2020, Governor Newsom signed legislation to extend protections for tenants from eviction from COVID-19-related back rent through February 1, 2021, as well as extended anti-foreclosure protections in the Homeowner Bill of Rights to small landlords.

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. On July 2, 2020, the City received notification from the County that the State would activate PDC as a regional alternate site on Friday, July 3, 2020, treating low-acute COVID-19 patients transferred from impacted hospitals from across the Central Valley. On August 19, 2020, the State notified the County that State personnel were being assigned to support the large fires in northern California and now across the state, and that PDC would not be accepting any new patients until further notice. As of September 12, 2020, there were no patients being treated at PDC, with the State designating the "warm closure" of the facility that can be reactivated within seventy-two (72) hours if necessary.

As part of the Governor's commitment to broader testing in rural and underserved areas of the state, the State established a contracted large-scale testing facility at the Veterans Memorial Building, beginning operations on Tuesday, May 5, 2020. Up to 130 tests are expected to be performed each day (Monday - Friday) for the next several months, which testing will be available to everyone by appointment. Given initial low utilization, City staff initiated a local messaging campaign for local residents to be tested, which precipitated improved community response beyond minimum State testing thresholds. City staff had been 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, however, the State and the Veterans Memorial administration have agreed to continue testing through the month of October, and potentially through the remainder of the calendar year.

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.

Another federal economic recovery package is currently in discussions by Congress, with the House of Representatives proposed Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act including \$3 trillion in federal assistance which includes \$1 trillion in state and local government funding assistance, and the Senate proposed Health, Economic Assistance, Liability protection and Schools (HEALS) Act including \$1 trillion in federal assistance which does not include any local government funding assistance.

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 received final approval from the Housing and Urban Development (HUD) Department on July 21, 2020, and begin providing local small business assistance. Although the City received approval of its CDBG-CV plan and program by HUD, on August 10, 2020, HUD released its final set of program rules, which staff had to review for consistency. On September 17, 2020, the City received notification from HUD of an additional \$393,000 in additional CDBG-CV funds, which City staff is still awaiting final approval from HUD on the use of funds. 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 the City will 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
 24. City of Porterville Urgency Ordinance - Face Coverings: July 21, 2020
 25. City of Porterville Guidelines for Expanded Outdoor Dining
 26. State of California Guidance for Reopening Outdoor Public Playgrounds: September 28, 2020
 27. Tulare County Resolution - State COVID-19 Directives Clarity: October 6, 2020
 28. State of California Guidance for Private Gatherings: October 9, 2020
 29. Tulare County Healthy Places Index Update: October 13, 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

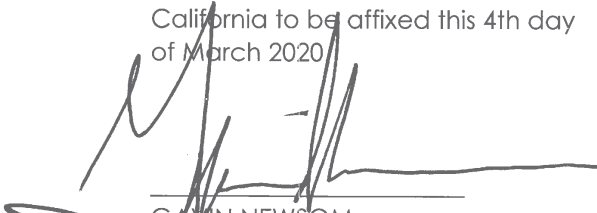
notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

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:

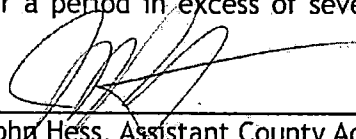
1. Proclaims that a local emergency, as defined in Government Code Section 8558 and Tulare County Ordinance Code Section 1-15-1005, now exists within the County due to the presence of COVID-19; and
2. Requests that the Governor of the State of California request a federal declaration to provide assistance, 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

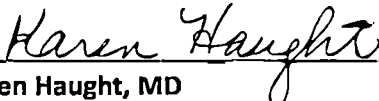
WHEREAS, the Board of Supervisors is not in session, and cannot immediately be called into session; and

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, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

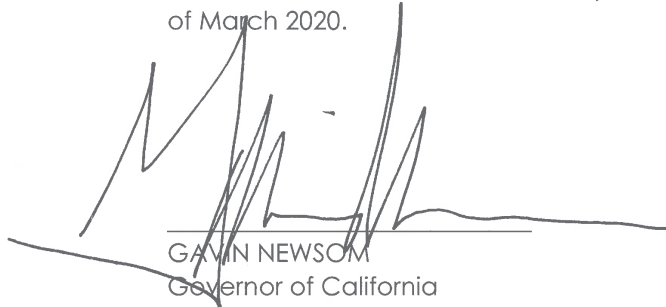
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice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

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

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

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

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



A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized with long, sweeping strokes.

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:

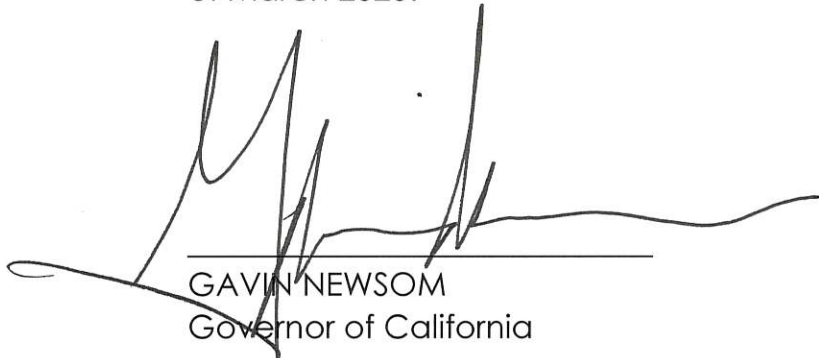
- 1) To the limited extent that any part of Health & Safety Code section 50214, subdivision (a), restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing 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

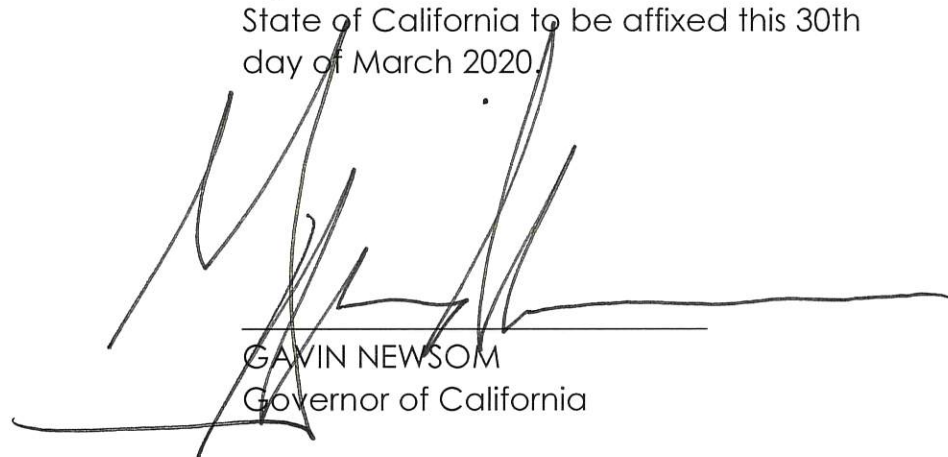
and safety. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 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.

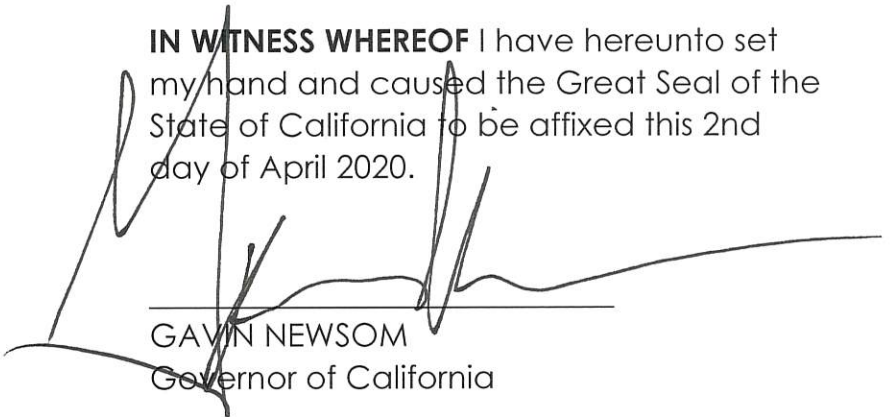
Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

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

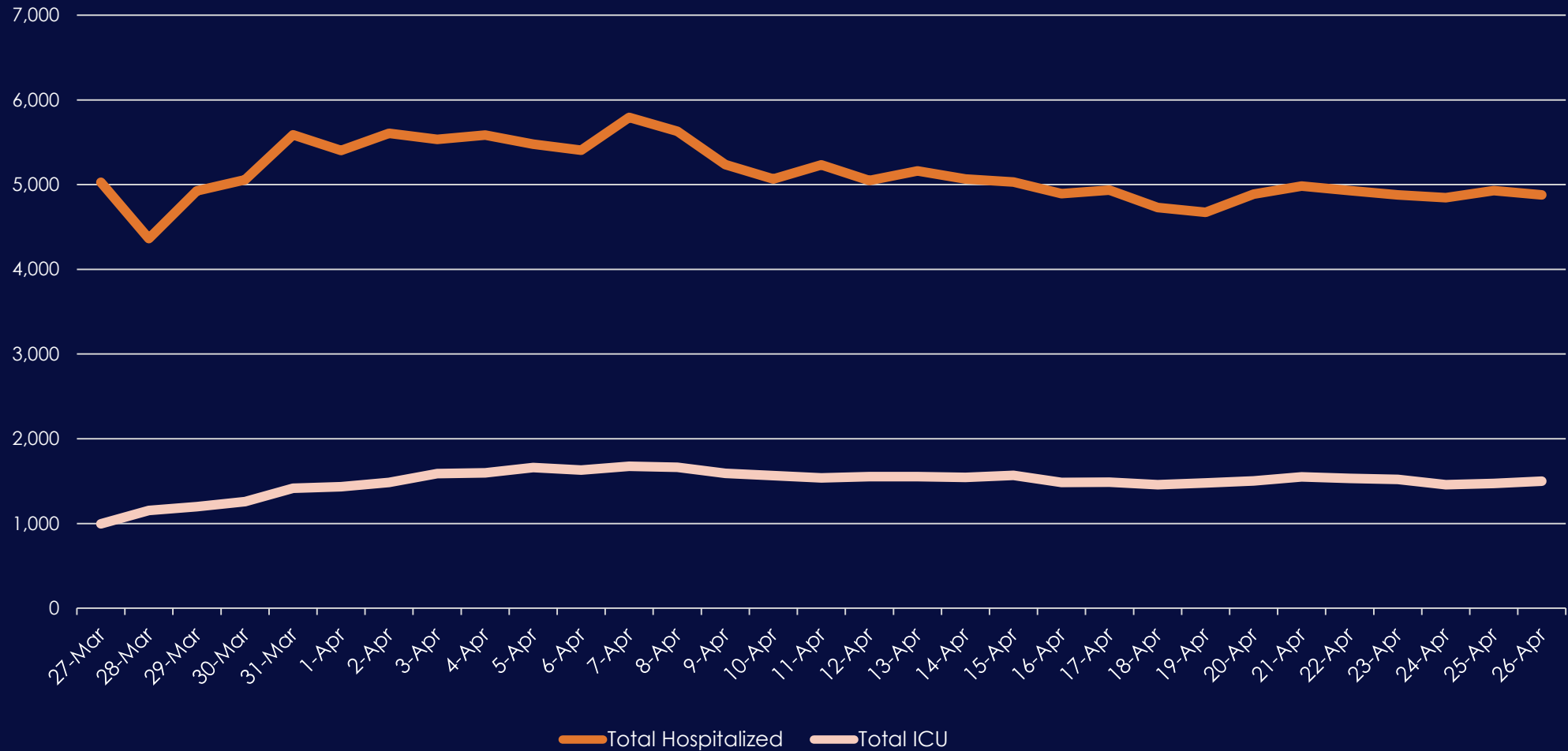


Update on California's Pandemic Roadmap

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.

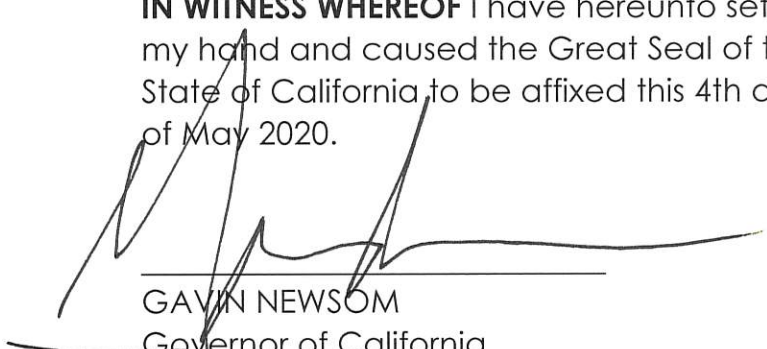
The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect 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

JMF/4/7/2020/2020217/1450463_2.docx

**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



TULARE COUNTY HEALTH & HUMAN SERVICES AGENCY

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Agency Director

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.
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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.
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37. Pursuant to California Health and Safety Code sections 101029 and 120280, and Tulare County Ordinance Code sections 1-15-1040(b) and 125, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

IT IS SO ORDERED.

Time: 7:35am

Date: May 8, 2020

Issued by: 

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

Approved as to Form:
COUNTY COUNSEL

By 
Deputy County Counsel

Matter No. 2020217

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TULARE COUNTY'S MULTI-STAGE APPROACH TOWARDS A HEALTHIER COMMUNITY

Epidemiologists and infectious disease experts agree that in the absence of strict social distancing, Tulare County numbers would once again surge. COVID-19 will continue to be a serious threat until there is an effective vaccine or more effective therapeutic treatments. Centers for Disease Control and Prevention (CDC) and National Institute of Allergy and Infectious Diseases (NIAID) experts estimate that we will not have a vaccine for COVID-19 until 2021, at the earliest. For the foreseeable future, living with COVID-19 is our new “normal”.

Living with this disease means finding ways for our community to return to work with COVID-19 still circulating. There is an emerging consensus that America's economy should open in stages with different parts of the economy and different aspects of public life reopening at different times will present a framework for a three-stage approach that reflects the state of the COVID-19 pandemic in Tulare County.

Over the last couple of weeks, California counties in coordination with the California Department of Public Health have worked extensively to create meaningful criteria that provides a solid framework to use when deciding to reopen local economies. Specifically, Tulare County has adopted four criteria to use as the means of determining the readiness of reopening our local economy. It is important to note that these criteria are aligned with other California Counties and the recommendations from the State, however, our readiness may be earlier or later than other counties due to our local situation.

The following four (4) criteria will need to be met simultaneously before moving to Stage 2, and then again before moving to Stage 3, and then once again before moving to Stage 4. Each of the following criteria has assessments and respective metrics that will be used to determine forward movement to the next Stage. However, if it is determined that there is a potential rebound or local outbreak, returning to an earlier Stage is probable.

- **(CASES) SUSTAINED REDUCTION OR STABILITY IN NEW CASES FOR 14 DAYS.** Tulare County agrees that movement towards reopening for Stage 2 should begin after 14 days of a sustained downward trend in COVID-19 positive cases.

Certain increases, such as an increase in active cases over the course of five days, would clearly be a cause for concern. However, exact judgements should reflect a precise understanding of local trends. If, for instance, public health departments identify a specific outbreak and are able to isolate COVID-positive cases and quarantine people who were in close contact quickly, movement towards greater reopening could continue, even with an increase in positive cases.

- **ADEQUATE DIAGNOSTIC TESTING CAPACITY AND RAPID TEST RESULTS. THE ABILITY TO TEST ALL INDIVIDUALS WITH COVID-19 SYMPTOMS (WITHIN A CERTAIN TIMEFRAME). SAME-DAY TESTING WIDELY AVAILABLE FOR HOSPITALIZED PATIENTS, HEALTH CARE WORKERS AND WORKERS IN ESSENTIAL ROLES, CLOSE CONTACTS OF CONFIRMED CASES, AND OUTPATIENTS WITH SYMPTOMS).** Expanding testing capacity and making testing broadly available is necessary to treat and control infection, and for detecting increases COVID-19 cases early.
- **PUBLIC HEALTH DEPARTMENT’S CAPACITY TO RAPIDLY INTERVIEW NEW CASES, IDENTIFY CLOSE CONTACTS, AND ENSURE THAT ISOLATION AND QUARANTINE ARE EFFECTIVE.** Public health surveillance must be strengthened to understand the spread of COVID-19 and rapidly detect outbreaks. Experts call for evidence of declining transmission for at least 14 days before there could be a move to a staged approach of reopening the economies. Tulare County must closely monitor the signs of COVID-19 spread. It must notice problems to avoid overcrowding of emergency departments or outbreaks among the higher risk.
- **HEALTH CARE SYSTEM CAPACITY TO RESPOND TO POTENTIAL SURGES.** Tulare County must ensure that the local healthcare system is out of crisis mode and able to handle potential new surges in patients, along with non-COVID-19 related services, prior to reopening the economy. Tulare County will continue to track and share information about the availability of hospital beds, ICU beds, ventilators, and personal protective equipment (PPE) in order to ensure that they are adequately available if cases surge, as modeled under a variety of assumptions. Data on available capacity should be assessed at a designated frequency. State stockpiles should be used to fill any deficiencies and there should be continuous monitoring of cases statewide to assure that capacity will not be exceeded.

GOALS AND LINKED METRICS TO CONSIDER WHEN MOVING BETWEEN STAGES

Goals	Metric
1. Containment Capacity	GOAL: Stable or decreasing COVID-19 infection rate METRIC: Low prevalence of disease - no more than 1 case per 10,000 people in last 14 days METRIC: No more than 1 death in last 14 days GOAL: Ability to test everyone who needs to be tested METRIC: Minimum daily testing volume of 1.5 per 1,000 residents METRIC: Testing availability for at least 75% of residents as measured by specimen collection sites within a 60-minute drive in rural areas
2. Case investigation and contact tracing	GOAL: The public health system has adequate infrastructure, processes, and workforce to reliably detect and safely isolate new cases, as well as follow up with individuals who have been in contact with positive cases METRIC: Sufficient staff allocated to contact tracing, at least 15 staff per 100,000 population

	METRIC: Availability of temporary housing units to shelter at least 15% of county residents experiencing homelessness
3. Health Care System Capacity	GOAL: Hospitals can quickly and independently supply sufficient PPE and critical medical equipment and can surge intensive care unit (ICU) capacity. METRIC: Ability to accommodate a minimum surge of 35% (combined for county) due to COVID-19 patients as well as providing usual care for non-COVID-19 patients.
4. Vulnerable Populations	GOAL: Ability to protect our vulnerable populations METRIC: Skilled nursing & other congregate living facilities have > 14-day supply of PPE and access to non-state sources for replenishing the supplies.

Potential Increased Community Transmission when Re-opening Public Spaces.

Opening public spaces will entail an increased risk of community transmission. Certain populations will be more at risk for serious consequences and mortality from contracting the disease. Those most at risk include:

- Healthcare workers, first responders and other essential workers in contact with the public;
- Older adults living in nursing homes, assisted living, and senior housing;
- Racial and ethnic minorities;
- Justice-involved populations;
- People experiencing homelessness; and,
- People with disabilities and living in state institutions, group homes, and other congregate settings.
- Pregnant individuals

Given the setting and circumstances of where these populations reside, targeted monitoring and interventions will be critical to protecting these communities. Tulare County must develop effective systems and policies that protect these populations so that it is less likely to experience outbreaks that can interrupt the gradual reopening of society.

Strong and Clear Communication and Public Engagement Plan.

Communication is an integral part during a crisis, and is even more important as Tulare County moves toward reopening. It is critical that public engagement is incorporated into the response plan to minimize the risk of misunderstanding, confusion, or protest by individuals who believe reopening should be either faster or slower. It is important that Tulare County evaluates the different needs, risk factors, and resources.

Rationale for a Multi-Stage Approach to Reopening

Developing a framework that thoughtfully guides decision making on key factors to reopen the economy is important. The framework must include an array of public health factors, including consistent communication related to COVID-19, data collection, defining measures to reassess readiness for opening, and anticipating the need to revert to tighter control measures. Additionally, criteria for moving between stages and defining the stages for reopening must be established. Equally important is building partnerships between public and private sectors to implement the plan.

This is the time to identify and share critical metrics and explain “the rules for reopening.” The most important message to convey in this period is that **the rate of transmission must decline or remain low to make it safe to proceed with plans to reopen local economies**. During this process, local governments should engage health care systems, schools and businesses to fine tune plans for a staged reopening and to clearly convey the steps that will be necessary.

Testing capacity should continue to expand; vulnerable populations should be identified and monitored. Businesses, schools, and healthcare facilities should develop written plans for how they will help prevent COVID-19 spread in their facilities. Policymakers should also examine disincentives to testing and isolation or quarantining, such as the fear that people who test positive or are quarantined could lose their jobs. Travel to and from areas that are experiencing significant disease should be discouraged or prohibited.

This stage should continue for the next two weeks. During this time, monitoring should indicate case numbers are declining. Based on COVID-19 case rate statistics by city and region, healthcare providers and health systems should demonstrate they can manage (with ICU beds, ventilators, PPE, nurse and physician staffing, and other metrics of capacity) no less than 1 week of new cases at the prior week case rate prior to progression between stages or to moving on to the first stage of reopening.

During this planning period, all non-essential businesses should remain closed and the Stay At Home Order remains in place. Except when performing essential services, citizens over age 65 and those with high risk factors need to remain vigilant and to shelter at home.

- Work from home should continue whenever possible, and cloth face coverings should be worn in public locations.
- Tulare County will work to accomplish all specific requirements listed above, including testing, tracking and quarantine strategies to identify cases and prevent transmission.
- All essential and non-essential businesses should begin preparations for later stages, and should be prepared to certify to the Health Department that they have written protocols, completed the social distancing and safety plan checklist and can reliably perform the following functions before advancing to later stages:

- Screen daily all employees for respiratory symptoms. Workers in close contact with each other should be screened daily with temperature checks as well. Business safety plans should clearly specify protocols for different categories.
- Advise employees with symptoms to remove themselves from the workplace and call healthcare provider for guidance. Establish policies and procedures to help employees who are required to by the healthcare provider to isolate or quarantine.
- Set expectations for frequent hand hygiene and wearing of cloth face coverings by employees where appropriate or able.
- Hand sanitizer should be placed throughout the business.

GUIDELINES FOR ALL STAGES

Individuals:

- **Continue to adhere to state and local guidance, in particularly with respect to face coverings.**
- **Continue to practice good hygiene**
 - Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
 - Avoid touching your face
 - Sneeze or cough into a tissue, or the inside of your elbow.
 - Disinfect frequently used items and surfaces as much as possible
 - Using face coverings while in public, and particularly when using mass transit or carpools.
 - People who feel sick should stay home. Do not go to work or school.
 - Contact and follow the advice of your medical provider.
 - Practice social distancing

Employers: See guidance document for employers

- **Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding employee and customer protection**
- **Keeping the Workplace Safe**
- **Communicating with your team**
- **Preparing Your Space**
- **Cleaning and Disinfecting after opening**
- **Personal Protection Equipment (PPE)**
- **How Long COVID19 Lives on Surfaces**
- **5 Essential Actions for Individuals**

If positive improvement/stability of metrics for 14 days, move to STAGE 2

CURRENT STAGE/STAGE 1

Retail Stores	• Non-essential closed • Essential businesses must implement social distancing measures for all staff and customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Commercial Businesses/Offices	• Non-essential closed • Essential businesses must implement social distancing measures for all staff and customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible •
Restaurants & Bars Serving Food	• Online order and curbside pickup only • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Nail Salons, Hair Salons, Barber Shops, etc.	• Closed
Health Care, Dental, Optometry, etc.	• Essential and/or emergency services only • Implement social distancing measures for all customers • Face coverings required for customers • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Massage, Tattoo & Body Art, etc.	• Closed
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features, Close Contact Sports, etc.	• Closed
Bars, Entertainment Venues, Community Events, etc.	• Closed
Faith Based Institutions	• Closed
Educational Institutions	• Closed
Public Spaces	•
All Residents	• Age 65+ and individuals with underlying conditions, stay home. All, work from home, if possible. Wear face covering and maintain 6 ft. social distancing when in public.

If positive improvement/stability of metrics for 14 days, move to STAGE 3/ If significant decrease in metrics return to Stage 1

STAGE 2: Lower Risk Workplaces

Retail Stores	• Online order and curbside pickup for non-essential businesses. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Commercial Businesses/Offices	• Implement social distancing measures for all customers. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible.
Restaurants & Bars Serving Food	• Continue online order and curbside pickup only. No dine-in • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Nail Salons, Hair Salons, Barber Shops, etc.	• Closed
Health Care, Dental, Optometry, etc.	• Urgent or Emergent procedures only • Implement social distancing measures for all customers and between coworkers • Employees screened daily and must wear face covering
Massage, Tattoo & Body Art, etc.	• Closed
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features (e.g. splash pads), Close Contact Sports, etc.	• Closed
Close Contact Sports	• Closed
Bars, Entertainment Venues, etc.	• Closed
Community Events (health fairs, cook-offs, etc.)	• Closed
Faith Based Institutions	• Closed
Educational Institutions, schools and organized youth	• Follow established guidelines for schools and child care facilities •

activities (day camp, summer camp)	
Senior Facilities (Skilled Nursing, Assisted Living, Long-term Living, etc.)	• Follow all established guidelines for all types of senior facilities • Implement social distancing measures. • Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible
Public Spaces	• All activities adhere to distancing and infection control protocols •
All Employers	• Continue to encourage work from home, if possible. Return to work in stages. Close common areas where personnel are likely to congregate or enforce strict social distancing protocols. Minimize non-essential travel. Consider special accommodations for personnel who are members of a vulnerable population.
All Residents	• Age 65+ and individuals with underlying conditions, stay home. All, if essential employee, work from home, if possible. Wear face covering when unable to continuously maintain 6 ft. social distancing when in public. Social gatherings should be in accordance with State guidance and be limited to immediate family. Minimize non-essential travel.

If positive improvement/stability of metrics for 14 days, move to STAGE 4 /if significant decrease in metrics, return to STAGE 2

STAGE 3: Higher Risk Workplaces

Retail Stores	• Open at 50% capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Commercial Businesses/Offices	• Open at 50% capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Manufacturing	• Employees screened daily and must wear face covering and maintain 6 ft social distancing from co-workers and the public if possible.
Restaurants & Bars Serving Food	• With State Executive Order lifted, open at 50% seating capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Nail Salons, Hair Salons, Barber Shops, etc.	• Restricted to appointment only services. No walk-in customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.

Health Care, Dental, Optometry, etc.	• Routine and elective procedures for patients for all age groups. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Massage, Tattoo & Body Art, etc.	• Restricted to appointment only services. No walk-in customers. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Gyms, Fitness Centers, Public Pools, Community Pools, Interactive Water Features (e.g., splash pad), etc.	• Open at limited capacity while adhering to 6ft social distancing criteria. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Close Contact Sports	• Closed
Bars, Entertainment Venues, etc.	• Closed
Community Events (health fairs, cook-offs, etc.	• Closed
Faith Based Institutions (Churches & Weddings)	• Open at 50% capacity. • Implement social distancing measures. • Wear face covering if unable to continuously maintain 6 ft. social distancing when in public.
Educational Institutions, school and organized youth activities (day camp, summer camp)	• Follow established CDPH and CDC guidelines for schools and child care
Senior Facilities (Skilled Nursing, Assisted Living, Long-term Living, etc.)	• Follow all established CDPH guidelines for all types of senior facilities • Implement social distancing measures. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Public Spaces	• All activities adhere to distancing and infection control protocols
All Employers	Close common areas where personnel are likely to congregate or enforce moderate social distancing protocols. Consider special accommodations for personnel who are members of the vulnerable populations.
All Residents	• Age 65+ and individuals with underlying conditions, stay home. Work from home, if possible. Wear face covering if unable to continuously maintain 6 ft. social distancing when in public. Social gatherings should be in accordance with State guidance. Some non-essential travel may resume.

If significant decrease in metrics, return to STAGE 3

Stage 4: End of Stay at Home Order

Retail Stores	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Commercial Businesses	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Restaurants & Bars Serving Food	• Limited to State restrictive capacity. If no limitations, open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Nail Salons, Hair Salons, Barber Shops, etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Health Care, Dental, Optometry, etc.	• Routine and elective procedures for patients for all age groups. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Massage, Tattoo & Body Art, etc.	• Open at full capacity. • Implement social distancing measures for all customers. • Employees screened daily and must wear face covering if unable to continuously maintain 6 ft social distancing from co-workers and the public.
Gyms, Fitness Centers, 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

ORDINANCE NO. 1874

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.

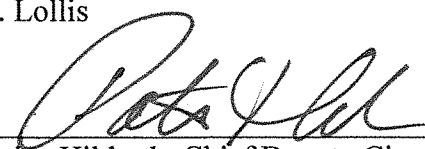
Section 6. This Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b) (4).

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 21, 2020 at a regular meeting of said Council duly and regularly convened.


Martha A. Flores, Mayor

ATTEST:
John D. Lollis

By: 
Patrice Hildreth, Chief Deputy City Clerk

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

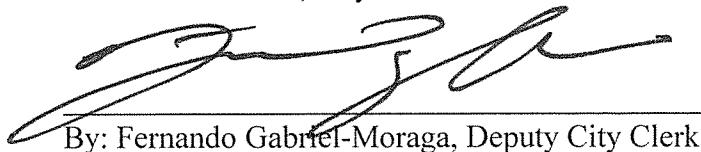
I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Urgency Ordinance No. 1874, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21st day of July, 2020, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to be in full force and effect immediately upon adoption.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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

JOHN D. LOLLIS, City Clerk



By: Fernando Gabriel-Moraga, 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 of Porterville

Guidelines for Expanded Outdoor Dining During Covid-19



Preface

The City of Porterville has developed these guidelines for outdoor dining to assist our restaurant businesses in providing expanded seating capacity in the public right-of-way and on private spaces for in-person restaurant dining as allowed for by the State of California and Tulare County COVID-19 Health Orders (Health Orders). These guidelines are temporary in nature and will only be in place during this time of restricted restaurant operations or up until January 31, 2021, *whichever occurs earlier*.

The City of Porterville will be allowing restaurants to utilize sidewalks, public parking spaces, and/or in parking spaces in privately owned shopping centers, for the purposes of providing outdoor dining areas. Specific restrictions and guidelines for each of these locations are outlined in this guidebook.

State of California

Effective as of June 6, 2020, the State of California is permitting outdoor dining. General requirements include, but are not limited to:

- The establishment a written, workplace-specific COVID-19 prevention plan. State of California COVID-19 Industry Guidelines for Dine-In Restaurants can be currently found at <https://files.covid19.ca.gov/pdf/guidance-outdoor-restaurants--en.pdf>. Facilities that open for outdoor dining must offer curbside pickup, takeaway, and/or delivery service alternatives. Lines for pickup or takeaway must be in a separate area from the outdoor dining area to prohibit patrons from unnecessarily accessing the outdoor dining area.
- *Pursuant to State licensing*, alcohol may be sold to patrons in conjunction with a meal, but it may not be sold independently, and bar areas must remain closed to customers.
- Patrons are required to wear a face covering except when sitting at a table.

Temporary Outdoor Restaurant Dining Permit

The City has developed a no-fee streamlined encroachment permit application for temporary outdoor dining. The intent of this permit is to be temporary in nature and to be in place only during the Health Orders restrictions on restaurant operations or up until January 31, 2021, *whichever occurs earlier*.

The following documents are required in order to process a permit for outdoor seating in the City of Porterville:

- Temporary Outdoor Restaurant Dining Permit Application
- Certificate of Liability Insurance and Endorsements
- Site Plan diagram of proposed outdoor dining lay-out

The Temporary Outdoor Restaurant Dining Permit application is available on the City's website (<https://www.ci.porterville.ca.us>).

General Guidelines for all Outdoor Dining Areas

The following general guidelines apply to all areas:

- **Adequate Clearance for Social Distancing.** Any outdoor table and seating must maintain a minimum sidewalk clearance and/or pedestrian through zone of 6-feet from any physical obstruction to allow pedestrians to maintain adequate social distancing when passing by patrons seated at a table. The physical obstruction includes light poles, fire hydrants, trees, or other barriers and entryways or display window of adjacent businesses, unless authorized by the adjacent business.
- **Seating Area Allowance for Social Distancing.** The seating provided shall allow for patrons to maintain a minimum 6-foot social distance from the nearest group of other patrons seated in the same area.
- In addition to the cleaning and sanitary measures, tables must be arranged to ensure that no customer is sitting within six feet of any other customer at a separate table.
- Patrons at a single table are limited to no more than six, and they must be from the same household or living unit.
- **ADA Compliance.** Outdoor seating areas must comply with all requirements of the California Building Code, Americans with Disabilities Act (ADA), and provide sufficient clearance and walkway space to allow safe access and egress. Restaurants must ensure that a minimum 3-foot ADA path of travel is maintained throughout the areas for patrons to access tables provided.
- **Temporary Fixtures.** Tables, seating, umbrellas, heating lamps, planters, platforms or flooring shall achieve California Building Code and ADA compliance, and any approved physical barriers to mark the seating area are the only items permitted in the public right-of-way. These items must be designed to be weighted down for wind protection, removable, and minimize tripping hazards.
- **Alcohol Service.** Restaurants and food establishments licensed by the State of California will be permitted to sell and allow on-premise consumption of alcoholic beverages. Alcohol service is only allowed under full-service conditions and alcoholic beverages consumed in the outdoor dining premises are not allowed to be provided in to-go containers. Establishments that serve alcoholic beverages in the outdoor dining area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages. Visit the ABC website for their specific COVID-19 regulatory updates.
- **No Outdoor Food Preparation.** Outdoor food preparation is not permitted. No heating, cooking or open flames are permitted in the outdoor dining space or public rights-of-way.
- **Amplification of noise.** Amplification of music or other sounds is generally prohibited for these temporary uses, and for any proposed use of amplified music or an intercom system, if allowed an amplification permit will be required. The application may be found at the following location: <http://www.ci.porterville.ca.us/depts/ParksandLeisure/documents/OutsideAmplifierPermit.pdf>

Music volume must be adjusted so that workers can maintain social distance from customers to hear orders.

- **Site Maintenance.** Outdoor seating areas shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped to remove any food or drink stains on a daily basis by the permittee. Such cleaning shall be in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than storm water into the storm water drainage system.

- **Tents or Shade Structures.** Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk. Tents or any structures shall be installed in an *approved* manner that is inspected by both the Fire Department and the Building Division prior to being occupied. The use of tents or shade structures in excess of 400 square feet will require coordination with and approval from the Porterville Fire Department. To request more information contact (559) 782-7526.
- **Space Heaters.** Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations and California Fire Code, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material. Use will require coordination with and approval from the Porterville Fire Department. To request more information contact (559) 782-7526.
- **Hours of Operation.** The outdoor dining areas shall adhere to the same approved hours of operation as the existing restaurant
- **Lighting.** Temporary outdoor lighting in compliance with the Porterville Development Ordinance is allowed. Lighting shall be turned off whenever the restaurant is closed and/or the outdoor dining area is not in use.
- **Removal of Items.** All items installed to support outdoor dining shall be temporary in nature and removed at such the time the City so orders. Upon removal of these items, the site shall be restored to its previous condition within 48 hours.
- **Restrooms.** Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

Sidewalk Dining Areas

Sidewalk dining involves the placement of tables and chairs in the public sidewalk area. Businesses may request the closure of sidewalk immediately adjacent to the restaurant with Temporary Outdoor Restaurant Dining Permit. Furthermore, Businesses may request the closure of on-street public parking spots directly adjacent to the business frontage, for use as a buffer or extended entrance area (no dining in on-street parking spots is permitted).

The following specific conditions apply to these areas:

Restaurants using these areas will need to provide their own furniture for use of by the patrons and will be responsible for securing their furniture when not in use.

Restaurants that are providing alcohol service must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

- **Signage** – when sidewalk and/or on-street parking closure is requested, the applicant shall provide detour signage to ensure pedestrians are made aware of alternative routes.
- The applicant shall notify all residents and businesses that will be affected by the sidewalk or on-street parking closure.
- **Barricades** - All parking stalls adjacent to the sidewalk dining areas shall be closed and have barricades as provided by the City of Porterville.

Public Parking Dining Areas

The City is providing the opportunity to restaurants in the Downtown District to request outdoor dining in portions of the public parking lots located near restaurants.

The following specific conditions apply to these areas:

- Restaurants using these areas will need to provide their own furniture for use by the patrons and will be responsible for securing their furniture when not in use.
- Barricades must be used to protect patrons from vehicular traffic and shall be provided by the City of Porterville.
- Restaurants that are providing alcohol service must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

Private Parking Lot Dining Areas

Private parking lot areas refer to shopping centers, strip malls, and stand-alone commercial properties that have their own designated parking areas. The City of Porterville is temporarily suspending requirements restricting the provision of outdoor dining, minimum parking standards as codified in Municipal Code **, and planning application conditions of approval related to parking and outdoor dining with an approved Temporary Outdoor Restaurant Dining Permit. Suspending these requirements will temporarily allow restaurants to provide outdoor dining in their respective private parking lots. Arrangements for outdoor dining must be worked out with and agreed to by the property owner for each location. The City shall not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property.

The following specific conditions apply to these areas:

- Restaurants must have the written permission of the property owner in order to use the parking space areas.
- The parking lots must still comply with all California Building Code and ADA standards, including ADA paths of travel and adequate provision of handicapped parking spaces pursuant to California Building Code Section 11B.
- Restaurants that are providing alcohol service must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
- Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The twenty (20) feet fire lane shall not be obstructed at any time. There shall be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.
- Consideration should be given to maintaining adequate parking supply on-site to prevent spillover parking in adjacent residential areas
- Seating areas shall occupy a specifically approved and defined location that does not disrupt the normal function of the site or its circulation. The area shall be located outside of any fire lane or fire access way.

For More Information:

For Questions or additional information regarding these Outdoor Dining Guidelines or the Temporary Outdoor Restaurant Dining Encroachment Permit application, please contact:

Jason Ridenour, Economic Development and Housing Manager

jridenour@ci.porterville.ca.us (559) 782-7460



Sandra Shewry
Acting Director

State of California—Health and Human
Services Agency
**California Department of
Public Health**



GAVIN NEWSOM
Governor

September 28, 2020

AFL 17-__

TO: All Californians

SUBJECT: Outdoor Playgrounds and other Outdoor Recreational Facilities

Summary

COVID-19 continues to pose a severe risk to communities and requires all people in California to follow necessary precautions and to adapt the way they live and function in light of this ongoing risk. This guidance provides direction on usage of outdoor playgrounds and outdoor recreational facilities (hereafter facilities), to support a safe environment for children and families. It applies to outdoor playgrounds located in parks, campgrounds, and other publicly accessible locations. This guidance does not apply to indoor playgrounds or family entertainment centers.

Outdoor Playground Definition:

- Fully outdoors
- Publicly accessible
- Free to enter and use
- Operated by a city, state, county, or federal government
- Designed primarily to serve nearby residents within a half a mile
- Can provide State-mandated outdoor space for preschools (which could be scheduled in advance to avoid overlapping use)
- Typically includes recreational equipment, like play structures, slides, swings, etc. intended to enrich children's physical health and development

Visitors to outdoor community playgrounds must comply with the following requirements:

1. Face masks over the mouth and nose are required for everyone 2 years of age or older with caregiver supervision at all times to ensure face mask use.
2. Do not use the playground when different households are unable to maintain a physical distance of 6 feet or when the capacity limit has been reached.
3. Caregivers must monitor to keep adults and children from different households at least 6 feet apart.
4. Consider coming on different times or days to avoid wait times and potential crowded times.
5. No eating or drinking in playground, to ensure face masks are worn at all times.
6. Wash or sanitize hands before and after using the playground.
7. Elderly and persons with underlying medical conditions should avoid playground when others are present.

8. Limit visit to 30 min per day when others are present

Note: Facility operators should download and print this flyer to post at all outdoor playgrounds.

All playground facilities operators should review and follow these recommendations:

1. An adult must actively supervise each child at all times to make sure that children two years of age or older keep their face covering over their nose and mouth and stay 6 feet away from adults and children outside their household.
 - a. Children who are supervised by the same adult must stay together in the same play area or play structure at all times, to allow active supervision.
 - b. If an infant or child requires attention (nursing, diapering) that precludes an adult from actively supervising other children using the playground, the adult should ask the other children to leave the play structure/area and stay by the adult's side until needed care is complete.
2. People standing outside the playground, including people waiting to enter the playground, should remain 6 feet away from areas of the playground used by children and adults.
3. Maintain six-foot distancing between children and adults from different households including children using or waiting to use play structures or play areas, and families waiting to enter the playground.
4. Increase cleaning of frequently touched surfaces, daily as practicable.
5. To the extent feasible, provide handwashing stations or sanitizer to facilitate hand hygiene, especially during times of heavy usage. Use a hand sanitizer containing (60% ethanol or 70% isopropanol). Never use hand sanitizers with methanol due to its high toxicity to both children and adults.
6. Post the maximum number of children allowed at the entrance of each playground.
 - a. Determine and post the maximum occupancy of each play structure, (e.g., climbing structures, slides, swings, spinning structures, and sand areas) with 6 foot vertical and horizontal distancing.
 - b. Determine and post the maximum occupancy for supervising adults to ensure that each adult can maintain six feet of distance from other adults and children.
 - c. Provide directions on how to wait in line when maximum playground occupancy has been reached.
7. Mark playgrounds to help children and adults maintain 6 foot distancing.
 - a. Mark spaces for families to stand while waiting to enter the playground. The spaces should be far enough apart to allow 6 feet of distance between households.
 - b. For play structures or play areas that can hold more than one child while allowing 6 foot distancing:
 - i. Post the maximum number of children allowed on each structure/in each area to allow 6 foot distancing vertically and horizontally.
 - ii. For play structures or areas that can hold more than 1 child, consider marking with tape or other visual indicators to help children assess whether they are 6 feet apart.

- c. Mark designated spaces 6 feet apart for children to stand while waiting to use a play structure/area.

Additional Considerations

If there is a pre-scheduled activity that will access the playground, the playground must be closed to the broader public during that time.

Child care programs, schools, out-of-school time programs and other programs for children and youth where children must remain in cohorts may not use playgrounds during times when they are open to the public. However, if the playground operator permits, the childcare, school or other program may reserve a time for the exclusive use of the playground by the program. While on the playground, cohorts should maintain separation and avoid mixing.

California Department of Public Health
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377
Department Website (cdph.ca.gov)



Page Last Updated : September 29, 2020

CALIFORNIA

ALL

Your Actions
Save Lives
covid19.ca.gov

Play It Safe



Due to the ongoing spread of COVID-19 in our communities, please follow these simple steps to help keep our outdoor playgrounds safe, open and fun.

✓ **WEAR A MASK**

Everyone 2 years and older should wear a mask covering their face.

✓ **MAINTAIN DISTANCE**

Maintain physical distance of 6 feet between individuals from different households and prevent crowding of children.

✓ **NO FOOD OR DRINK**

Do not eat or drink in playground to ensure face masks are worn at all times.

✓ **WASH HANDS**

Wash or sanitize your hands before and after you visit

✓ **PLAN AHEAD**

Visit the park at different times or days to avoid crowds and waits.

✓ **KNOW WHEN TO STAY HOME**

Elderly individuals and people with underlying medical conditions should avoid playgrounds when others are present.

✓ **SHARE OUR SPACE**

To avoid crowding and allow everyone to use this space, please limit your visit to 30 minutes when others are waiting.



CALIFORNIA

ALL

Your Actions
Save Lives
covid19.ca.gov

Actué con Precaución



Debido a la propagación continua de Covid-19 en nuestras comunidades, siga estos pasos sencillos para ayudar a mantener nuestros parques infantiles al aire libre seguros, abiertos y divertidos.

✓ **USE UNA MASCARILLA**

Todas las personas mayores de dos años deben usar una mascarilla que cubra su cara.

✓ **MANTENGA DISTANCIA**

Mantén una distancia física de 6 pies entre personas de diferentes hogares y evite que se amontonen los niños.

✓ **NADA DE COMIDA NI BEBIDA**

No coma ni beba en el parque infantil para asegurarse que se usen mascarillas en todo momento.

✓ **LAVE MANOS**

Lávese y desinfecte sus manos antes y después de su visita.

✓ **PLANEA CON ANTICIPACIÓN**

Visite el parque en diferentes horarios o días para evitar demasiadas personas y esperas.

✓ **SEPA CUANDO QUEDARSE EN CASA**

Las personas mayores y las personas con condiciones médicas subyacentes deben evitar parques infantiles cuando hay otros presentes.

✓ **COMPARTE EL ESPACIO**

Para evitar aglomeraciones y permitir que todos usen el espacio, por favor limite su visita a 30 minutos cuando otros están esperando.



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

IN THE MATTER OF ADOPT A)
RESOLUTION DEMANDING CLARITY,) Resolution No. 2020-0694
CONSISTENCY, AND CONTINUITY FROM)
GOVERNOR NEWSOM REGARDING)
COVID-19 DIRECTIVES TO COUNTIES)

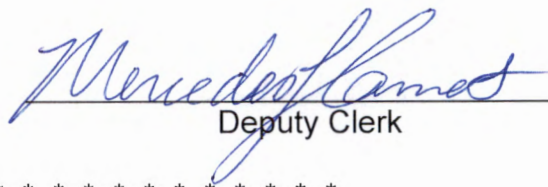
UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY SUPERVISOR
SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS,
AT AN OFFICIAL MEETING HELD OCTOBER 6, 2020, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND
TOWNSEND
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



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

BY:


Deputy Clerk

* * * * *

Adopted the attached resolution demanding that Governor Newsom work more closely
with counties to increase the clarity, consistency, and continuity of direction regarding the
COVID-19 pandemic.

CAO

10/06/2020
ML

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

IN THE MATTER OF DEMANDING)
GOVERNOR NEWSOM PROVIDE) Resolution No. 2020-0695
CLARITY, CONSISTENCY, AND)
CONTINUITY REGARDING COVID-19)
DIRECTIVES TO COUNTIES)

WHEREAS, the Tulare County Board of Supervisors recognizes the seriousness of COVID-19 and the public health impact it is having in the country, the State, and the County; and

WHEREAS, the Tulare County Board of Supervisors recognizes and appreciates the tremendous difficulty and work associated with managing the country, the State, and the County through this extraordinary public health emergency; and

WHEREAS, the Tulare County Board of Supervisors believes that public health best practices, such as washing hands, social distancing, wearing a mask, disinfecting surfaces, and staying far away from others when sick, are essential for slowing the spread of COVID-19; and

WHEREAS, the Tulare County Board of Supervisors believes that slowing the spread of COVID-19 is critical to maintaining local hospital capacity and avoiding the catastrophic failure of the County's hospital and medical acute care systems; and

WHEREAS, the Tulare County Board of Supervisors believes that the biggest threat to slowing the spread of COVID-19 is large private and public gatherings, for extended periods of time, where basic public health guidelines and best practices are not being implemented or are ignored; and

WHEREAS, the Tulare County Board of Supervisors believes that government, while critical to helping slow the spread of COVID-19 and promoting best practices, cannot take the place of personal responsibility and individual decision-making when it comes to exercising public health best practices or voluntary testing; and

WHEREAS, on March 19, 2020, in response to the COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order N-33-20, ordering all individuals in California to stay in their place of residence except as needed to maintain continuity of operations of federal critical infrastructure sectors; and

WHEREAS, California counties are required to adhere to Governor Newsom's orders, directives, criteria, requirements, and guidelines for COVID-19; and

WHEREAS, Tulare County, as a State mandated condition to receive CARES Act funding (i.e. federal funding allocated to local governments under the Corona Virus Aid, Relief, and Economic Security Act [H.R. 748]) from the State's federal allocation, certified that it will continue to adhere to the Governor's "stay-at-home requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, and subsequent Executive Orders or statutes, and all California Department of Public Health orders, directives, and guidance in response to the COVID-19 emergency;" and

WHEREAS, on July 10, 2020, as a State condition to receiving CARES Act funding, Tulare County submitted a certification agreeing to adhere to the State's orders and guidance; and

WHEREAS, since March 19, 2020, Governor Newsom and the California Department of Public Health have modified state COVID-19 orders, directives, criteria, requirements, and guidelines for COVID-19, impacting all Californians, all California counties, all economic activity and other public and private activities on multiple occasions and without collaboration or consultation with the entities such orders impact; and

WHEREAS, California's counties are responsible for the implementation of state orders, directives, criteria, requirements, and guidelines, and are critical to the State's achievement of its goals and objectives related to COVID-19; and

WHEREAS, Governor Newsom continues to modify orders, directives, criteria, requirements, and guidelines, and goals and objectives related to COVID-19, with little to no collaboration with counties prior to announcement; and

WHEREAS, Governor Newsom's changes to COVID-19 goals and objectives have complicated the management of this crisis, forcing counties like Tulare to change course, and re-prioritize at great time and expense, straining local personnel and resources, often with little to no clarification regarding how these new goals and objectives prevent or slow the spread of COVID-19; and

WHEREAS, on August 28, 2020, Governor Newsom issued a new framework entitled "Blueprint for a Safer Economy" ("Blueprint"), to allow for the "safe progression of opening more businesses in each county so impacts of any given change can be fully evaluated;" and

WHEREAS, this Blueprint originally, and specifically, required California's counties to meet stated and simple benchmarks in overall Case Rates and Testing Positivity Rates in order to move into less restrictive tiers that would allow for a measured reopening of businesses, schools and other activities; and

WHEREAS, on Monday, September 7, 2020 Governor Newsom announced an adjustment to this Blueprint to include a Case Rate Adjustment Factor for counties with an overall Testing Rate lower than the state median, a complicated additional criteria that counties must meet for the measured reopening of businesses, schools and other activities; and

WHEREAS, Governor Newsom is now arbitrarily inflating overall Case Rate numbers in those counties who have an overall Testing Rate below the statewide average, further slowing and complicating a county's move into a less restrictive tier; and

WHEREAS the median statewide testing rate is a moving target and the relevance of using this measure to adjust county case rates is unclear; and

WHEREAS, this new criterion unnecessarily burdens Tulare County residents by slowing business and school reopening, and it penalizes counties, which have little to no control over individual decision-making related to COVID-19 testing, and

WHEREAS, due to the constantly changing orders and metrics, Tulare County continues to bear the increasing burden and expense of adjusting its pandemic response strategies and tracking mechanisms so that it may continue to receive the CARES Act funding it has been allocated; and

WHEREAS, Tulare County and its residents have been especially hindered by these changing metrics as other counties begin to move through the tiers that allow for reopening of in person education, leaving Tulare County behind in the education of its youth and lead to significant emotional, nutritional, and physical harm; and

WHEREAS, the Governor's newly-established health equity measures will have a disproportionally negative impact on Tulare County's agricultural community, low-income residents, disadvantaged students and other community groups; and

WHEREAS, Tulare County is slowing the spread of COVID-19, has continued to locally reinforce all directives of the State; has made critical investments in testing and contact tracing capacity; has made critical investments in testing, tracing and containment at State-regulated skilled nursing facilities; has made critical investments in support of local business, non-profits, and disadvantaged communities; has lowered local hospitalization rates; and has increased and sustained local hospital capacity.

NOW, THEREFORE, IT IS RESOLVED, by the Board of Supervisors of the County of Tulare, State of California, as follows:

1. Tulare County demands that Governor Newsom provide increased clarity, consistency and continuity in his directives to counties, business communities, and residents regarding the COVID-19 pandemic.
2. Tulare County demands that the Governor and his administration work more closely with all counties, including Tulare, to develop a pathway for increased business activity and school reopening, ensuring it is done safely and responsibly.
3. Tulare County demands that State and local actions related to COVID-19 focus on maintaining hospital and medical system capacity, which was the primary

objective in "flattening the curve" at the start of the pandemic in March.

4. Tulare County demands that the State use hospital and medical system capacity as the primary criteria for increased, but measured, reopening of businesses and schools in all counties.
5. Tulare County demands that Governor Newsom not continue to modify the criteria and metrics used by the State to determine when businesses can begin to reopen in each county.
6. Tulare County demands that Governor Newsom track and utilize each county's actual Case Rate and Testing Positivity Rate, without a Case Rate Adjustment Factor, to determine a county's movement through the "Blueprint for a Safer Economy" risk tier framework.
7. Tulare County demands that Governor Newsom not penalize counties for not achieving new State goals and objectives that are not directly related to flattening the curve and maintaining hospital and medical system capacity; and
8. Tulare County demands that Governor Newsom follow through with his commitments to the Central Valley and provide Tulare County with the necessary contracts and infrastructure development to meet the State's metrics for testing volume.
9. Tulare County demands that Governor Newsom not continue to burden California's small business community and families by linking business and school reopening to any requirements beyond what was outlined in the original Blueprint, announced on August 28, 2020.
10. Tulare County demands that California counties be judged on simple, consistent, achievable, and measurable objectives related to maintaining hospital and medical system capacity, and slowing the spread of COVID-19.
11. Tulare County demands that due to the increasing burden and expense to Tulare County that these changing orders have presented, the State distribute in its entirety, the remaining CARES Act funding allocated to Tulare County under the State Budget Act of 2020.
12. The Clerk of the Board of Supervisors shall transmit copies of this to the following:

County Administrative Office

County Counsel

The Honorable Gavin Newsom
Governor of California

State Capitol
Sacramento, CA 95814

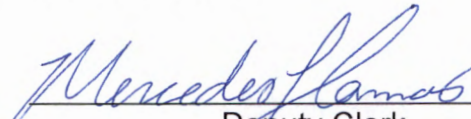
UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY SUPERVISOR SHUKLIAN, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 6, 2020, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



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

BY:


Deputy Clerk



Sandra Shewry
Acting Director

State of California—Health and Human
Services Agency
**California Department of
Public Health**



GAVIN NEWSOM
Governor

October 9, 2020

TO: All Californians

SUBJECT: Guidance for Private Gatherings

Summary

This guidance provides an updated plan for Californians to gather outside their household and replaces the prior gatherings guidance issued on September 12, 2020 and March 16, 2020. It applies to private gatherings, and all other gatherings not covered by existing sector guidance are prohibited. Gatherings are defined as social situations that bring together people from different households at the same time in a single space or place. When people from different households mix, this increases the risk of transmission of COVID-19.

Mandatory Requirements for All Gatherings

All persons planning to host or participate in a private gathering, as defined above, must comply with the following requirements. Local health jurisdictions may be more restrictive than this guidance. Refer to your local guidance for what is allowed in your area.

1. Attendance

- *Gatherings that include more than **3 households are prohibited**. This includes everyone present, including hosts and guests. Remember, the smaller the number of people, the safer.*
- *Keep the households that you interact with stable over time. By spending time with the same people, risk of transmission is reduced. Participating in multiple gatherings with different households or groups is strongly discouraged.*
- *The host should collect names of all attendees and contact information in case contact tracing is needed later.*

2. *Gather Outdoors*

- Gatherings that occur outdoors are significantly safer than indoor gatherings. All gatherings must be held outside. Attendees may go inside to use restrooms as long as the restrooms are frequently sanitized.
- Gatherings may occur in outdoor spaces that are covered by umbrellas, canopies, awnings, roofs, and other shade structures provided that at least three sides of the space (or 75%) are open to the outdoors.
- A gathering of no more than three households is permitted in a public park or other outdoor space, even if unrelated gatherings of other groups up to three households are also occurring in the same park or other outdoor space. If multiple such gatherings are occurring, mixing between group gatherings is not allowed. Additionally, multiple gatherings of three households cannot be jointly organized or coordinated to occur in the same public park or other outdoor space at the same time – this would constitute a gathering exceeding the permitted size.

3. *Don't Attend Gatherings If You Feel Sick or You Are in a High-Risk Group*

- Anyone with any COVID-19-like symptoms (fever, cough, shortness of breath, chills, night sweats, sore throat, nausea, vomiting, diarrhea, tiredness, muscle or body aches, headaches, confusion, or loss of sense of taste/smell), **must stay home and not come into contact with anyone outside their household.**
- Anyone who develops COVID-19 within 48 hours after attending a gathering should notify the other attendees as soon as possible regarding the potential exposure.
- People at higher risk of severe illness or death from COVID-19 (such as older adults and people with chronic medical conditions) are strongly urged not to attend any gatherings.

4. *Practice Physical Distancing and Hand Hygiene at Gatherings*

- For any gatherings permitted under this guidance, the space must be large enough so that everyone at a gathering can maintain at least a 6-foot physical distance from others (not including their own household) at all times.
- Seating must provide at least 6 feet of distance (in all directions—front-to-back and side-to-side) between different households.
- Everyone at a gathering should frequently wash their hands with soap and water, or use hand sanitizer if soap and water are not available. A place to wash hands or hand sanitizer must be available for participants to use.
- Shared items should not be used during a gathering. As much as possible, any food or beverages at outdoor gatherings must be in single-serve disposable containers. If providing single-serve containers is not possible, food and beverages must be served by a person who washes or sanitizes their hands frequently, and wears a face covering. Self-serve items from communal containers should not be used.

5. *Wear a Face Covering to Keep COVID-19 from Spreading*

- When gathering, face coverings must be worn in accordance with the CDPH Guidance on the Use of Face Coverings (PDF), unless an exemption is applicable.
- People at gatherings may remove their face coverings briefly to eat or drink as long as they stay at least 6 feet away from everyone outside their own household, and put their face covering back on as soon as they are done with the activity.
- Face coverings can also be removed to meet urgent medical needs (for example, to use an asthma inhaler, take medication, or if feeling light-headed).

6. *Keep it short*

- Gatherings should be two hours or less. The longer the duration, the risk of transmission increases.

7. *Rules for Singing, Chanting, and Shouting at Outdoor Gatherings*

- Singing, chanting, shouting, and physical exertion significantly increases the risk of COVID-19 transmission because these activities increase the release of respiratory droplets and fine aerosols into the air. Because of this, singing, chanting, and shouting are strongly discouraged, but if they occur, the following rules and recommendations apply:
 - All people who are singing or chanting should wear a face covering at all times while singing or chanting, including anyone who is leading a song or chant. Because these activities pose a very high risk of COVID-19 transmission, face coverings are essential to reduce the spread of respiratory droplets and fine aerosols;
 - People who are singing, shouting, chanting, or exercising are strongly encouraged to maintain physical distancing beyond 6 feet to further reduce risk.
 - People who are singing or chanting are strongly encouraged to do so quietly (at or below the volume of a normal speaking voice).
- Instrumental music is allowed as long as the musicians maintain at least 6-foot physical distancing. Musicians must be from one of the three households. Playing of wind instruments (any instrument played by the mouth, such as a trumpet or clarinet) is strongly discouraged.

Context

COVID-19 continues to pose a severe risk to communities and requires all people in California to follow necessary precautions and to adapt the way they live and function in light of this ongoing risk. The safest way to gather is to spend time with people in the same household or to gather virtually.

In general, the **more people from different households** a person interacts with at a gathering, the **closer** the physical interaction is, and the **longer** the interaction lasts, the higher the risk that a person with a COVID-19 infection, symptomatic or asymptomatic, may spread it to others. Public health studies have also shown that the risk of transmission is increased **in indoor spaces**, particularly when there isn't appropriate ventilation.[1] Unlike indoor spaces, wind and air in outdoor spaces can help reduce spread of the virus from one person to another.

Planning scenarios published by the CDC estimate that, on average, a person with COVID-19 goes on to infect between 2-4 people, with a best estimate of 2.5 when there are no preventive measures.[2] For example, if each infected person spreads the virus to two people, who in turn spread it to two others each; those four will spread the

virus to eight others; those eight will spread the virus to 16; and so on. As a result, after 10 transmission cycles, one person could be responsible for 1,024 other people contracting the virus.[3] Additionally, there is broad agreement that people who are not experiencing symptoms can still spread COVID-19[4]. The fact that COVID-19 can be spread by people who don't have symptoms or aren't showing symptoms yet is one of the aspects of the COVID-19 that makes it difficult to control.

All gatherings pose a higher risk of transmission and spread of COVID-19 when people mix from different households and communities. The likelihood of transmission and spread increases with laughing, singing, loud talking and difficulty maintaining physical distance. Limiting attendance at gatherings is a way to reduce the risk of spread as it lowers the number of different people who are interacting. Additionally, by limiting attendance there is an improved ability to perform effective contact tracing if there is a positive case discovered, which can help to slow the spread of COVID-19[5]. People who do choose to attend gatherings should discuss and agree upon the specific group rules before convening together.

[1] See, e.g., Hiroshi Nishiura, et al., Closed environments facilitate secondary transmission of coronavirus disease 2019 (COVID-19) (PDF), (www.medrxiv.org/content/10.1101/2020.02.28.20029272v2.full.pdf); Hu Qian, et al., "Indoor transmission of SARS-CoV-2" (www.medrxiv.org/content/10.1101/2020.04.04.20053058v1) [pre-print] published in medRxiv on April 4, 2020.

[2] See the CDC COVID-19 Pandemic Planning Scenarios web page

[3] See, e.g., Report 3: Natsuko Imai et al, WHO Collaborating Centre for Infectious Disease Modelling, MRC Centre for Global Infectious Disease Analysis, J-IDEA, "Imperial college London, UK. Transmissibility of 2019 -n-CoV)." See also Inglesby T B JAMA Public Health Measures and the Reproduction Number of SARS-CoV-2. JAMA Network.2020.7878 (May 1, 2020).

[4] World Health Organization (WHO) Transmission of SARS-CoV-2: implications for infection prevention precautions

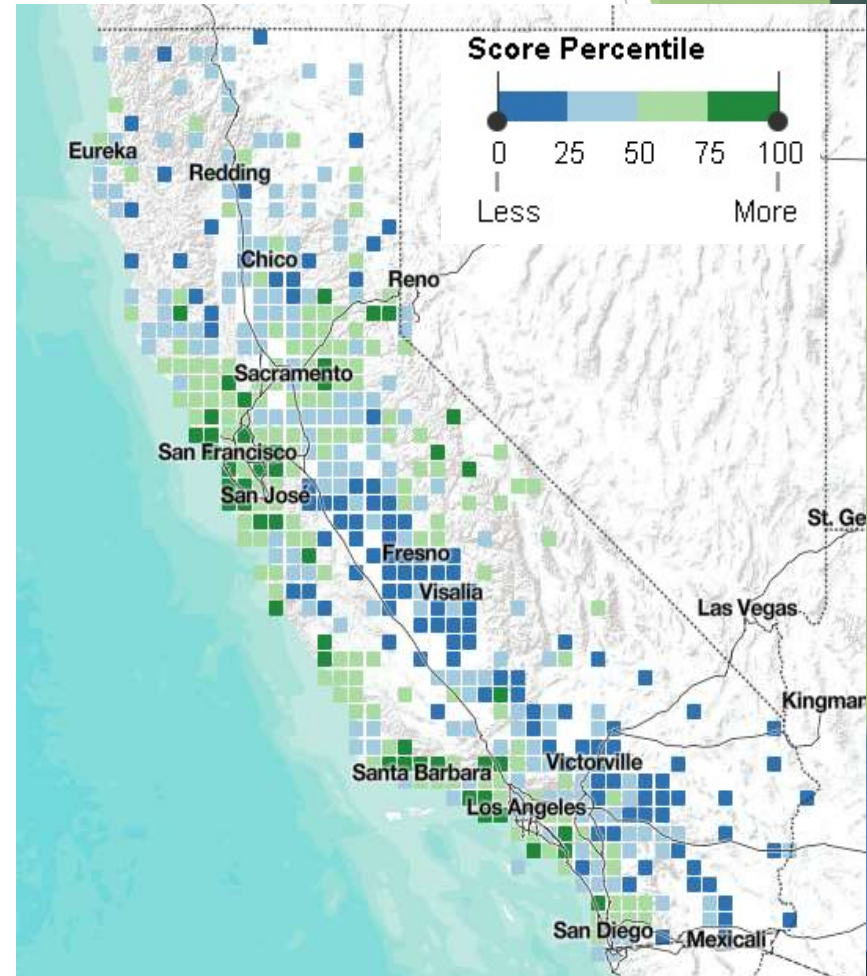
[5] See Harvard Health Preventing the spread of the coronavirus Social distancing, hand washing, and other preventive measures

California Department of Public Health
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377
Department Website (cdph.ca.gov)



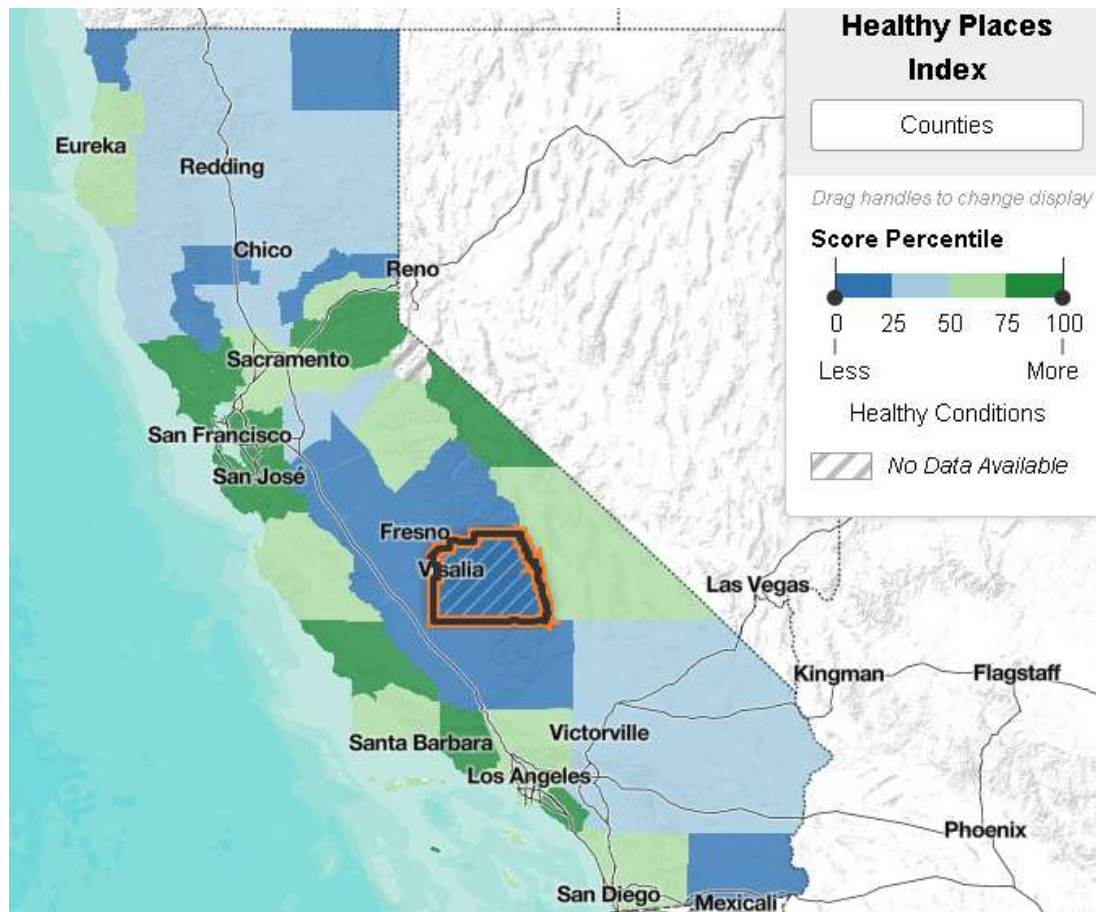
Healthy Places Index

- ▶ Public Health Alliance of Southern California
- ▶ HPI Map
- ▶ Created a composite score from a number of indicators in categories such as economy, education, transportation, clean environment, housing, healthcare access and more
- ▶ Counties and census tracts are ranked by their composite score percentile statewide
- ▶ 264 of 8,057 tracts are not scored



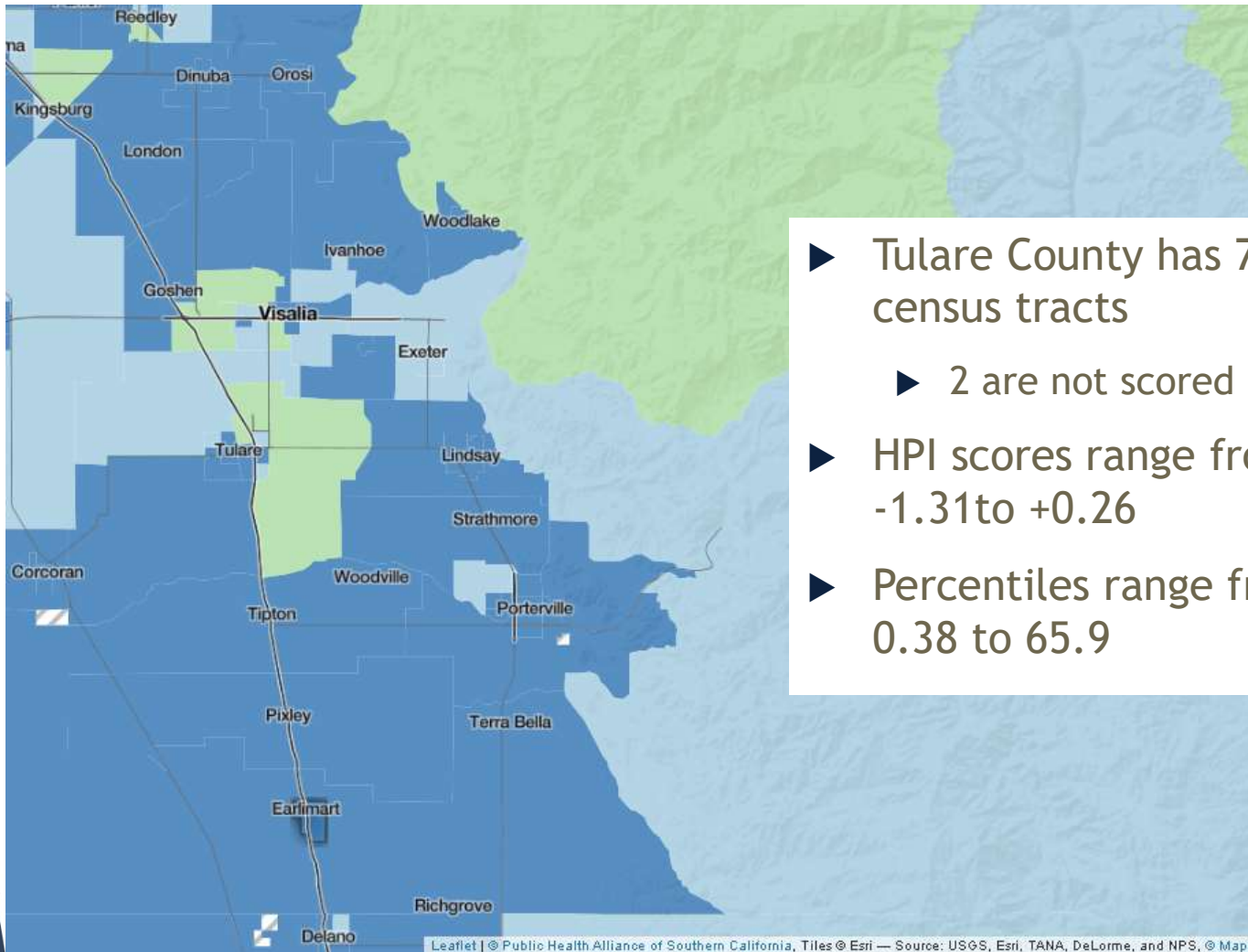
URL: <https://map.healthyplacesindex.org/>

Ranking Counties Across the State



San Joaquin Valley county percentiles range from 1.8 (Merced) to 32.1 (San Joaquin) with Tulare at 5.4.

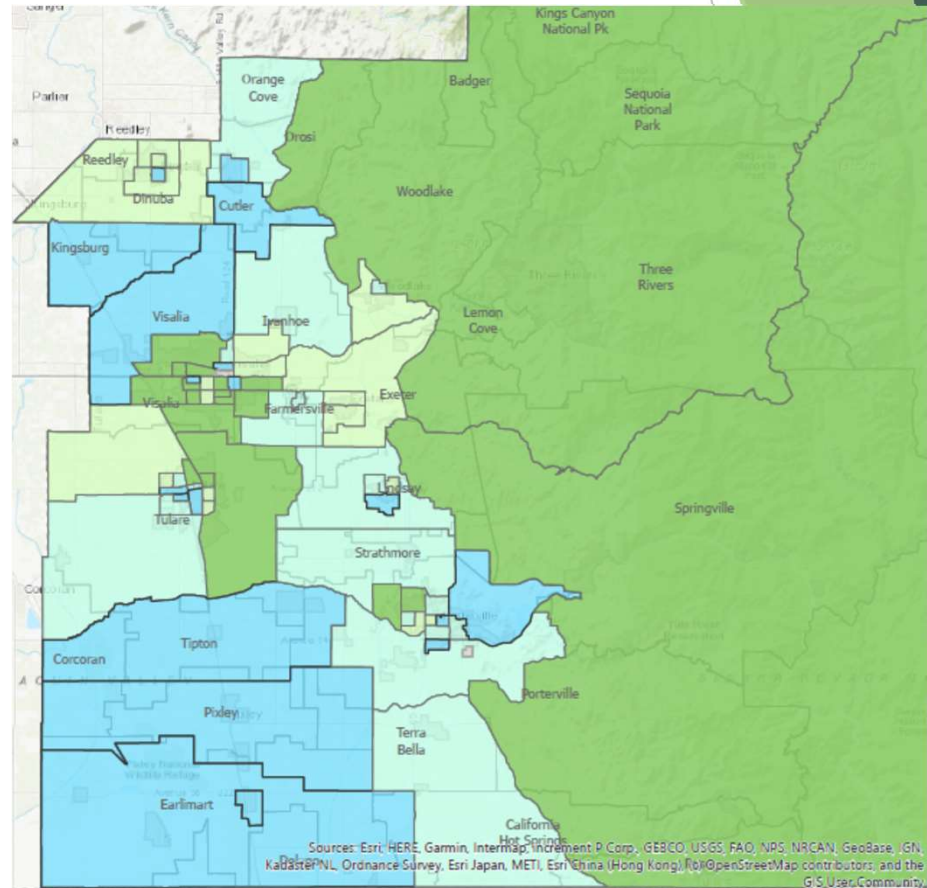
Tulare County Census Tracts - HPI Ranking is Statewide



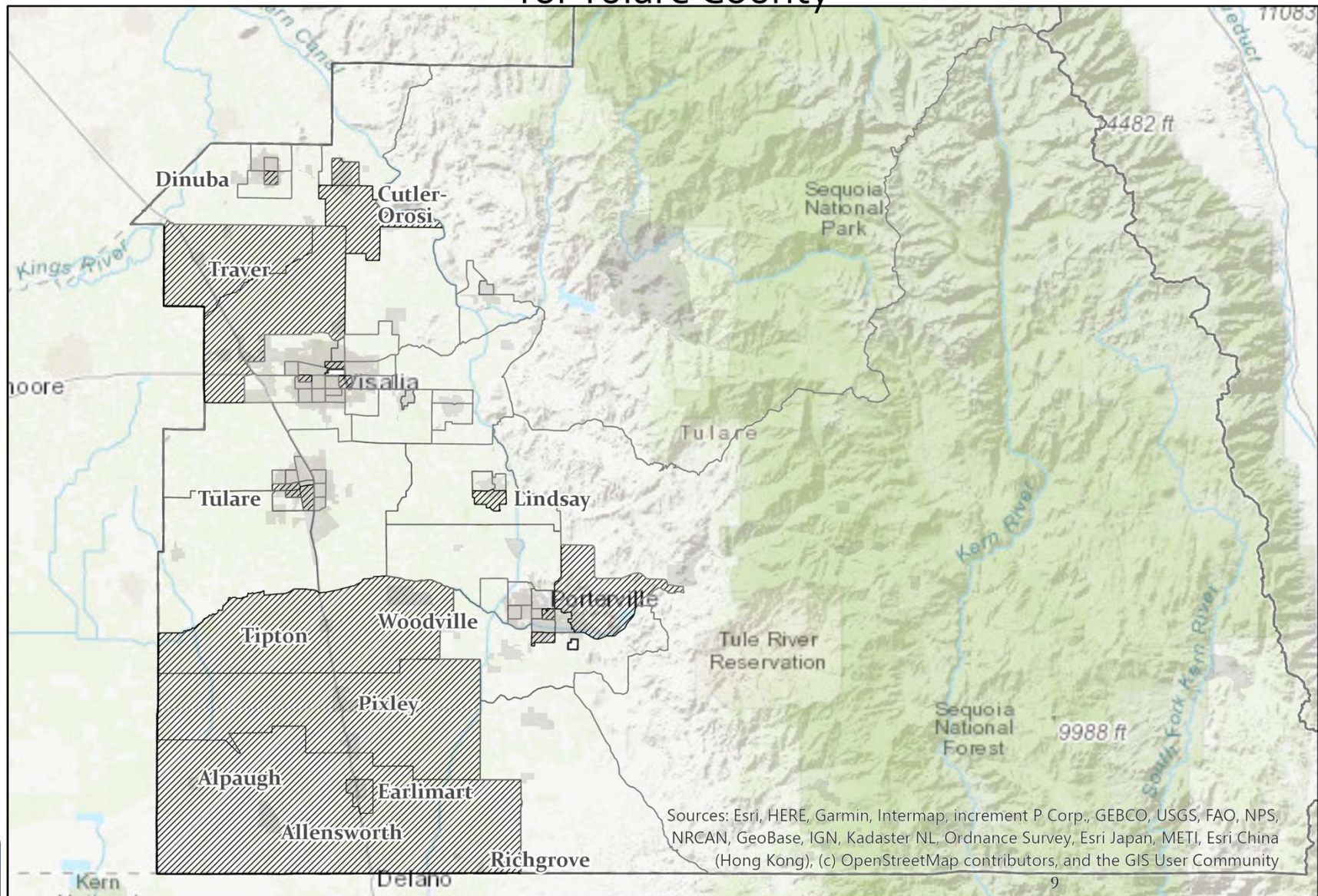
- ▶ Tulare County has 78 census tracts
 - ▶ 2 are not scored
- ▶ HPI scores range from -1.31 to +0.26
- ▶ Percentiles range from 0.38 to 65.9

Health Equity Metric - Census Tracts are *Ranked within Counties*

- ▶ All census tracts with HPI scores are ranked
- ▶ Tracts are divided into 4 groups, quartiles
- ▶ In Tulare County, 76 tracts are divided into 4 quartiles of 19 census tracts each
- ▶ The quartile with the lowest HPI scores is our Low HPI Quartile - the bright blue census tracts on this map



Census Tracts in the Lowest Quartile of the Healthy Places Index for Tulare County



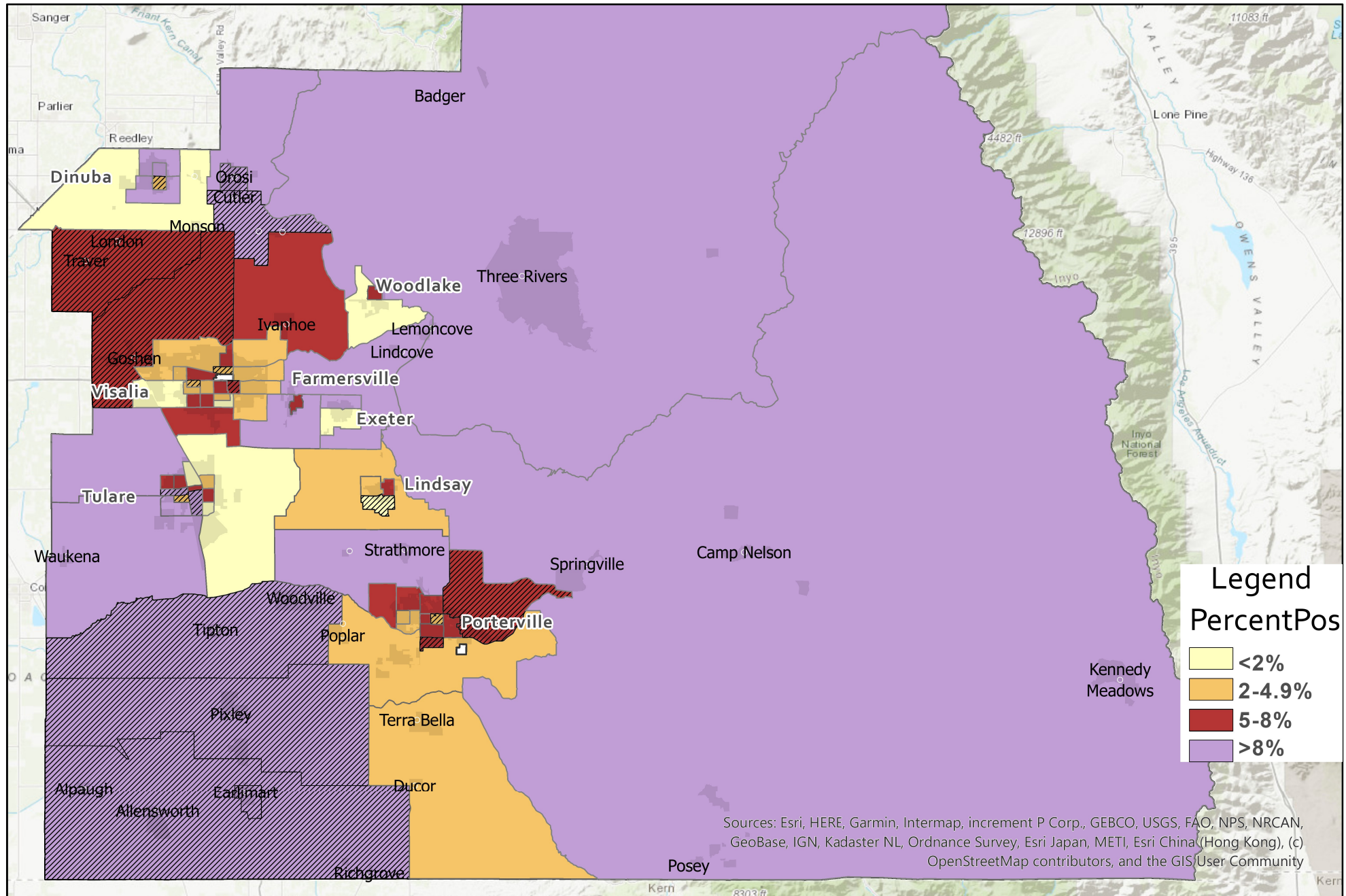
Health Equity Blueprint Metric

- ▶ Lowest HPI quartile test positivity rate must meet the specified threshold for the less restrictive tier before a county can move to that tier
 - ▶ For counties entering the red tier, their lowest quartile HPI census tracts' test positivity must also be $\leq 8\%$
 - ▶ For counties entering the orange tier, their lowest quartile HPI census tracts' test positivity must be within 5% of the orange tier threshold, or $\leq 5.2\%$
 - ▶ For counties entering the yellow tier, their lowest quartile HPI census tracts must be within 10% of the yellow tier threshold, or $\leq 2.1\%$

Tier assignment updated October 13

- Tulare County's overall positivity rate was 5.8% and
- Positivity in the lowest HPI quartile was 8.0%
- Both were in Tier 2 "substantial" category
- However, we were assigned Tier 1 due to case rate > 7.0

Positivity by Census Tract 10/13 Specimens Collected 9/27-10/3



Tulare County Census Tracts with > 8.0% Positivity - Specimens collected 9/27-10/3

Census Tract	HPI Quartile	% Positive	Continuous Weeks > 8%	Population (2014-2018)	Place
0600	Q1 - Low HPI	24.4	2	7,068	Cutler/Yettem
4200	Q1 - Low HPI	18.9	1	6,643	Pixley/Teviston
0202	Q2	17.9	1	2,522	Rural north of Orosi
3300	Q2	16.0	3	7,848	Strathmore/Plainview
4400	Q1 - Low HPI	15.6	3	7,607	Earlimart
4300	Q1 - Low HPI	15.4	1	7,487	Alpaugh/Allensworth/Richgrove
0100	Q4 - High HPI	15.2	1	4,715	Three Rivers/Badger
2901	Q1 - Low HPI	13.3	2	4,088	South-central Tulare
3200	Q1 - Low HPI	12.5	1	7,420	Tipton/Woodville
0502	Q3	12.2	2	4,321	South-west Dinuba
2202	Q1 - Low HPI	11.8	1	6,076	West-central Tulare
0401	Q3	10.5	3	6,188	North Dinuba
0402	Q3	10.3	3	7,337	North-Central Dinuba
1400	Q3	9.5	2	5,202	N. Farmersville/Lindcove/Lemoncove
3100	Q2	9.4	1	3,502	Waukena/SW of Tulare
2100	Q3	9.4	2	2,559	Rural area NW of Tulare
3002	Q2	9.3	1	3,434	South-west Tulare
1602	Q2	9.3	1	5,725	Rural area south of Farmersville
1501	Q3	9.0	1	5,398	North Exeter
0201	Q1 - Low HPI	8.9	3	8,607	Orosi
2700	Q4 - High HPI	8.3	2	5,164	Springville/Camp Nelson/Posey

- 21 census tracts have positivity > 8.0%
- 25 tracts have positivity between 5 and 8%
- 21 tracts have positivity between 2 and 5%
- 9 tracts have positivity < 2.0%

Note that for small areas such as individual census tracts, data shifts from week to week.

The health equity metric is calculated for all low quartile tracts aggregated together.

Census tracts highlighted have had positivity > 8% for 3 weeks in a row.

Population estimates are from the 5 year American Community Survey (2014-2018), US Census Bureau

Health Equity Metric updated 10/13
Data is for specimens collected 9/27-10/3

